

# Mapping migration: Independent viewpoints on a global phenomenon





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**Authors |** Anna Rozália Harsányi, Laura Alles, Yen Duong, Furkan Özdemir, Chiara Dello Iacono, Marta Vidal, Álvaro Palomo, Ena Smajic, Katalin Szabó

**Translators |** Marina Luka, Alex Szanyi

**Series Editor |** András Lőrincz

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1131 Budapest, Gyöngyösi u. 45.

<http://culturalrelations.org>

[institute@culturalrelations.org](mailto:institute@culturalrelations.org)

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## Content

|   |    |
|---|----|
| MIGRANTS, REFUGEES AND ASYLUM-SEEKERS (Anna Rozália Harsányi).....                                  | 1  |
| THE HISTORY AND DRIVERS OF MIGRATION (Anna Rozália Harsányi) .....                                  | 5  |
| A EUROPEAN PERSPECTIVE CONCERNING<br>THE SOCIAL INTEGRATION OF MIGRANTS (Chiara Dello Iacono) ..... | 11 |
| IMMIGRATION AND THE WELFARE STATE:<br>BEYOND POLICIES AND PRACTICE (Yen Duong).....                 | 24 |
| FRONTEX FUNDAMENTAL RIGHTS STRATEGY (Álvaro Palomo).....  | 31 |
| JOURNEY OF A MIGRANT:<br>THE TWELVE LABOURS OF HERACLES (Laura Alles).....                          | 40 |
| IMMIGRATION POLICY IN HUNGARY<br>INTERVIEW WITH ANDRÁS ALFÖLDI (Marta Vidal – Yen Duong).....       | 49 |
| IMMIGRATION POLICY IN HUNGARY<br>INTERVIEW WITH GYÖRGY NÓGRÁDI (Katalin Szabó).....                 | 52 |
| IMMIGRATION TO SAUDI ARABIA AND KUWAIT (Furkan Özdemir).....  | 58 |
| IMMIGRATION POLICY IN GULF COUNTRIES:<br>UNITED ARAB EMIRATES AND QATAR (Marta Vidal).....          | 62 |
| CANADA: THE GREAT WHITE NORTH<br>AND ITS IMMIGRATION POLICIES (Ena Smajic).....                     | 68 |



# MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

## Using the right terms in a highly politicised debate

According to the United Nations Educational, Scientific and Cultural Organisation (UNESCO), migration is the “crossing of the boundary of a political or administrative unit for a certain minimum period of time” (UNESCO, n.d.); the International Organisation for Migration defines it as “a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people, and economic migrants” (IOM, n.d.). The term can be further divided into two sub-categories: internal (the move from one area to another within one country) and international migration (the relocation of people between nation-states) (UNESCO, n.d.). Within the large category of international migration (the phenomenon which is the main focus of the present publication), the terms “migrant”, “refugee” and others are often used in a biased, ideologically influenced, or unintentionally incorrect way (Panos Europe Institute and UNAOC, 2014). The difficulties of finding globally established definitions in the field of migration are manifold. Firstly, as the issue has traditionally been addressed at a national level, many of the terms vary from country to country, or within larger entities of the international community. For example, the *Asylum and Migration Glossary 3.0* produced by the European Migration Network in 2014 distinguishes between “global” and “EU”

context in the usage of certain words. Further, different bodies and persons (governments, non-governmental organisations, border authorities, or the migrants themselves) can have varying definitions depending on their own perspective. Therefore, in some cases, several descriptions are available for the same phenomenon.

## Migrants, immigrants and emigrants

The 1998 edition of the *Recommendations on Statistics of International Migration* published by the United Nations defines an international migrant as “any person who changes his or her country of usual residence” (United Nations, p.9.). This succinct description has been detailed by the UN Convention on the Rights of Migrants, whose definition covers “all cases where the decision to migrate is taken freely by the individual concerned, for reasons of ‘personal convenience’ and without intervention of an external compelling factor” (United Nations Economic and Social Council, 1998). The second definition makes an important distinction between migrants and refugees (who do not have the freedom of choice), but fails to acknowledge dimensions such as length of stay (short-term or long-term) and the means (regular or irregular) and causes (voluntary or involuntary) of migration. Short-term migration concerns people who move to a country other than their usual residence for a period of at least three, but less than twelve months, except if this movement is made for the purpose of holiday, business, religious

pilgrimage, medical treatment or visiting friends or family (European Migration Network, 2014, p.265). In case of long-term migration, in contrast, the person moves to another country for at least a year (European Migration Network, 2014, p.180). Considering the means of migration, regular, or legal migrants are those who migrate according to the applicable legal framework, while irregular migrants lack legal status in the host or transit country (European Migration Network, 2014, p.172 and 178). By definition, migrants make decisions about where to go, but these choices can be extremely constrained, as in the case of involuntary migration (UNESCO, n.d.).

Within the broad category of migrants, subgroups of immigrants and emigrants can be distinguished. According to the European Migration Network's definition, emigrants are residents leaving one state with the intention to stay abroad for at least a year, while immigrants are those arriving to a state with the same

intention (European Migration Network, 2014, p.157). Due to the frequently ambiguous use of the terms, "immigrant" and "migrant" are often referred to interchangeably. However, for example, UK dictionary definitions distinguish between immigrants (persons who plan to be settled in their new country) and migrants (who are only temporarily residents) (Migration Observatory at the University of Oxford, 2014). This highlights the issue of regional and national differences in migration terminology.

### **Refugees and asylum-seekers**

In contrast to migrants, who change countries on their free will, refugees are constrained to do so. The 1951 Refugee Convention spells out that a refugee is someone who "is unable to, or is unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social



group or political opinion.” (UNHCR, 1951, p.3). Settlement Services International emphasises that refugees are concerned with human rights and safety, not economic advantage. Another distinction has to be made between refugees and asylum-seekers.



According to the International Organisation for Migration, the latter is a person who “seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments” (IOM, n.d.). In case of a negative decision, they can be refused entry to a country. The United Nations High Commissioner for Refugees notes that an efficient asylum system is fast and fair; in this case, people who know they are not refugees have less incentive to apply, leaving more space and resources to those who are in need of international protection (UNHCR, n.d.). However, it is not always the case; people who try to take advantage of a country’s asylum system in the absence of other means of obtaining lawful entry equally fall into the category of asylum

seekers, until their application is processed. The group of economic migrants (those who leave their country purely for economic reasons) thus occasionally overlaps with that of (mostly unsuccessful) asylum applicants (Mitchell, 2006).

The consequences of confusing refugees and migrants can be severe. Referring to refugees as simply a subgroup of irregular migrants means that the authorities focus primarily on the control of their movement, instead of their protection. It is also legally inaccurate to do so; Article 14 of the Universal Declaration of Human Rights spells out that “everyone has the right to seek and to enjoy in other countries asylum from persecution”. (United Nations, 1948). Nevertheless, interested parties (primarily politicians) can take advantage of the confusion for a variety of reasons, such as using



xenophobia to distract attention from domestic issues. Although there is no universally accepted definition of migration, the correct use of the related terms is the responsibility of the media, political actors and academics.

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# THE HISTORY AND DRIVERS OF MIGRATION

Migration today is a complex phenomenon; not simply a displacement in space, but, above all, a change of state or social condition (Leloup, 1996). Apart from the distinction between migrants and refugees, one can further distinguish between sub-groups of migrants based on the reasons of their movement. In order to understand the situation today, it is necessary to look at a short history of migration in the twentieth century.

## A brief history of migration in the 20th century

The historical events marking the 20th century largely influenced migration flows; economic and political factors acted in favour of the (often involuntary) displacement of people. The redrawing of frontiers after the First World War caused waves of forced migration, particularly in the Austro-Hungarian and Ottoman empires (Kaya, 2002). The demographic situation after the war and the need for manpower prompted European countries to encourage economic immigration, while years later, the crisis of the 1930s led to the return of these migrants to their home countries. With Hitler's coming to power in Germany and the rise of fascism in Italy, many intellectuals left these countries to seek refuge in other European countries; it should be noted, however, that the 1938 Evian Conference refused to increase the numbers of Jewish refugees fleeing persecution (SUNY Levin Institute, n.d.). After World War II, Europe was again in need of migrants to rebuild

its economy. The example of Turkish guest workers coming to Germany in the 1950s and 1960s shows this tendency. This group of immigrants, called "Gastarbeiter", was not granted citizenship at the time, causing social conflicts which last until today. Decolonisation resulted in another important flow of people, coming from Africa, India and Pakistan to England and from Vietnam, Cambodia and the previous African colonies to France. The 1973-1974 oil crises brought about a great change in western European countries' approach to migrants; they stopped recruiting foreign labour. Meanwhile, ecological and natural disasters and oppressing regimes in Third World countries brought an increasing number of refugees to western Europe in the 1980s (SUNY Levin Institute, n.d.). 1989 and the disappearance of the Berlin Wall started another new flux of migrants; the disintegration of the Soviet Union caused increased levels of migration in the Commonwealth of Independent States region. Nationalism and territorial claims also provoked civil wars in post-Soviet states, making many people refugees. The redefinition of frontiers increased the number of international migrants, as the previously internal migration flows were reclassified as bilateral. However, the fact that their number grew by more than 108 million between 1970 and 2005 (from 82 to over 190 million), cannot be explained solely by the fall of communism (Lucas, 2008). Three main forms of migration can be distinguished; economic, political and environmental migrants all have different incentives to move.

## Economic migrants

The lack of jobs and other economic factors provide the main motivation for migration today; while some migrants may not fall into the category of migrant workers upon entering a country, approximately half of them join the labour force, according to the estimations of the International Labour Organisation. From the 1980s, such trends have increased due to the effects of globalisation (and they also became catalysts of this phenomenon at the same time) (Sasikumar, Hussain, 2008). The integration of immigrant employees into the job market of the receiving country depends on how well their skillset matches the demands of local employers; where the immigrant is required to have a job offer prior to entry (like in the United States), issues are less likely to arise. There are also significant differences between skilled and unskilled, or semi-skilled professionals. Migration flows from India provide examples for each of these categories. Persons with professional expertise migrate to

high-income developed countries, such as the United States, the United Kingdom and Canada. New destinations have emerged in continental Europe as well; Germany, France and Belgium are among the host countries of Indian workers, especially those in the field of information technology (Sasikumar, Hussain, 2008). The German Blue card scheme was launched in August 2012 with the idea of offering highly skilled individuals the opportunity of living and working in Germany and the largest number of blue cards (almost 1,000 from 3,600) was issued to Indian immigrants in the year when the programme started (Duttagupta, 2013). Contrary to these migrants, unskilled and semi-skilled find job as contract-workers in high-income countries in the Gulf and South-East Asia. The effects of the economic crisis cannot be ignored; the declining GDP of the most developed countries has led to a decreased demand for labour, especially in the fields of construction, manufacturing and services (SUNY Levin Institute, n.d.).



## Wars and political persecution

The issue of people being displaced due to political or religious conflicts in their home country has become increasingly important in recent years. In 2014, 51.2 million people were displaced due to a conflict or persecution, the highest number since World War II (Esthimer, 2014). The problem is a global phenomenon; conflict has pushed hundreds of thousands of Ukrainians out of their country and in the first quarter of 2015, 25.000 Rohingya refugees tried to escape Myanmar in smugglers' boats



(Boehler and Peçanha, 2015). Nevertheless, the role of the Arab Spring in the crisis cannot be overstated; in Syria and Iraq, approximately 13.6 million people have been displaced by conflicts. The huge number of Syrian refugees (reaching 4 million July 2015) (UNHCR, 2015) has been a challenge to the neighbouring countries (Turkey, Lebanon, Jordan, Iraq and Egypt), threatening the stability of the entire region. Jordan, Lebanon and Turkey are at the end of their resources; a recent report revealed a funding gap of US\$3.47 billion. “We are so dangerously low on funding that we risk not being able to meet even the most basic survival needs of millions of people over the coming six months,” UN High Commissioner for

Refugees António Guterres said (UNHCR, 2015). Due to the increasingly hostile conditions in the receiving countries of the MENA (Middle East and North Africa) region (in Egypt, for example, after the regime change in 2013, the previously welcoming approach towards Syrian refugees turned into rampant xenophobia and a growth in the number of detentions) (Kingsley, 2015), many migrants seek refuge in Europe. While the European Union has acted as a provider of aid and a home for refugees (with 51 percent of European asylum applications being accepted

by Germany and Sweden) (UNHCR, 2015), the contribution of the 28 member states to solving the crisis varies greatly. The majority of migrants approach Europe via the extremely dangerous crossing of the Mediterranean and in 2014, the number of drownings amounted to a record of 3419 (Kingsley et al., 2015). In order to prevent an even greater

humanitarian disaster, the root of the problem - the political instability in the MENA region - should also be addressed. While the EU has been supporting diplomatic efforts towards conflict resolution in Syria, Libya and Yemen, the results have so far been limited and experts point to the need of a transatlantic approach to the problem (Cîrlig, 2015)

## Environmental reasons

The term environmental refugee was first mentioned in 1976 by Lester Brown, founder of the World Watch Institute, in the era of the first wave of environmentalism (Morrissey, 2012) Essam El-Hinnawi, researcher in the

United Nations Environment Programme (UNEP) defined environmental refugees as “those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardised their existence and/ or seriously affected the quality of their life” (Bates, 2002). The definition makes no distinction between natural and human-induced causes of such movements, but climate change remains an important catalyst of migration. The 2014 report of the Intergovernmental Panel on Climate Change (IPCC) emphasises that developing countries with low income have insufficient resources to perform planned migration and are more exposed to extreme weather conditions (IPCC, 2014). However, despite the fact that those displaced due to environmental factors have contributed least to climate change and, according to the Environmental Justice Foundation, outnumber political refugees by more than three to one, there is currently no legislation in place to protect them (EJF, 2014). They are also interchangeably called climate or environmental refugees and migrants, further undermining their legal right to asylum,

granted to other groups of refugees (Mante and Kolstrup, 2014).

The causes of migration can frequently overlap. UN Secretary General Ban Ki-moon for instance blames the ethnic and religious violence in Darfur on global warming: “The Darfur conflict began as an ecological crisis, arising at least in part from climate change”



(Borger, 2007). The damage caused by the conflict is also apparent in Ukraine’s economy, which is expected to shrink 9 percent by the end of the year, inciting even more people to leave their homes (Boehler and Peçanha, 2015). The categorisation used does not include all types of migrants; religious persecution, education (the desire to receive it in an urban setting, or the flows of international students in higher education) and other cultural factors could equally be considered.

*The historical events marking the 20th century largely influenced migration flows; economic and political factors acted in favour of the displacement of people.*

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# A EUROPEAN PERSPECTIVE CONCERNING THE SOCIAL INTEGRATION OF MIGRANTS THEORETICAL FRAMEWORK AND PRACTICES ANALYSIS

The integration of foreign people in a society, seen as set of culture, territory, policy, religion and social system, is one of the most particular and difficult process to start up. The inclusion process is made on one side by the state government and on the other side, by the society: principally from the native majority group, with internal intrinsic values and external structural variables. The migratory phenomenon became more complex, encouraging the development of new inputs and identity constructions in a “liquid” society. The Globalization created new relationships between states and individuals, improving new forms of social and civil coexistence. Every nation makes and develops the most appropriate integration plan of successful, but today the situation is different because dreams of democracy and equality are finished, or perhaps, never started.

## Theoretical frame of reference

In the literature, among the many concepts of assimilation, multiculturalism and exclusion there is no an integration paradigm which generations of migrants and receiving societies could follow.

The approaches to cultural and social inclusion are different between countries and change with the course of time. In reference to the migratory phenomenon, Aleksynska and Algan show the difference between the concept of assimilation

and integration one (Aleksynska and Algan, 2010).

The first coincides with a convergence process of behaviour and cultural characteristics of immigrants to the native society. It is a one-directional process of absorption of the host country culture by immigrants. The integration, on the other side, guarantees to immigrants the same chances and opportunities of natives. The difference between natives and foreigners is not only focused on the social and the cultural level, but also on the structural sector. While the concept of integration provides to create a multicultural society, the assimilation one, moves to a mono-cultural community. According to Park R. E., Chicago’s school sociologist, in reference to the dynamics of assimilation and integration, there are four processes of relations between different cultures and groups: biological process of amalgam (amalgamation); social process of accommodation; social process of assimilation; cultural process of acculturation. While the amalgamation and the accommodation processes are preliminary to the assimilation, the assimilation is represented by the metaphor of “melting-pot” (Park, 1928). The idea of the melting pot was born in the plural societies: particular society where different cultural and ethnic groups live together in a social and political structure that they have to build cooperating together. In the melting pot society there is a single dominant group that absorbs

the minority one. By the time, the idea of melting was reconsidered by the “salad bowl” that presents another perspective: the society as an ethnic salad bowl, where every ethnicity can be a part of the community without losing dignity.

Formally, the social sciences have identified three main perspectives about socio-cultural integration: the theory of assimilation, the multiculturalism and the exclusion.

The twentieth-century sociological expression has been characterized by the assimilation theory. The basic element of this theory is “sharing a common culture between different ethnic groups that have same opportunities of native population”. The other element defines that the assimilation process can lead to the gradual disappearance of many cultural identities, favouring the acquisition of the dominant culture from the social, cultural and economic point of view.

For a long time, among Western countries there was a debate about immigrant integration: should they preserve their traditions and culture while are living in the host country or absorb

the ways of the dominant culture? Most of the integration studies concerning assimilation say that “to assimilate” means delete own cultural, historic, social and politic identity, learning a new one.

The multiculturalism has been defined as an alternative to the assimilation theory focused on the pluralist conception of democracy: foreigners are accepted and helped according to a good strategy of management. The common keywords to identify this approach are the diversity, the equality and the integration, who reflects three important aspects. The first one is the acceptance of diversity, where cultural, ethnic and religious differences are protected; then, there is the guarantee of equality opportunities and finally, the inclusion process of different groups in the society (Couper, 1995). Of course, also this approach has critiques because some groups wanted to preserve all of their identity, without compromises. Many ethnic minority on the territory realised ghettos that expressed a strong sense of freedom, internal solidarity and differentiation from the motherland. The



minorities, often left to themselves, learned to provide for their protection not asking anything to the local government.

The exclusion theory outlines a new premise: the process of integration of immigrants is particularly complex because the relationship that develops between the migrant and the host society is only “utilitarian”. In this type of situation, migrants are placed in the host society only temporarily. The migrant is thus recognized only guest - worker status and excluded from the political community.

Nowadays many researchers argue that these traditional theories of integration no longer exist. According to the post-modernism age, the integration phenomenon involved with new priorities, opportunities and values.

Choosing an integration model it is not easy, because, it influences each institutional framework that takes care of migrants. An essential element is the relational perspective realized through the intercultural dialogue. There is no recognition of identity without social and national integration.

### **The integration concept**

The integration represents one of the most interesting concepts inquired by social sciences and can be defined as a “process of incorporating immigrants and ethnic minorities into the economy, society and political life of their host country”. It is a two way process where the foreign citizens become members of the community with equal rights and opportunities, while the native populations accept and coordinate their actions with them, promoting a decrease of the conflict degree.

The integration process has two dimensions:

the structural and the socio-cultural. The first refers to the acquisition of rights and status within the core institutions of the receiving society; the second one pertains the individual process of change, in conformity to the dominant norms of receiving societies. Understanding the personal and structural



determinants of socio-cultural integration can improve the inclusion methods in the community. People integration is one of the evolutionary process, in which, every person is involved; therefore, is important considering that only the society is able to create the rights conditions for the inclusion process.

The integration of foreigners is characterized by four categories: economic, juridical, political and cultural. The first one is connected to the integration process in the market relations and it involves the access to education, welfare and services on the territory. The second one is the juridical integration relating to the evolution of immigrant status, the residence conditions and the terms of acquisition of citizenship. The third category is the political integration that outlines the political rights: to vote and to be elected. In some countries this category requires the citizenship or the naturalization. Finally, the cultural integration is associated to values, cultural habits, religions and languages. The cultural integration is not connected to the

market or to the political process, so it can be verified with two measurement approaches. The first one is related to observe the behaviour of different ethnic groups (behaviour data) and that of the majority group. The indicators include: the education, the fertility rate, the rate of mixed marriage, the language spoken at home, the religion, the participation in the labour market and the social participation. The second approach is focused on the use of the survey data. In this case is important to evaluate the subjective perceptions and the socio-cultural dimension. To verify the real integration of an immigrant group in the host country is essential to carry out a methodological and ethnographic study on generations of migrants. In this case, making a comparison between the first and the second generation can be the difference and understanding the real integration process will be easier. The results obtained may vary between real integration and marginalization.

The first one concept is achieved when the migrant does not feel a “foreigner” on the territory, recognizing a balance among the dominant culture and his own. The marginalization involves a sense of physical, psychological and social discomfort. The exclusion from the dominant culture may result from the economic, religious, linguistic and values sector.

To analyse the link between the different dimension of migrant integration and the national policies is used a specific index: the MIPEX (Migrant Integration Policy Index) developed by the British Council and the Migration Policy Group. This index identifies the process and the integration opportunities guaranteed by the host countries. The MIPEX is a cross-country index based on six main areas of migrant integration: anti-discrimination,



access to citizenship, family reunification, political participation, access to the labour market and long term-residence. It is an instrument that evaluates the real integration of foreign people in all EU Member States, Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey and the USA (Huddleston, 2015).

### **Integration in practice**

“Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity”. On 9 May 1950, R. Shuman, French Foreign Minister, in collaboration with Jean Monnet presented a plan, which provided for the unification of the European coal and steel industry in Europe. For the first time, after centuries of war and destruction, six countries decided to engage each other for the establishment of a common goal: the integration.

Reviewing the history of European Treaties from the CEE to the Lisbon treaty, is guaranteed that the European Union is not based only on economic values, but also on

respect of human dignity, freedom, democracy, equality and protection of minorities. These principles were not always respected, especially after the 11 September of 2001, when the sense of general distrust has grown stronger and the



word assisted to another scission between the West and the Islamic East.

Assuming that today the concept of citizenship is always more ephemeral is essential to highlight the various integration projects perpetuated by some European states and among them, track down those who have failed in the inclusion mission. Making a comparison among states is difficult, because everyone has own historical backgrounds and uses different monitoring system.

Since the 1960s, countries such as Germany, Great Britain, France, Netherlands and Sweden have developed a strong hospitality tradition towards foreign groups. Not all countries have been able to follow or adopt a particular statement, for example is quite clear the case of Italy, Spain and Greece. Many are the variables that could influence this non-alternative: the immigration seen as a recent phenomenon for a country, the incapacity to manage complex societies or the absence of a basic theoretical framework. To achieve optimal results on integration, we must think in concrete terms

and working on a practical process with the government and the local dimension. The government must know how to manage the material and immaterial resources, while the local dimension has a central role in the

promotion of relationship between people. At this local level, the inclusion theory becomes practise with the conflicts, benefits, decisions, ideas and different values.

The management of migration policies cannot defined only through the promulgation of laws, is essential to draw a specific work-plan on the territory in question considering

that the concept of integration is dynamic, emblematic and full of peculiarities. From 2012, while most of the European countries considered the immigration such a negative impact on the economy market, for Switzerland and Scandinavian countries migration were mostly positive.

## Germany

The development of today's German leadership reflects on one side the post-war economic boom of the fifties and on the other by the immigrant employment. The integration approach that characterized Germany was the "Gastarbeiter approach", where the guest workers called gastarbeiters were included in one area: the labour market, so easily, they were excluded from the political and the civic participation.

During the 1950 and the 1960, the West Germany signed bilateral agreements with: Italy (1955), Spain (1960), Greece (1960), Turkey (1961), Morocco (1963), Portugal (1964),

Tunisia (1965) and Yugoslavia (1968). With the signature of these agreements, the Gastarbeiters started to work in the industrial sector, but when it was not easy to find a job, there were many jobless. According to the political leaders, paying unemployment benefits was too expensive, so the final decision was to pay unemployment foreigners for leaving the country. On the East side of Germany, that used to have guest workers from Vietnam, Mozambique, Angola, and North Korea, the situation were controlled from the Stasi: the State Security. With the fall of the Berlin Wall and the Reunification of Germany on 1989 and 1990, the guest workers still remaining in the East side but started the discriminations against foreign citizens and were offered a lot of “ticket home”.

Today, the policy of immigrant integration goes in contrast to European countries, cause Germany does not still use the practice of mainstreaming, that reach people with a migration background through social programs where the native population is involved too. The integration policies in Germany for a long time are been mixed in a many sectors of the federal system. Basically in Germany there was a problem related to the lowest rate of birth and according to this point of view, migrant integration in Germany has become “an opportunity”. Only after 2005, Germany started to develop the integration policies and was introduced a National Integration plan by the Federal Office for Migrations and Refugees. At the basis of the program there was a course for learning the language and other different measures to provide the needs of foreign

people. With the Recognition Act promulgated in the 2012, Germany wanted the recognition of foreign qualifications and skills, while from 2013, as in the rest of Europe, was introduced the “Blue Card”, linked to education and highly qualification. From the 2014, took the final step to embrace dual nationality for the 2nd generation born.

Nowadays, immigrants contribute to the positive state of DE labour market, with one of the highest and growing over employment rates reaching nearly 78% on 2014. According to various researchers, the integration work in



Germany is not completely successful because it depends on the lack of coordination between different levels of government (vertical cooperation) and across ministries (horizontal cooperation) on the other hand. In many municipalities there are associations for migrant integration that reaching excellent results, where the key to success is the “network”. They work all together involving administration, politics, charities and migrant organizations assigning responsibility and new aims. One of the current problem for the new generation integration is in the education sector. For the children of immigrants, especially from lower classes, the German school system divided into three blocks is counterproductive. Children are

socially disadvantaged and must pay the consequences of a school system based on the selection premature.

The integration process in Germany is not easy to realize, for example, the Turkish community (three million people) one of the longest existing communities in Germany, is deciding to leave the country, especially the second generation that feels excluded from German society. Even with these small discrepancies, Germany leads a strict policy for the integration of foreigners and many Western countries envy its domestic politics.

### United Kingdom

The British political project of integration and immigration is almost a continuation of the colonial policy characterized by the multiculturalism and focused on race relations. The political and economic crisis of Commonwealth countries generated a large turnout flow of migrants, looking for a community to find refuge. Thanks to the Nationality Act on 1948, foreign people were

considered citizens of Britain for the first time. The laws promulgated by the British governments, from the first Race Relation Act on 1965 to the Equality Act on 2006, have seen the migration phenomenon as a surplus for the development of the country, so British policy had a flexible management of migration with equal opportunities and without discriminations. Nowadays, the multiculturalism project seems failed, especially after the 2005 bombing of the London underground, perpetrated by British-born men of migrant descent. Immediately was adopted the “Antiterrorist Legislation” in order to prevent any terroristic form. The new measures brought limitations to all citizens, especially to the Muslim community, the most vulnerable.

Between the 2005-2006 the British government promulgated numerous reforms to regulate the migrant flows. On September 2005, Trevor Phillips, Director of the Government Commission for Racial Equality, in a speech, told that the approach of integration of foreigners in Britain was developed as multiculturalism, but with the passing of time



it became social cohesion, then ghettoization. According to Phillips, the ghettos are “places where more than two-thirds of the residents belong to a single ethnic group”. The First Minister David Cameron, accused the traditional British multiculturalism to have favoured the creation of parallel worlds, where the communities have never encountered.

This situation weakened the national unity and encouraging the Islamic terrorism to break into the British society. From 2011 to 2014 many were the changes in policy that limited the family reunification, the UK citizenship (one of the most expensive), the path of settlement and the labour market integration. The services are guaranteed but with more restrictions and fewer benefits. One of the most important character of integration is the language and according to the minority groups, they are discriminated about it. Many people say: “You are in England, you must speak English”. Then English is a factor of successful integration. In fact, according to the Mainstreaming Ethnic Minority Achievement Grant, the schools are no longer forced to use the bilingual system for the needs of minority pupils.

Today, the British situation is almost complicated because there are two open debates. The first one is staying in the European Union: Cameron has promised to hold a referendum by 2017 on the permanence in the Union, who is accused of leaving London isolated in the management of migration flows. The second one is related to the question of Calais, the French city on the English Channel, from where thousands of migrant African and Middle Eastern sail daily to reach illegally the English coast. Cameron wants to build a barrier to stem the flow. Therefore, talking about the integration of immigrant and their prospective of inclusion in Britain is really hard.

## France

The most concrete example of the adoption of the assimilationist theory in Europe is the France with his Republican approach. Remembering the period of French colonialism, the foreigners could only adapt themselves to the motherland, because, the French government does not officially recognise ethnic minorities as groups with distinct needs and rights.



In France, the realization of integration poured only on the weak part: the minority one. After 1820, with the beginning of the industrialization period, the demand for labour-force grew, so many people decided to emigrate toward France identified as large homogenous nation. If until the 80s, the French policy regarded immigrants as French, from the 90s onwards, there were many changes. From 1965 to 2006 the Social Affairs Ministry had the responsibility of people integration, but in 2007 the President Sarkozy created a Ministry of Immigration and National Identity combining the competences of three ministers: Foreign Affairs, Interior and Social Affairs. This Ministry of Immigration and National Identity ceased to exist in 2010 and today the Interior Ministry is responsible for the integration programmes. In 2012 the Ministry's interventions was restricted in order to disperse

the responsibility across the departments.

Since 2012, foreign people should benefit from equal rights and opportunities: from the promoting of non-discrimination policies especially in schools, to making the path to permanent residency more clear and simple. The immigration in France become a crucial issue after the municipal elections of March 2014 when the French UMP became the largest party followed by the Socialists and the Front National.

If the situation of integration the policy of was not very easy, with the massacre of Charlie Hebdo, the satirical newspaper, France trembled and the sense of discrimination has become stronger: united and divided at the same time. Many French were shocked and impressed when they learned that in about two hundred schools some students have refused to observe a minute's silence for the victims of Charlie Hebdo.

Nowadays, the "phobia of Islam" in France is very strong. The Muslims of France are far more integrated than the caricature presented by the French press. This part of the population, which is not a minority, is depicted as Islamized living in suburbs and isolated from the rest of the community.

On February 2015, there was a survey about the perception of immigrants in the French community, focused on the situation of immigrant children. This research conducted by INSEE (French Institute of Statistics and Economic Studies) showed that the children of immigrants in France demonstrate greater integration than that of first-generation immigrants. According to the case of study, the situation is not easy for everyone. For example, the descendants of North African immigrants are more difficulties rather than other in accessing the job. The integration policy in

France has failed not only after Charlie Hebdo or Ventimiglia, but because of the lack of trust in other and in democracy. (*In June, the French authorities started to reject illegal migrants who cross the border between Italy and France. In theory, according to the bilateral agreement of Chambery [1997], the rejections are legal, because it plans to reject each other undocumented immigrants who come from the territory of the other country. The problem is the method by which France is applying the Chambery agreement.*)

## Netherlands

In 1980, Netherlands adopted the multiculturalist approach. It was seen as the most characteristic example among the European states, where immigrants from Indonesia, Surinam, and Netherlands Antilles were helped by the State. With the increase of immigrants, the political class decided to create a pillar structure in the national territory, each one with its own social, cultural and political institution. Promoting the cultural diversity was one of the most goals of the welfare state, a new kind of State made up of a multitude of religious communities and politics.

Until 1990, the Netherlands was the most open and tolerant state in Europe, but with the time, it became reluctant granting citizenship, as long used like an integration instrument. Over time, the presence of low-skilled workers led to an increase in the unemployment rate, where immigrants were higher than natives. Immigrants were beginning to be a burden for the Netherlands social security system. In 2000 was promulgated a new law on immigration that restricted the migration policy only by the needs of society and the labour market. The consequences were: the procedure for the entry

of highly skilled workers was simpler but the family reunification were more difficult, introduced the income requisite, age (21 years) and basic knowledge of the Dutch language and culture. The processing of asylum requests revised and limited to combat abuses.

After a couple of years, the situation is changed after terrorist attacks. Many researchers, including the right-wing populist Pim Fortuyn, started to critic the integration of foreign people, especially the Islamic one.



On 2002, nine days before the national elections, he murdered by an activist. Immediately, there were many murders including the one of the film-maker Theo van Gogh, killed by an Islamic fundamentalist. Other Islamist radicals arrested, because of a conspiracy against public figures, including parliamentarian Ayaan Hirsi Ali. These violent events have destroyed the multicultural dream of Netherlands. Gijsberts and Dagevos (2005) speak about a segmented integration in Netherlands, where the socio-economic domain has improved compared to the socio-cultural one (Gijsberts and Dagevos, 2005).

Netherlands, a country known for tolerance and multiculturalism laboratory, after three decades of immigration has failed. Although the society is multi-ethnic, because of about 16 million people in the Netherlands, one million is made up of immigrants from different countries, however, there is no interaction between the native population and foreigners.

The new integration policy provides a strengthening of the responsibilities of migrants and a lot of limitations for the labour market access and the political participation.

## Italy

Only from a few decades, Italy has become an immigration country. Between the 70s and 80s, there was the first wave of migration, when the country required foreign workforce to compensate the lack of the Italian one. While the others European countries, already in the 1995 worked on immigrant integration process, Italy signed the Schengen Agreement in 1998. Transcending from the emergency logic and observing the European policies on integration, only with the law 40/98 initiated a process of explicit recognition of the rights and civil obligations to immigrants. It sanctioned the “Regulation of immigration and rules of the status of foreigners”. In Italian law, as well as



most European countries, the foreign statute is connected with his employment status. With the enactment of law 189 of July 2002, called “Bossi-Fini”, this connection becomes even more stringent because the right to stay of foreigners is tightly dependent to the possession of a regular work contract. The problem was to adopt old laws without being able to understand the needs of the contemporary society. The Consolidation Act on

Immigration, at the art. 4a defined integration as “The process aimed at promoting the coexistence of Italian citizens and foreign ones, while respecting the values enshrined in the Italian Constitution, with the mutual commitment to participate in economic, social and cultural development of society”.

Today, the Italian framework is composed by the law 2009 and the integration plan adopted in 2010 entitled “Integration Plan in safety: “Identity and Encounter” made on the basis of the White Paper “The good life in active society”. The “non”-Italian model of integration, according to the new plan promulgated by the Government, should be based on meeting between people, identity and education.

Anyway, these primary elements are very far from the Italian politics. The concept of subsidiarity marks the “current” integration approach, where the state is a passive spectator who intervenes only in case of need. The real protagonist is the community.

In the current situation, foreign citizens who decide to move to Italy, come from a variety of countries. If in the past, the Italian peninsula was chosen only for the “strategic position” in the middle of the Mediterranean, nowadays the situation is changed: many people decide to escape to Italy, because the borders of other countries hardly accept immigrants. The last solution is to face a long journey in the sea, hoping to arrive safely on Italian coast.

According to the OECD, Italy needs to improve the integration of immigrants into the society. The integration between the native and foreign groups is possible only after upgrading the system levels. For example the point of view on the Italian bureaucracy, that is too long and complex; the creation of new projects, where the communication between actors is the first

step and finally the implementation of the dialogue, that must be carried out before a national level, then at the local one.

From a formal point of view, the integration is like an agreement where there are two or more parties. The parts in question are citizens from abroad and the Italian state. The stranger is committed within two years to acquire a basic language proficiency; know the principles of the Italian Constitution and the organization of public institutions; ensure that their children attend school regularly until age 16. The state, for its part, is committed to facilitate the integration of foreigners with the support of local authorities, employers and trade unions; ensure respect for human rights; promote access to public information, health services and schooling; ensure free participation to a training session and information on civic life in Italy for a period of one day. All these measures financed by the European Fund for Integration.

Most of times, the directives are not adopted and the controls are not perpetuated, encouraging the waste of public money and the discontinuity of work locally. Often the private social sector is able to develop the interaction between immigrants and the native population. The integration of immigrant children is important for several reasons: the first one is the relative importance of the low cultural background of the families of immigrants who is known to be strongly associated with poor education and prospects professional lowest for their sons; the second one is the number of immigrants sons that is growing rapidly. With this increase, the Italian government granted to schools autonomy in teaching and organizing courses.

Numerous ethnographic studies reveal that social exclusion and isolation from peers Italians are particularly extremes during arrival,

especially for teenagers, the relationships with classmates Italian improve with time. Since 2000, Italy is the OECD country that has received the highest migration flows and manage migration policies when there is an effective and efficient approach to inclusion is difficult. It is essential to know how define areas of interventions to focus on all the problems and the living conditions that over time become precarious.

## **Sweden**

Sweden became an immigration countries from the 1950-1960s. During the years, the immigration policies changed from the initial assimilation point of view to the multicultural perspective. Already in 1965, Sweden was one of the first countries that recognised the importance of immigrant integration with the launch of the first courses in Swedish. Many plans were proclaimed to support immigrants inclusion in the local society and on 1997 were improved the anti-discrimination and anti-racism agendas to support immigrants from the economic to the social inclusion in the host country.

With the passage of time, Sweden worked hardly on the labour market participation, considering it as the key of integration. In 2010 was approved a new integration plan in order to integrate foreigners into working and social life. Dissimilar from other European countries, in Sweden there are no specific integration requirements, for example the Swedish courses are free to charge.

In 2014, Social democratic government in Sweden emphasized the labour market incorporation as the key of integration among immigrants. "Work makes it possible for people

to provide themselves, participate in society and create an independent life" (GRITIM-UPF, 2015). According to the Swedish Government everyone who comes to live on the national territory has the right to maintain his cultural identity.

Although the integration policies in Sweden are the considered the best among the Western European countries, even in Sweden there are some racist groups. Mainly the integration is hampered by the skin colour: even if they adopt Swedes customs and usages, however they are not native. According to the researchers, one of the obstacle for the integration is the lack of intercultural contacts with native in everyday life. Many immigrants never had any contacts with Swedes because people only talk to their compatriots.

Today, the integration plan of migrants in Sweden has a wide number of stakeholders at the national and the municipal level. Involving more actors, the roles are clearly defined and the goals are easier to achieve.

## **The European Future**

Today's European crisis is not only the result of unsound management at the economic, political and financial level, but also the result of a recession values. This has broken the theme of solidarity and promoted a widespread sense of malaise between the EU countries. Essential is the reconstruction of a united Europe, now a destroyed land where is grew up the bitter germ of discord. This is just the summit of Europe: drifting and tired of fighting, where racism is the master and minorities are used at will of the powerful as pawns in a chessboard. The world is now divided and the vicissitudes of today feed the already existing gap.

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# IMMIGRATION AND THE WELFARE STATE: BEYOND POLICIES AND PRACTICE

Immigration is one of the major forces behind demographic changes in the Nordic countries. Over the past decades, the wave of immigrants to Sweden, Norway, Denmark and Finland has increased due to the opening of border controls and active participation in international refugee protection and resettlement. Opponents to immigration claim that the process poses fiscal strains on the Nordic welfare states, brewing anti-immigration sentiments amidst the economic crisis and demanding tougher measures to curb net migration. On the other hand, the rising number of backlashes and unrests across the four welfare states are also signs calling to reflect on their accommodation of the new immigrants and corresponding improvements of the welfare systems.

## **Immigration in the Nordic political landscape**

The Nordic immigration policies are premised upon stable welfare policies and strong political institutions, which is already an advantage over the United States and other European countries (Brochmann and Hagelund, 2012). Though differ to varying degrees in terms of administrative approaches, the Nordic welfare systems are similar in their common values, in which egalitarianism is the basis for commitments to universal welfare provisions. Nevertheless, the welfare state on principle operates as a closed system (Freeman, 1986) that the Nordic countries are certainly not

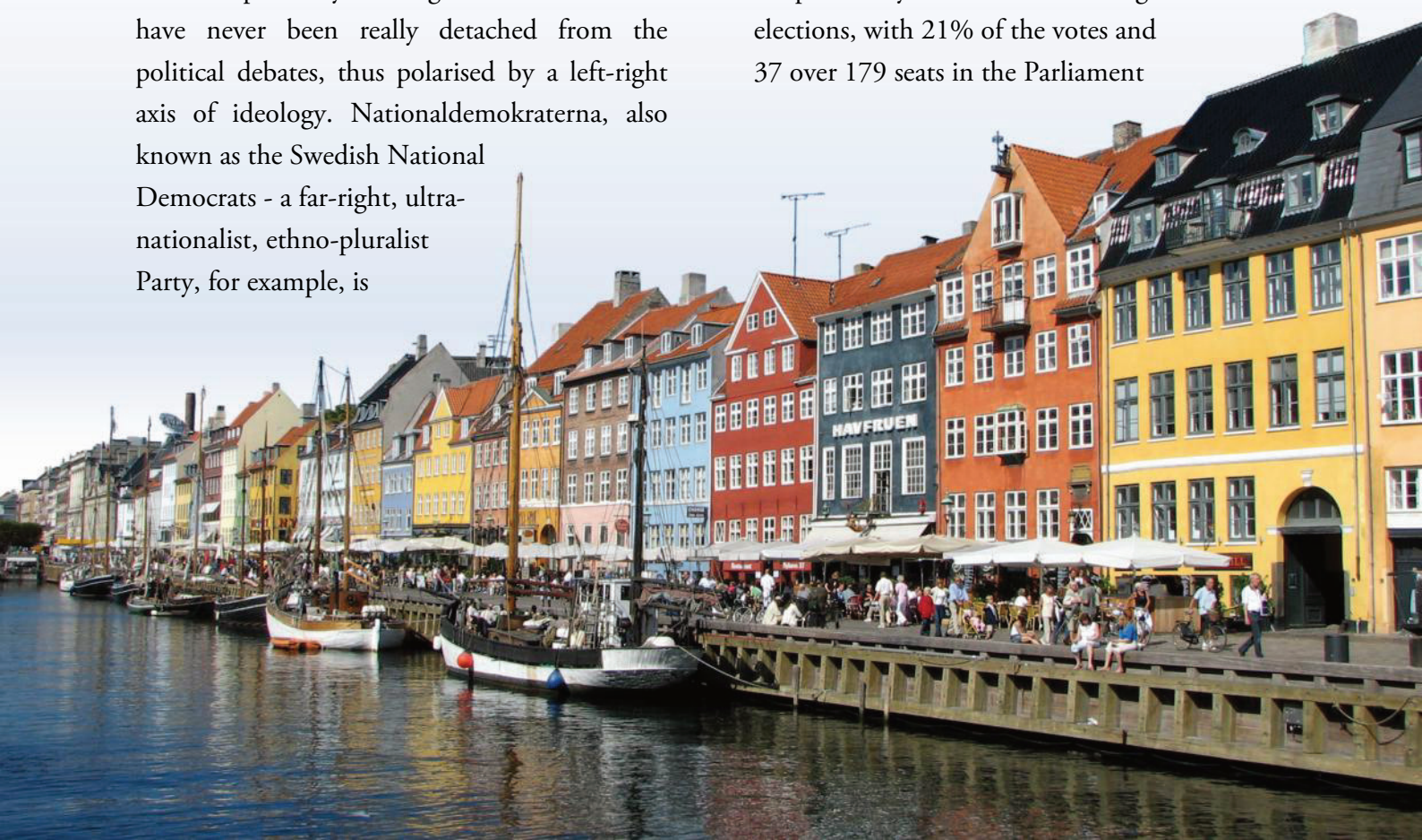
exceptions. Public debates on immigration more or less often evolve around the discourses of “us” and the “other”. The narrative runs that the when the welfare benefits are perceived to favour the foreign immigrants, which, in one way or another can influence that of the natives in the host country, then it will lead to tension between the two groups (Heidi, et al., 2013). This is when the concept of “welfare nationalism” comes into play, which usually develops along with the formation of the welfare state (Freeman, 1986). According to this concept, social benefit programs are first and foremost designated for the native population, which inevitably upholds the power to decide who are members of the communities and who deserve the rights to welfare (Freeman, 1986).

Inevitably if translated in this way, immigration is the direct disruptor to the Nordic model of welfare, but it should be put along the same vein with international trades, the freedom of movement and the flow of capital. For the Nordic societies that are often known to possess such high level of racial and ethnic homogeneity, immigration not only demands reforms in the social and economic welfare policies, but also pinpoints to the challenge of multiculturalism and sustainability, despite the fact that countries such as Sweden or Denmark have had long traditions of welcoming foreign immigrants. Sweden, in particular, has been on the forefront in refugee protection and family reunification programs, and in fact, the number

of foreign-born citizens in Sweden is the highest among the Nordic countries, at 15% (Pettersen and Østby, 2013). In response to the upsurge in immigration to the country, from the labour migrants in other Nordic countries such as Finland or Denmark in the 60s, to the asylum seekers from the Middle East, Latin America and Yugoslav countries in the 90s and from 2005 (Pettersen and Østby, 2013), the Swedish authorities developed a range of effective plans to accommodate the newcomers. But that was the thing of a decade ago. It is open to question whether these programs have caught up with the current situation. Unemployment has become one of the leading causes to dissatisfaction among youth, the by-product of which is the increasing level of protests against authorities, one such as the 2013 Stockholm riots, which quickly swamped all over the local media's headlines when the once peaceful neighbourhood in Husby suddenly turned rough. But the causes and culprits behind the unrest is certainly not that simple.

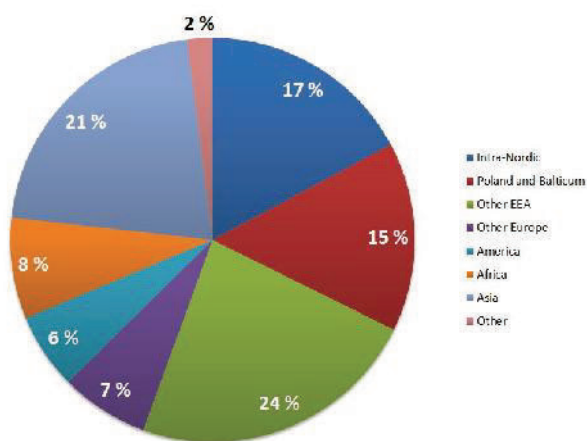
More importantly, immigration-related issues have never been really detached from the political debates, thus polarised by a left-right axis of ideology. Nationaldemokraterna, also known as the Swedish National Democrats - a far-right, ultra-nationalist, ethno-pluralist Party, for example, is

gradually gaining weights in the Swedish political scene. The Party determines to limit immigration to Sweden, and often blames immigrants as the major cause behind escalating social problems. Other neighbouring countries do not seem to adjust fairly well with the immigration crisis in the past decade either. In Norway, the political climate is still haunted by the Breivik attack in 2011, as the anti-immigration and anti-tax Progress Party, that Breivik was once a member, is indeed progressing to more popular votes (Nilsen, 2013). Although Norway surpasses other countries with its stable economy, and as the rate of unemployment among the lowest in Europe, the shift in political agenda has raised certain concerns (Nilsen, 2013). Poverty remains prevalent among the immigrants, and there is a stark contrast between the two groups – the native population and the immigrant group, which points to a loophole in its integration policies. Likewise, latest news on Denmark also shows the landslide victory of right-wing politics, as DPP – the Danish People's Party came second in the general elections, with 21% of the votes and 37 over 179 seats in the Parliament



(Crouch and Eriksen, 2015). DPP is known for its anti-immigration and anti-EU inflammatory rhetoric, and in fact, the Party aims to bring stricter laws on border control to cut down on the number of labour immigrants and refugees to the country. In Finland, the right-wing populist Finns party, formerly known as the True Finns (Perussuomalaiset), has already expressed delight on the victory of the DPP (Yle, 2015). The Finns party also successfully entered a coalition in April, although they were rather unpopular in the previous years.

Immigrants in the Nordic countries in 2012



The rise of the far-right-wing parties is the proof of the public's growing dissatisfaction with the way that the Nordic governments are addressing the issue of immigration. The backbone arguments that most anti-immigration groups lean on often revolve around the fiscal burden from the cheap workforce, the humanitarian aids and the integration cost that can undermine the stability of the welfare state (Pyrhönen, 2013). In other words, the concept of welfare can be exploited as an excuse to justify for anti-immigration policies (Heidi, et al., 2013). The changes in the Nordic political scenes have unravelled the dark side in the public opinions towards the issue. It should be put under scrutiny whether the problem lies in the

inability of the state in coordinating immigration policies efficiently, or the immigration legislation itself that is failing to adapt to the current immigration crisis.

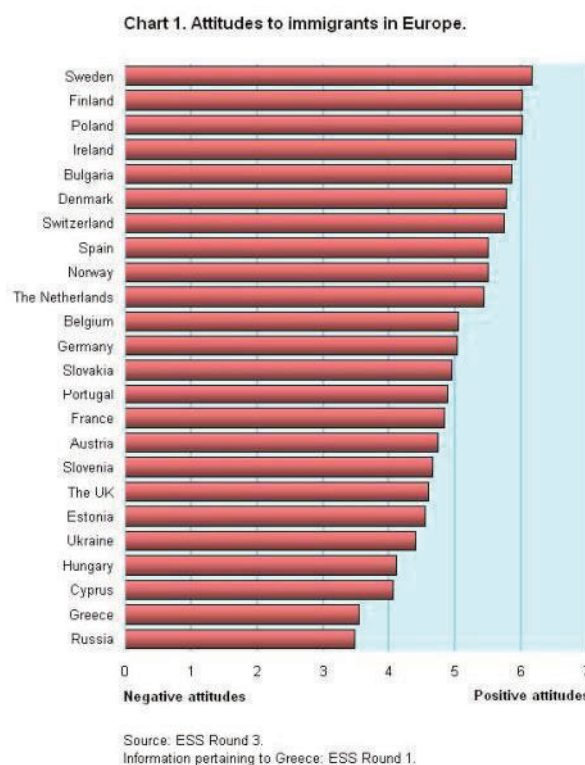
### Evaluation of the Nordic immigration policies

With many similarities in various respects from wealth, international relations, and universal welfare benefits to the low level of corruption that is highly featured in the social democratic welfare body politics, the Nordic countries are often viewed as a concrete bloc when it comes to policy-making (Grøn, Nedergaard and Wivel, 2015). Even though Denmark, Finland and Sweden are members of the European Union, they have a rather distinctive approach in their engagement with EU institutions (Grøn, Nedergaard and Wivel, 2015). In terms of immigration-related issues, there is still a preference of national regulations on immigration (Lahav and Messina, 2005). Part of the reasons comes from the fact that the Nordic countries have long traditions of being attractive destinations for immigrants because of the generous welfare benefits, high salaries and stable economy, hence responding policies to accommodate the newcomers to the welfare society have already been systematically developed. The disposition of national governments over EU common policies, however, also reflects how the Nordic nations look at the issue of immigration through the prism of national security (Lahav and Messina, 2005). It is nonetheless important to put immigration policies and any other immigration-related issues under both national and transnational settings, in order to locate the subject in a broader picture, and to bring out any possibilities for social policy solutions

(Heidi, et al., 2013), especially when states often base on others countries' models of legislation (Heidi, et al., 2013). As in this particular case, integration policies in Norway and Denmark are rather similar to that of Sweden in many respects.

Immigration policies consist of entrance policies and integration policies, in which the former deals with selection conditions that dictate who is allowed to enter the country, and the latter concerns settlement, rights and integration process (Brochmann and Hagelund 2012; Heidi, et al. 2013). There have been a number of reasons that lead to the increase in immigration into the Nordic countries within the past decades, from the fall of Yugoslavia in the 1980s, the plight in the Middle East to the expansion of EU free movement of labour that also applies to other EEA countries including Norway and Iceland (Lindahl, 2014). Norway and Sweden have generally been known for their tolerant policies in accepting asylum seekers and immigrants from other non-European countries. Nevertheless, between the period from 1970s to early 2000s, Scandinavian entrance conditions for immigration were perceived as stricter (Brochmann and Hagelund, 2012). This follows altogether by more inclusive welfare policies. In terms of accepting arrivals of the asylum seekers, each country has an annual resettlement quota that is issued and must be passed by the Parliament. And although all four countries have passed the 1951 UN Convention on the status of refugee and the 1967 Protocol on refugee protection, the number of refugee applications have been relatively different until few years back, as Norway and Finland have been rather late immigration country (Andersson, et al., 2010). Among the four Nordic nations, Sweden stands out as the biggest host country, while Denmark

accepts the least number of refugees, with around 500 resettlement places per year (Honoré, 2003). In the year 2014, for instance, Denmark accepted only 140 applications of Syrian refugees to enter the country (UNRIC, 2014).



While it is important to take into account that the Nordic countries have been rather tolerant in terms of accepting refugees and asylum seekers, the main problems reside in the intervention policies after arrival, which requires certain evaluation. As the immigration-related issues have been more salient during the past few years, the connection between immigration and welfare has been pertinent. Immigration has not only brought up questions concerning sovereignty and identity, and undoubtedly challenges the sense of cohesion in the heterogeneous Nordic societies, it also proffers opportunities for the revision of Nordic redistribution policies (Lahav and Messina, 2005).

One of the main features of the social democratic welfare policies is the catering of

universal social benefits, and the “cornerstone” of the Nordic system is equality for everyone living in the welfare state, regardless of their background and countries of origins. In reality it is hardly the case, especially when there exists undeniable gap between the rich and the poor, the native population and the immigrants. Differences in terms of cultural formation, language, education, and professional skills between the two groups are the contributing causes behind this problem. As a result, a number of integration measures are offered by the local municipalities in order to accommodate the new-

comers. Upon their arrivals, immigrants can have access to introduction programs, which often include language courses, cultural programs and vocational trainings to adjust to the Nordic labour

market (Honoré, 2003). In countries such as Denmark or Norway, introduction programs are mandatory for the immigrants within the first two or three years after arrival. Failure to attend them might affect the immigrants’ job prospects and their acquisition of permanent residence. Nevertheless, the levels of success for the immigrants after resettlement in the country depend on many factors, as many still struggle to find occupation after completing the introduction programs. Even in Norway, where the manual labour is on high demand, latest statistics in 2010 have indicated that only 54% of the participants of the programs are either in

the labour force or in education (Lindahl, 2014). The little rate of success has not only to do with the reform itself, but also because of the difficult economic situation and high unemployment among the general population. Not only unemployment, but the gap in the living conditions is also one of the biggest problems in resettlement policies for the immigrants. Both issues remain interrelated, as spatial segregation has become more social, which certainly hinders the immigrants’ participation to the host country. Take Sweden, for instance. Within the past decade, suburb

high-rises like Husby or Rosengård in

Malmö have transformed

to become the “concentration” of the immigrants, as in both cases, more than 80% of the residents are foreign-born (The Economist, 2013). The lack of education and unemployment remains the biggest issue in Rosengård,

as only 38% out of the 24,000 people living in the district have an occupation (The Economist, 2013). This goes in contrary to the fact that employment plays an important role in sustaining the welfare state, which requires at least 80% of its adult population in the workforce to be able to afford the heavy taxes that provide the social benefits and insurance. In reality, only 54% of the immigrants have a job, in compared to 84% of native Swedes (The Economist, 2013). And although Sweden, altogether with other Nordic countries, is one of the most developed economies in Europe, the gap in incomes between native Swedes and



immigrants has started to widen, which has direct effects on the housing market and the living conditions of the immigrants.



In addition to this, the generous welfare benefits themselves, which aim to facilitate the immigrants to integrate into the host society, might also cause certain problems. Thus one of the main opposing arguments is the idea the immigrants might become dependent on the social benefits. When being used ineffectively, they might breed a concept that is known as welfare tourism, or welfare export (Lindahl 2014), which embodies the purchasing power of the state in their responsibility to integrate the immigrants into the economy. More often than not, this concept of welfare tourism wreaks havoc in both sides, and affects not only the immigrants themselves, but also the economy of the host country in general. But

more importantly, it reflects the state's incapability in recruiting the immigrant resources into the workforce.

## Conclusion

Integration programs are also often criticised as one-dimensional, in which the immigrants are required to follow the rules and obligations of the host country, but the latter offers little understanding in return to make the immigrants feel accepted as new members of the society. Thus sympathy and respect are needed from both sides, as cultural and linguistic differences are the major factors that impede integration.

In one way or another, immigration can be a parameter that measures the effectiveness of welfare policies (Heidi, et al., 2013). The increase in the number of immigrants entering the Nordic countries, altogether with the immigration crisis itself have led to a number of changes not just in terms of legislation but also in various social aspects. One thing for certain, although immigrants may still be marginalised in the public discourses, the issue of immigration is no longer on the periphery (Heidi, et al., 2013).

*Immigration not only demands reforms in the social and economic welfare policies, but also pinpoints to the challenge of multiculturalism and sustainability.*

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# FRONTEX FUNDAMENTAL RIGHTS STRATEGY

On April 19, 2015, 800 people died in the Mediterranean Sea, according to the UN Refugee Agency (UNHCR), when their ship wreck between Libya, Malta and Lampedusa (Italy) (HispanTv, 2015). The Italian coast guard could only rescue 28 people. Five days before, on April 14, Save the Children Italy said that 400 people had disappeared somewhere in the Mediterranean Sea after another shipwreck when they were trying to reach Italy from the coast of Libya (Kingsley and Gayle, 2015; El País, 2015). The day before, on April 13, the Italian coast guard rescued 3,000 people.

The European Commission reacted to the tragedy strengthen the Triton Operation with more equipment, enlarging the search and rescue deployment and tripling the budget. (Frontex, 2015a) Triton Operation is one of the many border security coordinated operations run by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), created in 2005 to assist Member States border authorities to work together.

Each country of the European Union (EU) is primarily responsible for the control and surveillance of its own borders, but Frontex is the communitarian agency which promotes and coordinates the cooperation between the national authorities on border control (Council Regulation, 2004) and migrant management (illegal crossing, asylum seekers, trafficking, and etcetera). The Agency gathers together the standards and needs and draws the common level of management. The main tasks developed

by Frontex are: joint operations, training, risk analysis, research, providing a rapid response capability, assisting member states in joint return operations and information systems and information sharing environment.

Triton was implemented in November 2014 to tackle Central Mediterranean migration, border control and assistance. This illegal border-crossing route was the most used towards the EU in 2014 with 170,664 detections of migrants, as stated in the Frontex Annual Risk Analysis 2015. (Frontex, 2015b) In each route migrants face different dangers and sometimes they put their life in risk. One of the missions of the Agency is to save as many migrants lives as possible. Only in the seven first months of 2015, 81.500 migrants have been rescued in the Central Mediterranean route and Frontex has participated in the 25% of the rescues, according to the Agency. (Frontex, 2015c)

The European Commission reaction also boosted the Frontex Poseidon Sea Operation in Greece. (Frontex, 2015a) The Eastern Mediterranean route was the second most used last year with 50.834 detections, most of them in the Aegean Sea instead of the Bulgarian and Greek land borders with Turkey. However, in the first five months of 2015 the Western Balkan Route which is the Hungarian border with Serbia has become the hotspot of irregular migrations with over 50,000 detections. (Frontex, 2015d) The total detections in 2014 increased a 164% respect 2013, but the overall detections in the first five months of 2015 is a 149% more than the same period in 2014, says the Agency that forecast a continuous

increasing of migration flows in the next coming months.

Most of the detections are people fleeing the violence of their countries. In 2014, 79,169 of the 283,532 detected migrants were Syrians (28%), more than 34,500 were Eritreans and more than 22,000 were Afghans as well as of these people are coming to the UE looking

asylum in EU. Due to this believe in 2014 there were 22,069 detections of citizens from that country and in 2015 there will be more as demonstrates the 48,875 Kosovars who asked for asylum for their first time in the first three months of 2015.

The right of asylum was developed in the 1951 Refugee Convention, also called the Geneva

#### Summary of FRAN indicators

| FRAN indicator                                  | 2009        | 2010        | 2011        | 2012       | 2013       | 2014    | % change on prev. year |
|---|-------------|-------------|-------------|------------|------------|---------|------------------------|
| Illegal entries between BCPs                    | 104 599     | 104 060     | 141 051     | 72 437     | 107 365    | 283 532 | 164                    |
| Clandestine entries at BCPs                     | 296         | 242         | 282         | 591        | 599        | 3 052   | 410                    |
| Facilitators                                    | 9 171       | 8 629       | 6 957       | 7 662      | 7 252      | 10 234  | 41                     |
| Illegal stay                                    | 412 125     | 353 077     | 350 948     | 344 928    | 345 098    | 441 780 | 28                     |
| Refusals of entry <sup>1</sup>                  | 113 029     | 108 651     | 118 277     | 116 524    | 129 235    | 114 887 | -11                    |
| Persons using fraudulent documents <sup>2</sup> | :           | :           | 5 255       | 7 804      | 9 804      | 9 420   | -3.9                   |
| Return decisions issued <sup>3</sup>            | :           | :           | 231 385     | 269 949    | 224 305    | 252 003 | 12                     |
| Effective returns                               | :           | :           | 149 045     | 158 955    | 160 418    | 161 309 | 0.6                    |
| <b>Other indicators</b>                         |             |             |             |            |            |         |                        |
| Issued visas (source: Commission)               | 10 270 107  | 11 857 352  | 13 521 706  | 14 263 225 | 16 196 350 | :       | n.a.                   |
| Passenger flow <sup>4</sup>                     | 660 000 000 | 675 000 000 | 701 000 000 | :          | :          | :       | n.a.                   |

<sup>1</sup> In addition, Spain reported refusals of entry in Ceuta and Melilla, which totalled: 492 742 in 2008; 374 845 in 2009; 280 625 in 2010; and 215 021 in 2011.

<sup>2</sup> Decisions not available for France, Luxembourg, the Netherlands and Sweden. For 2014, data from Austria are not available. Data for France are not available for 2011 and 2012.

<sup>3</sup> Figures provided by Member States to the European Commission in the framework of the EU External Borders Fund.

:

n.a. not applicable

Source: FRAN and EDF-RAN data as of 9 February 2015

Kosovars. (Frontex, 2015b, p.18) The majority for asylum, an international protection given by a state to a person who cannot stay safely in his/her country. However, many of the asylum seekers who arrive to Italy, Greece or Hungary – the firsts EU borders of the most used illegal crossing routes – do not apply in the member state of entry, but in others in order to have more welfare benefits and a better future.

Eurostat observed that in the first quarter of 2015 there have been 202,785 people seeking asylum in Europe. This figure represents a 79% more than the same quarter in 2014. Most of those who applied for asylum for the first time come from Kosovo (26%), Syria (16%) and Afghanistan (7%). (Eurostat, 2015) The Kosovars think that nowadays is easier to obtain

Convention. Before that date, the right of asylum was already established on the Article 14 of the 1948 Universal Declaration of Human Rights and later it has been included in many codes, laws, conventions and directives.

Frontex also protects the right of asylum and stresses its importance in the Fundamental Rights Strategy drew in 2011. This strategy is an “unconditional and integral” (Frontex, 2011) component of the EU border management and it is established in the Article 26a of the Frontex regulation. (Regulations, 2011) The objectives are the respect for fundamental rights, the adoption of the highest standards among the Agency staff and the promotion of a fundamental rights culture in the EU borders. (Frontex, 2011, p.2) Although

the primary responsibility remain on the member states authorities, Frontex have also responsibilities on human rights violations and in others as it is the coordinator of the operations and undertakes activities and takes decisions.

The Agency have two codes, the Code of Conduct for All Persons Participating in Frontex activities (Frontex CoC, n.d.) and the Code of Conduct for Joint Return Operations Coordinated by Frontex (Frontex, 2013). Both of them underline the right of asylum and the principle of non refoulement that obliges border guards and authorities to give assistance and information to those persons seeking international protection. The Codes also stand out the special treatment that participants must give to vulnerable groups like women, minors, disabled people or victims from exploitation and trafficking.

The Fundamental Rights Strategy is based on international, European and national ethics codes and laws. To gather all these important and sensitive information, Frontex commissioned in 2011 the Study on the Ethics of Border Security by the University of

Birmingham based on ethical standard of borders security and surveillance. (Frontex, 2010) It also underscores the right of asylum (Charter of Fundamental Rights Article 18) and the principle of non-refoulement (Updated Schengen Catalogue, part 2; Schengen Borders Code) and gives more information about it. The defining element of an asylum wish or claim is the expression of fear, so border guards do not need to hear the word “asylum” to judge this need and to provide all the information to the asylum seekers (Schengen Handbook 10.1). Besides, the asylum seekers must have additional facilities than migrants who enter illegally (Updated Schengen Catalogue, recommendation 40) even if the guards suspect that an individual comes from a safer country than the one they say to be from, and they must be accompanied by a translator if they have difficulties to understand the language.

But not all the detections of the illegal border-crossing were asylum seekers. Among all the detections there were also thousands of irregular migrants. For both of them applies the Fundamental Rights Strategy which develops codes, tools and internal bodies in order to guarantee the respect of the human rights. Although Frontex is a security agency, it has been further developing the promotion of

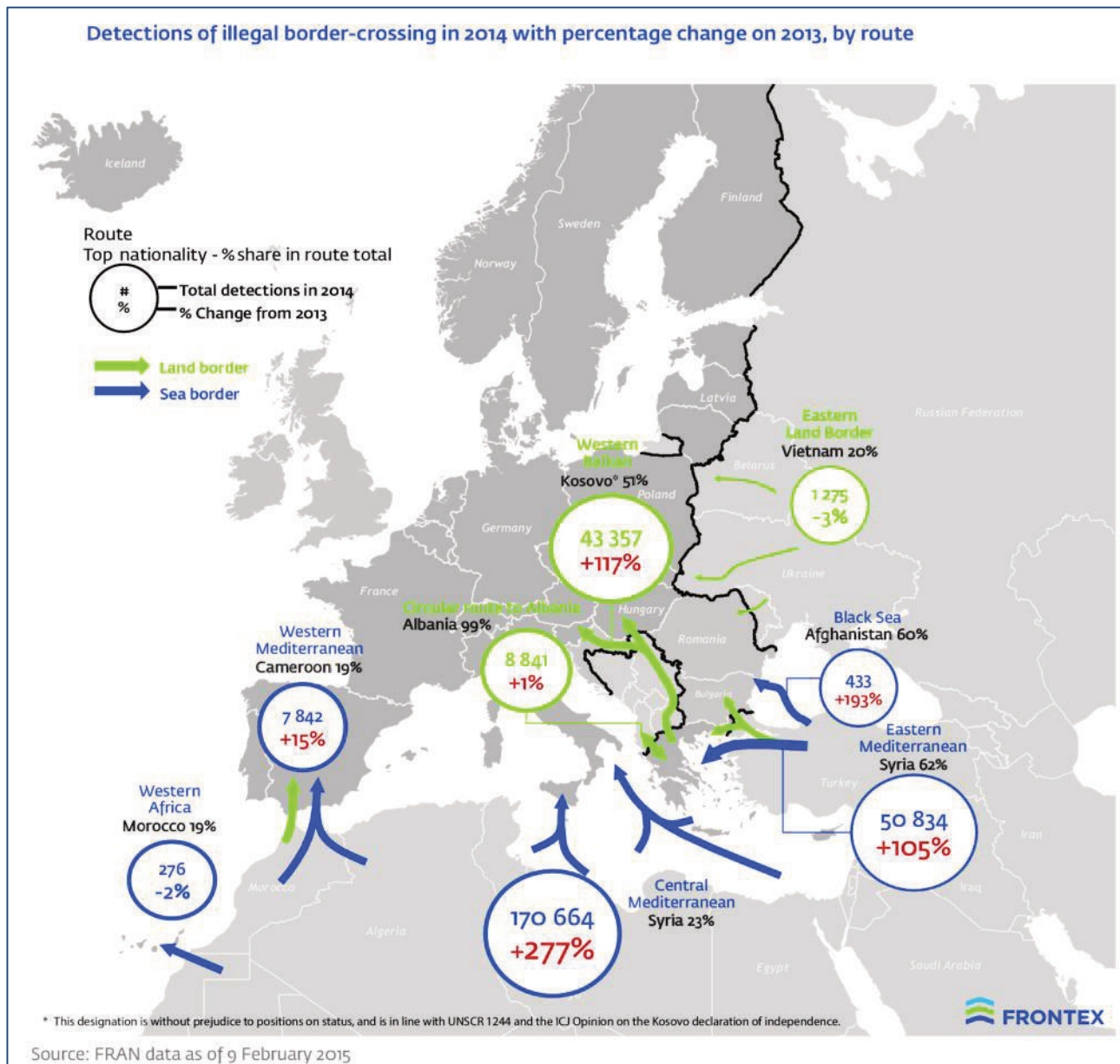


fundamental rights on their activities year by year.

The main outcomes of the strategy were the creation of the Consultative Forum and the Fundamental Rights Officer. The Consultative Forum is the expert advisory body of the Frontex Management Board, the Executive Director, the Fundamental Rights Officer and the Frontex's staff, which improves and fosters

Both of them are operational since the end of 2012 and have access to all the information of the Agency's activities that concerns human rights. However, the advices and reports of the two bodies are only recommendations and opinions.

At the end of September 2012, the Management Board announced Ms. Inmaculada Arnaez Fernández as the first



the respect of the fundamental rights in the activities of the Agency. The Fundamental Rights Officer monitors operations and reports about them on a regular basis to the Consultative Forum, the Management Board and the Executive Director. (Frontex, 2012)

Fundamental Rights Officer. Ms. Arnaez Fernández became the independent person responsible for monitoring operations and pilot projects with several field visits, supporting the implementation of the strategy, and reporting regularly to the Agency to prevent and react

against human rights violations. (Frontex, 2014)

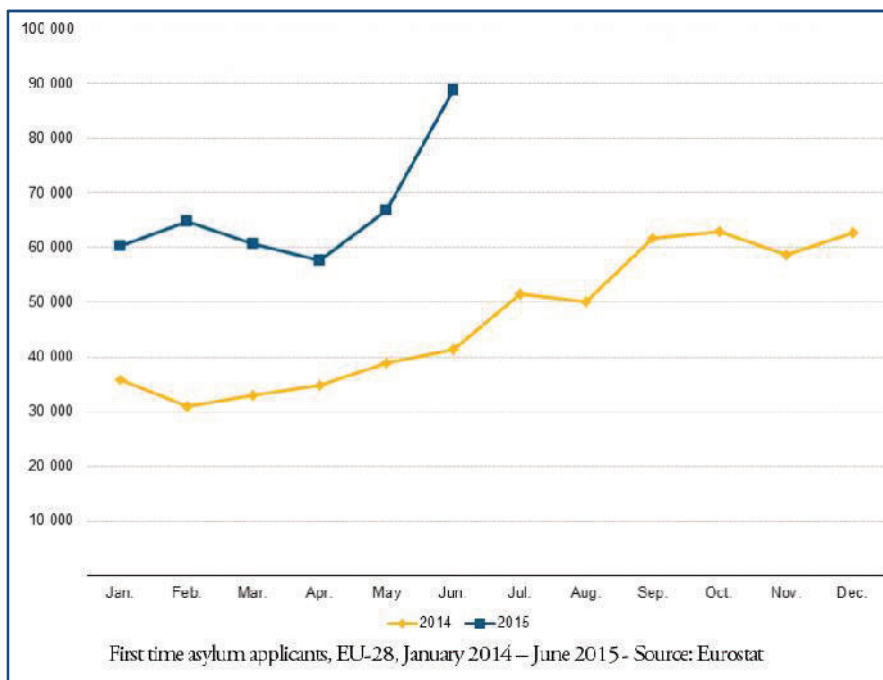
The Consultative Forum is consulted “on the further development and implementation of the Fundamental Rights Strategy, Code of conduct and common core curricula”, says the Frontex regulation. (Regulations, 2011) It also publishes a publicly-available work program for the coming year and an annual report. The Forum

is formed by 15 organisations specialised in different angles on human rights, six of them are international organisations and EU agencies invited by the Management Board and nine are civil society organisations selected by the Drafting Committee for a three year term that can be renewed. This group select their Chair from the European Asylum Support Office (EASO), the

Fundamental Rights Agency (FRA) or the United Nations High Commissioner for Refugees (UNHCR) and their Co-Chair for a one year-term. (Working Methods, n.d.) The current organisations that compose the Forum are: Amnesty International European Institutions Office, Caritas Europa, Churches' Commission for Migrants in Europe, Council of Europe, European Asylum Support Office, European Council for Refugees and Exiles, European Union Agency for Fundamental Rights, International Catholic Migration Commission, International Commission of Jurists, International Organisation for Migration, Jesuit Refugee Service, OSCE Office for Democratic Institutions and Human Rights, Platform for International Cooperation

on Undocumented Migrants, Red Cross EU Office, and the UNHCR.

The Consultative Forum meets at least twice a year in the Agency's headquarter in Warsaw, Poland. The Chair and the Co-Chair can invite other organisations or people to join the meetings where the opinions and recommendations are adopted by consensus or simple majority and later are transmitted to the



Management Board. The Forum has access to all the information about the Frontex's activities regarding human rights, and if they find it insufficient, they can request more information that the Executive Director will give unless if he/she find the request unjustified. (Working Methods, n.d.)

These organisations develop the two Frontex Code of Conduct and work on the respect of international, European and state laws and agreements, especially on the Charter of Fundamental Rights of the EU.

The two Frontex Code of Conduct are established in the Agency regulation in the Articles 1 and 9, apart from the Article 26a. The Code for the participants establishes a set of principles and prohibitions which guarantee

the fundamental rights and a high ethical behaviour among the staff of the Agency. (Frontex CoC, n.d.) According to the Code, participants in Frontex activities have to respect: International, European and national lawfulness, as well as the Code; fundamental rights, respect to human dignity and non-discrimination; international protection stressing access to asylum procedures and the principle of non refoulement; diligent performance of the duties; individual responsibility; independence and impartiality; confidentiality; and behavioural standards.



The Code prohibits the abuse of authority, influence or power; discrimination; harassment; corruption; the use of narcotics and drugs; consumption of alcohol; and sexual services, either public or private. It has also a chapter for rules applicable to law enforcement officers where determines their fairness and use of force and weapons. The use must not exceed the minimum degree necessitated and it must be done with the consent and presence of the host Member State border guards and according to the host law.

The Code is one of the internal mechanism to prevent fundamental right's violations since all the participants of the operations may know the

content of the Code and are obliged to report any infringement of a fundamental right to Frontex. If someone violates the principles or prohibitions of the Code, the Executive Director will take measures including the removal of the person from the activity.

The Code of Conduct for Joint Return Operations coordinated by Frontex guarantees the respect for fundamental rights and the safety in the returns of migrants. The Code is based on the international law, especially in the EU Charter of Fundamental Rights and focuses principally in the principles of "human dignity, the right to life, the principle of non refoulement, the right to asylum, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security, the rights of the child, the rights to the protection of personal data and non-discrimination, and the right to respect for private and family life", says the Code.

The Joint Return Operations are conditional to the respect of these rights. The Agency only gives financial support to the states if they act as the EU Charter of Fundamental Rights stipulates. If there is any sign of violation or unsafety the operation must be interrupted or terminated. This statement includes proportionality in the use of force and healthy requirements. At least one doctor and appropriate medical staff have to be in the operation. Besides, a returnee must be healthy enough to take part in it.

The Member States participating document the operations and independent organisations which have all the information monitor them and report to Frontex. A Member State can only participate if it has an effective return monitoring system. Any participant in the operation who suspects there is a violation of the Code have to report it to Frontex and to the

national authorities if the violation rests on national officers, as it happens with escorts' work which is responsibility of the Member States.

Both Codes take care of vulnerable groups like children, but Frontex strengthen their protection with the publication of the VEGA Children Handbook (Frontex, 2014) for border guards to support children and the implementation of the Vega Operation to detect and punish child trafficking. (Frontex, 2015e)

The two Codes were made after the aforementioned Study on the Ethics of Border that shows that most codes agree in the protection of fundamental rights and freedoms, non-discrimination, incorruptibility, confidentiality, prohibition on torture, high standards of behaviour, restraint in the use of force and other values like honesty, impartiality, responsibility and etcetera. It also gathers information about the special care the border guards must give to children and victims of trafficking, crime or exploitation. Among all the codes and treaties, the Study highlight the Schengen Borders Code and Handbook, the Updated Schengen Catalogue, the EU Charter of Fundamental Rights, National Codes, the Universal Declaration on Human Rights, EU Council Decisions and EU Directives.

These principles and ethics codes are included on the Operational Plans drawn by Frontex and shared with the Member States. The Agency respect these principles to the point that any violation or threat on the respect of fundamental rights might drive to the

termination of a joint operation. Participants who know or suspect about some violation must report to Frontex through the Agency channels like the Standard Operating Procedure (SOP) or the Frontex Serious Incident Reporting System.

There is also the Common Core Curriculum that ensures the respect for fundamental rights in border guards training. (Frontex, 2008) It works since 2007 developing a harmonisation in the border guard education in the EU in order to raise the standards of the board staff. The Common Curriculum is designed with several training European institutions, expert representatives from all the Member States and Schengen Countries and partner organisations. It includes all kind of border topics and promotes the best practices.

In addition, Frontex has been collaborating periodically with international organisations like the ones within the Consultative Forum, and also UNICEF, UN Special Rapporteur for the Rights of the Migrants, Red Cross, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Interpol, Europol, Eurojust, the European Police College (CEPOL), the European Commission, and with the authorities of third countries, among others. (Frontex, 2014)

The Frontex Fundamental Rights Strategy is updated regularly in line with the geopolitical, technological and fundamental rights advances, changes and needs in order to cope with the challenges of the increasing migrant flows and maintain the Frontex commitment on fundamental rights.

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## JOURNEY OF A MIGRANT: THE TWELVE LABOURS OF HERACLES

According “Immigration” is, according to the Oxford Dictionary, “the process of coming to live permanently in a country that is not your own”. In all time, living conditions and disasters pushed human kind to flee and look for a better place to settle down, therefore spreading around the world, crossing borders, oceans and continents, but the phenomenon has never been as intense as the last decade.

59.5 million: That is the official number of refugees in 2014 according to the last report released by the UNHCR in June 2015. This number, in constant augmentation, knows an acceleration of its growth since 2011, where about 42.5 million refugees were recorded. But these numbers represents stocks of migrants. This acceleration of the refugees can be explained by the conditions in the countries and the recent conflicts which are shaking the world lately: Syria, Somalia, Eritrea, Iraq are part of the countries which furnish most of the migrants.

Indeed, in the first 7 months of 2015, 188,000 migrants passed though the Mediterranean Sea according to the UNHCR, which represents an augmentation of the number of refugees of about 80% in comparison of the same period of 2014.

*«The Office of the United Nations High Commissioner for Refugees (UNHCR), established on December 14, 1950 by the United Nations General Assembly is the agency mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide»*

According to Frontex, in 2012, about 25,000 migrants joined the European Union through the Mediterranean Sea; in 2013, they were about 65,000 and 283,000 in 2014.

*«Frontex is an organisation which promotes, coordinates and develops European border management in line with the EU fundamental rights charter applying the concept of Integrated Border Management»*

The amount literally exploded: between January and July 188,000 migrants or refugees crossed the European borders passing through the Mediterranean Sea, about 60,000 more than in 2014 in the same period.

### Why are they leaving?

This is a legitimate question to ask, considering all the hardships they will have to overcome: traveling to reach the country of departure, gathering the money, finding a smuggler, surviving to crossing the sea, settling down in the country and all the risks they are taking.

Migrants coming through the Mediterranean Sea usually come from Middle East and Sub-Saharan countries; indeed, the main country of immigration are Syria, where civil war is ongoing since 2011 and already caused the death of 310,000 (which represents approximately 1,4% of the population). Out of the total population of 22.4 million, around 12 million is in immediate danger. Considering that, it is not surprising that 7.6 million people moved away from their house and other 3.9 million fled the country. Other countries as

Afghanistan, Eritrea, Nigeria, Somalia, Iraq and Sudan are also countries of origin of mass number of migrants. Living conditions in these countries are not what we can call good either, as in Eritrea. In this country, which is independent since 1993 and lead by Issayas Afewerki, the military service is obligatory and last for an undetermined time to earn an absurd income, 450 nakfa (about 30\$). Moreover, men being beaten and women raped is a common thing during their military service. Any failed attempt to escape must head you to jail, sometimes torture, and can even cost you your life.

Once again, it is not surprising that, over the 5 million inhabitants, 1 out of 5 already fled or tried to flee.

The applicants to immigration know that it is not going to be easy, and that an obstacle course is waiting ahead of them with a lot of sacrifices, of pain, of troubles, and that even if they succeed and get in the “country of their dreams”, there live will certainly not be peaceful and amazing as they imagine it; they might face rejection, xenophobia, unemployment.

Therefore, even though they know all of these problems, why do they still want to leave? The first answer that comes to our mind is hope; this is human nature. The living conditions are so hard and the economic, political and social situation in their country is so bad that they cannot imagine worse. Another reason is the threat of imminent death: staying is taking a huge risk in these countries where the reality of civil war became ordinary for the people.

Moreover, in most of these countries, violence prevails, like in Syria where civil war –several conflicts between the Hezbollah, dissident groups and Bashar el-Assad’s army – is raging since 2011, making more than 300,000 deaths, or Iraq where such groups as ISIS or Al Qaeda are presents and are sewing terror and death.

The other reasons that might push people to flee their country are the weak and unsteady economics and political conditions as in the sub-Saharan Africa, for example Somalia or Eritrea.



For a combination of all these circumstances, more and more migrants are arriving every day to the European continent. But what do we really know of their travel and what they had to face to come here?

*«The Islamic State of Iraq and the Levant (ISIL), also known as the Islamic State of Iraq and Syria (ISIS) is a Salafî jihadi extremist militant group who proclaimed a caliphate led by Sunni Arabs from Iraq and Syria»*

### Let us reconstitute the journey

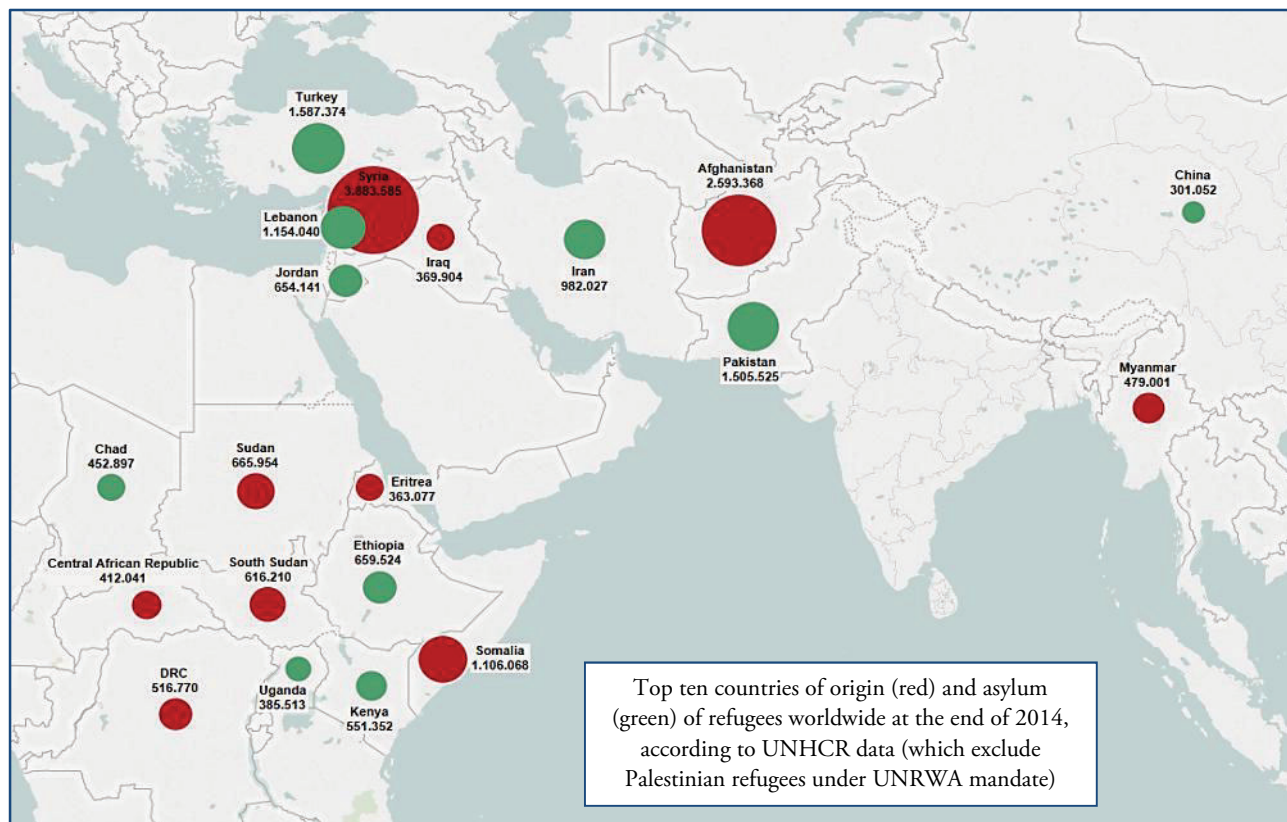
Only few lucky ones can afford the luxury of leaving on their own, for the others, no matter the country they come from the first step is always the same: finding a smuggler.

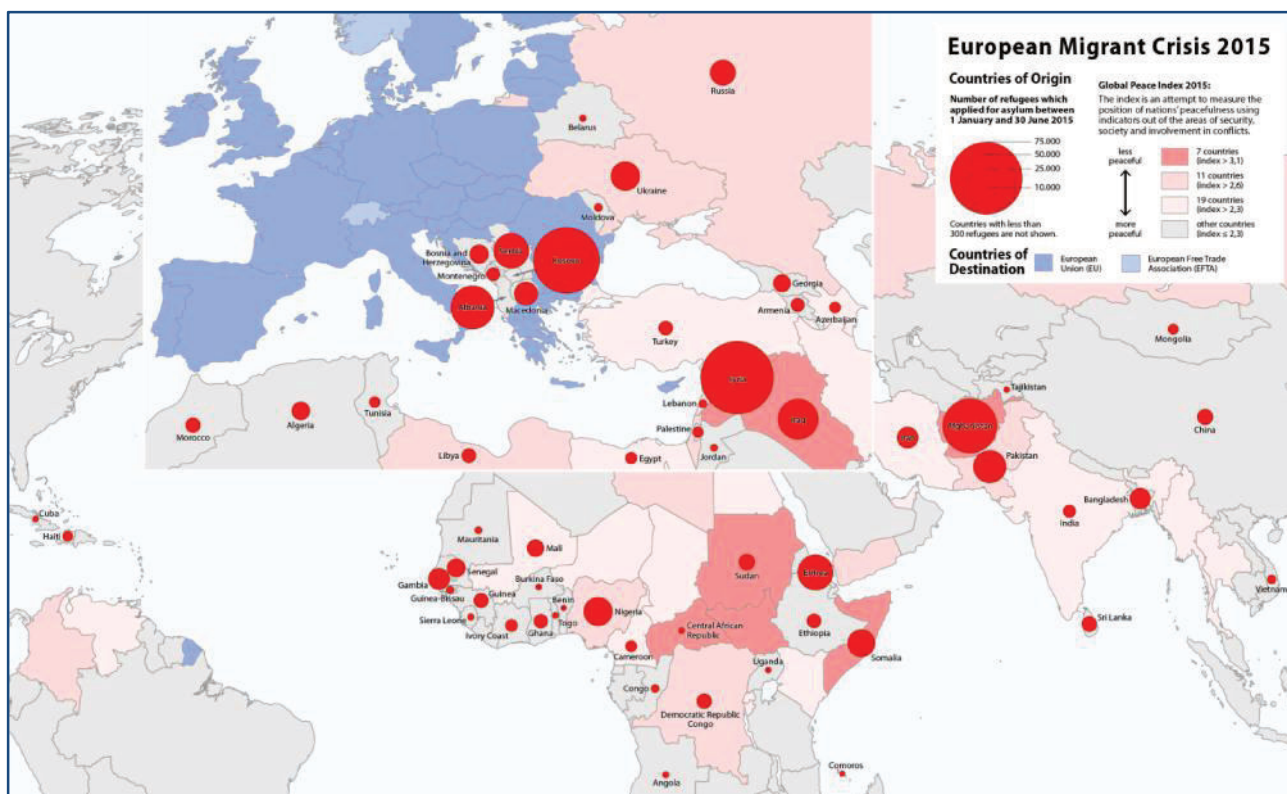
This phase might seem complicated, but is actually easier than we might think, especially since the rapid spread of social networks as Facebook, Twitter, Viber or even What'sApp.

Getting in touch with those people is now quite easy; indeed, methods evolved for the immigrants. Years ago, smuggler was not a real

job. A random fisherman could lend his boat to anybody willing to leave; at that time, the relation was more human and improvised "smugglers" cared about people's lives. Smugglers are now looking for "customers" directly on the internet, creating fake profiles, posting advertisements and sending messages. A comfortable amount of groups are proposing journeys to Greece or Italy from Libya or Turkey. From word of mouth, migrants who already left the country give their contact to potential migrants. A simple contact by message is enough to exchange the necessary details of the trip (price, date, conditions of the journey, etc.) Some journalists pretended to be potential migrants, and it appears that in less than 30 minutes, all the essentials details were exchanged, from the price to the location, passing through the "conditions of security" on the boat.

Once the contact is establish, the applicant just have to choose in-between the different "offers" proposed to him: A transit on a boat,





sometimes called liner or even yacht for 2500€, but no worries if they are a family with kids, some discounts are planned for them (2200€/per for a group and half price for kids). But prices can vary, depending on what they want, from where they leave, how much of the journey they want to be organised by smugglers, and more importantly, how much money does the smuggler wants to make. Starting prices are cheap, indeed, to cross the Mediterranean Sea from the Strait of Gibraltar, they have to spend only 200€. The journey between Morocco and Spain is relatively cheap in comparison to its brothers; to join Italy from Libya, it takes the modest amount of 4000\$, so approximately, the price of a two-way ticket from London to New-York in Business Class. To compare, the price of a one way ticket from Tripoli to Milan cost around 500€, 8 times less than the travel in boat. When we know that about 50,000 migrants arrived to Italy between January and June 2015, we let you imagine the spoils that accumulated the smugglers in only half of a year. According to the OIM, one way

in a boat can bring back between 4 and 7 millions of dollars to the smuggler.

But before crossing the Mediterranean Sea, migrants must get to Libya. This is usually a long and exhausting journey through the Sahara Desert. They can also effectuate this journey with smugglers; indeed, the journey from Benin to Libya cost around 10,000\$. But there is worse, in Central Africa, some smugglers propose to bring them to United Kingdom for 40,000€. For this price they receive official papers and the promise of a job and therefore, good living conditions. The average income of 41\$/month in this country is making this journey clearly impossible without borrowing money or asking to a member of the family that lives abroad. It would take approximately 90 years to gather the money without spending anything aside even for food or accommodation. For a complete journey from Eritrea to Italy, they can ask for the assistance of several smugglers; these ones are indeed connected, know each other, as they created a true network of smugglers.

From Eritrea to Ethiopia, the journey cost varies between 1500 and 2000\$; the migrants then have to add 1500\$ to get to Sudan, another 1500\$ to enter Libya from where they can finally cross the Mediterranean Sea and join Europe through Italy, for about 2000\$. The complete journey in the end can therefore cost around 7000\$. As said before, to pay these amounts, potential migrants can ask their family abroad to send money or borrow this money. But this amount of money requires time, so it is not rare that migrants stop their journey in Sudan or Libya and start working in construction sites.



But all of these journeys are only taking in charge the travel in its simple form, no extra included, even though they are necessary to the dignity and even to the survival on the boat. Any little supplement is a way to make money, therefore, if they want to increase their chances to arrive live on the European borders, it will cost them extra 200\$ for a life jacket, a simple snack can easily cost them 100\$ and with the price of a phone call, 300\$, an amount for one could buy a new phone.

Economic exploitation of migrants is only a part of the hardships that they have to face. Most of them are risking their lives during these journeys and not only on the boats as everybody thinks. From the very beginning of their travel, migrants from Eritrea are in danger; the moment they pass the border to

Sudan, Eritreans become targets. Indeed, since 2009, 10,000 of the 50,000 Eritreans who passed through the Sinai Peninsula never reached Europe. Thousands of Eritreans were abducted by criminal groups and then conducted towards the desert of Sinai where they remained prisoners and suffered torture. The schema of the abduction is systematic: raped, beaten, deprived of food, migrants are tortured, and while they are screaming, kidnappers call their families to ask for ransom. And the amount of money asked is quite huge according to testimonies, ransoms between 25,000 and 50,000\$ are required to liberate people.

And the business is lucrative; according to Meron Estefanos, between 2009 and 2013, at least 30,000 people have been abducted in the Sinai, which represents a loot worth of 622 millions of dollars.

But why choosing Eritrea as a major target, a small country in the Horn of Africa? Because of its diaspora; indeed many Eritreans are living in Europe or Israel, which make them vulnerable to those who want earn money on them. And all this traffic conducted with closed eyes of the local police.



For the other migrants, life is not easy and peaceful; Eritreans are indeed ready to do anything to escape from their country, thousands of them are therefore crossing the Ethiopian border every day hoping to find a better place. Out of the 620,000 refugees living

in the country in 2013, 100,000 were Eritreans. Their living conditions in camps, sleeping on the floor and spending days under tents waiting for meals, is definitely not the best; the lack of funds of the relief organisations and NGOs is a part of the problem. But even though their life is not heaven, none of them would be ready to go back in their country.

Another dangerous place during their journey is well-known; indeed, being on the front pages of the newspapers in the past months: the Mediterranean Sea itself.

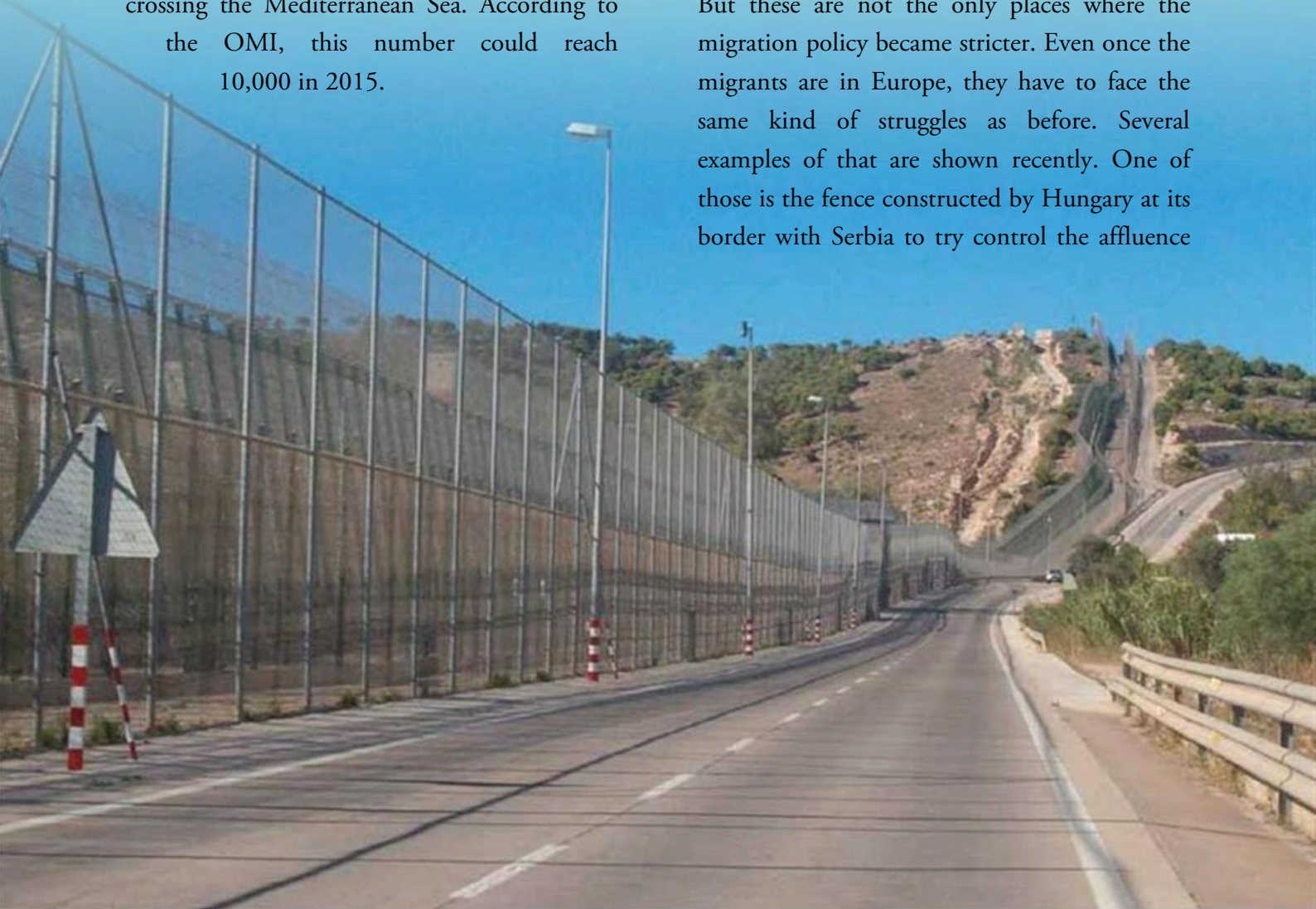
Since the last shipwreck of a boat transporting 700 migrants towards the Italian coast in last April, the world is more conscious about this phenomenon. Several surveys have been conducted revealing monstrous results: since 2000, 30,000 migrants died in the Mediterranean Sea according to The Migrants Files. In 2014, they were 3,500 and since the beginning of 2015, 2,000 people died while crossing the Mediterranean Sea. According to the OMI, this number could reach 10,000 in 2015.

Therefore, to fight against this kind of disaster, countries made stricter their policies of migration, reinforcing control and operations in the seas.

First of all, the operations as Triton and Poseidon launched by the European Union in order to help Italy to control the number of migrants and to rescue unlucky migrants. But this kind of operation is not the only one and some other has to main purpose to close their borders such as in Ceuta and Melilla, the Spanish cities located in the north of Africa.

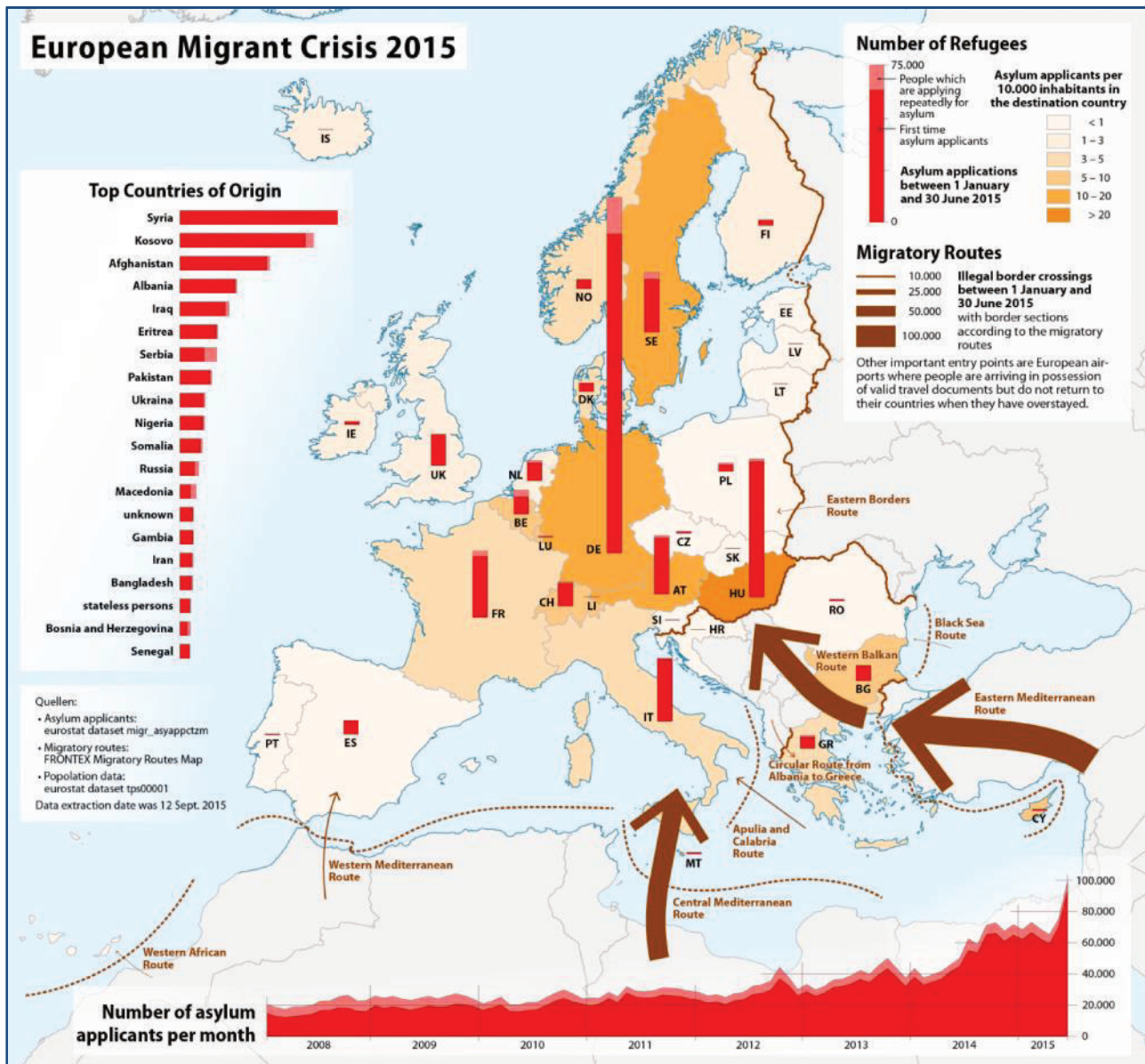
Indeed, these two cities decided to build walls to separate from Morocco in 2001 to face the affluence of refugees. These barriers have been financed in partly by the European Union, and since the beginning of the 2000s, the politic of immigration become more complex. In 2014, 4,200 migrants crossed the border of Melilla. Since 2000, according to estimations, 29,000 migrants passed through these cities.

But these are not the only places where the migration policy became stricter. Even once the migrants are in Europe, they have to face the same kind of struggles as before. Several examples of that are shown recently. One of those is the fence constructed by Hungary at its border with Serbia to try control the affluence



of migrants. Another example can be the debate between France and United Kingdom to take care of the migrants of the city in Calais. Once settled down in Europe, other struggles are waiting for migrants: integration, marginalisation underemployment, language struggles,

discrimination, healthcare and education problems. And of course, the risk of expulsion and start again this whole process. For this reason, a lot of refugees do not want to declare their presence and to regularise their situation by the fear they have to leave.



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# IMMIGRATION POLICY IN HUNGARY

INTERVIEW WITH ANDRÁS ALFÖLDI, LEGAL OFFICER IN THE HUNGARIAN HELSINKI COMMITTEE

## *Hungarian Helsinki Committee*

*Founded in 1989, the Hungarian Helsinki Committee is a non-governmental organisation that aims at monitoring the respect for human rights and providing victims of human rights abuses with free legal assistance. It is a member of the International Helsinki Federation for Human Rights and the European Council on Refugees and Exiles. The organisation focus on protecting the rights of refugees and migrants, and it is a member of the European Council on Refugees and Exiles.*

### *Can you describe HHC's work in human rights and its special focus on refugee protection?*

The mandate of the HHC here in Budapest is to ensure that human rights are respected and to be sure that they can be enforced in an efficient and accessible way. We have two programs: the law enforcement program, which is about preliminary detention and abusive behaviour, and the refugee program which deals with asylum-seekers. We try to provide them with free legal representation and we try our best to provide information in general for refugees or asylum seekers.

### *Are most asylum-seekers aware of their rights?*

I think the main problem for the refugees is lack of information. They have no idea where they are, what this country is, its traditions or the administrative obstacles... so I think information is the key problem here. I can safely say that the Hungarian authorities are unprepared for this situation, despite very clear signs on the increasing number of refugees in recent years. I think the whole country is

unprepared so we try to deal with this problem. We believe that the government has policies that are not always useful. They try to make a political capital out of this. They try to get votes and that's a very big problem.

### *What is the Hungarian Helsinki Committee's position in the recent changes in the Hungarian immigration law earlier this July?*

Right now, at the moment, there are two sides of this coin. On the one hand, there is this physical fence, the border closing in a physical way. And on the other hand, there is the border closing in a legal sense. About the changes of the law, we believe that these changes empty the asylum procedure in Hungary. We can safely say that we disapprove these changes. We believe that 99% of the asylum seekers won't be able to apply. Their applications will be denied because of the changes in the immigration law.

The Hungarian government declared Serbia, Macedonia and Greece safe third countries. This is very important, because in the sense of refugee procedures these are not safe third countries, there is no one in the EU member states that looks at these countries as safe countries. This is one of the main reasons why we believe that these changes are very bad for the asylum seekers.

With the Dublin regulations, if there is one asylum seeker and he reaches the EU by one state then that state has the legal obligation to examine their application. If he enters the EU through Greece, it is Greece who has the

obligation to examine the application, but in practice the EU does not consider Greece as a safe country in terms of refugee protection. Refugees cross Greece, and from Macedonia, Serbia or Montenegro they end up here in Hungary. But if we consider Serbia, Greece and Macedonia safe third countries then we can just send them back to Serbia and let the Serbs do the examination and define whether they are refugees and entitled to international protection or not.

*Are there any legal issues involved in the new changes made in immigration laws in Hungary? By defining Serbia, Greece and Macedonia third safe countries, is Hungary violating any law or directive?*

There is a directive of asylum procedures that says EU members have the right to declare other countries as safe countries. So, legally speaking, Hungary has the right to declare these countries safe, although this is very questionable. In a practical way it is just outrageous. We know these countries are not safe, we have guidelines from the UNHCR and

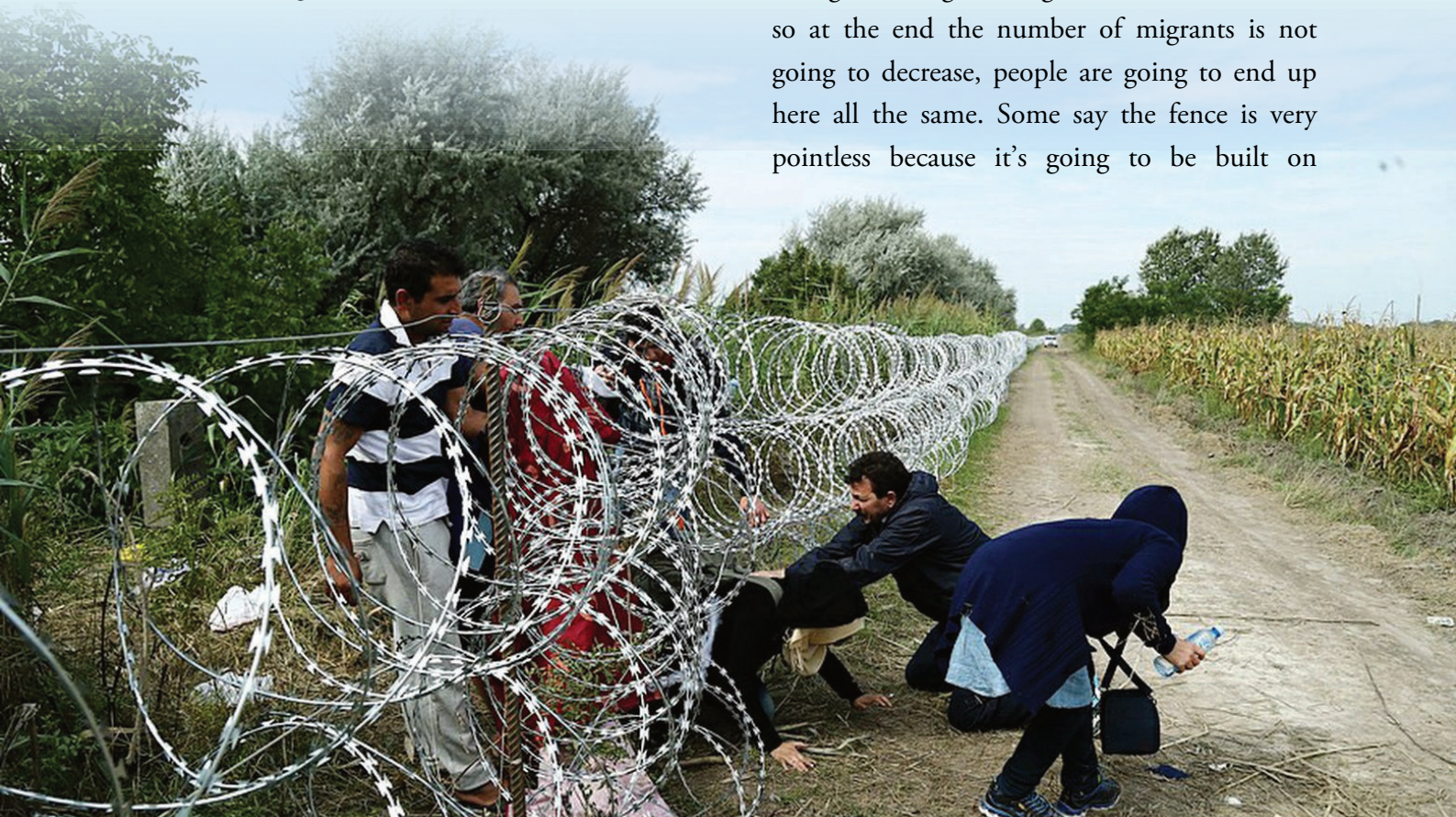
Amnesty International telling us there are very brutal ways of treating migrants in Serbia and Macedonia, so they are not safe countries.

Volunteers in Szeged tell us about the injuries of the asylum seekers coming from Serbia. Every sign indicates that Serbia is not safe. And with these changes of the law it will be very easy to declare an application inadmissible because the immigration office can say that Serbia is a safe country. I think that what the government wants here is to send 99% back to Serbia, and it's not good.

We went to the Strasbourg court because of the legal changes and Strasbourg is going to decide. We believe that in a practical way it's going to be almost impossible to get international protection here, and this violates the Geneva Convention and the EU law. It violates even our own Constitution.

*What are the HHC's views on the construction of the fence in the Serbian border?*

The fence by itself won't be able to hold back a migration wave like this. It's not going to be enough. I can go through Croatia or Romania, so at the end the number of migrants is not going to decrease, people are going to end up here all the same. Some say the fence is very pointless because it's going to be built on



Hungarian soil. In international law, if you enter that area you are already in Hungary, and the Hungarian authorities have to deal with you. It makes it very pointless.

***What do you think is then, the main purpose of building the fence?***

I think it is symbolic. I don't think the government really believes the fence is a solution to this epidemic. I believe the government wants to show the people that they are doing their very best, because the average voter in Hungary doesn't know there will be two metres of Hungarian soil in front of the fence.

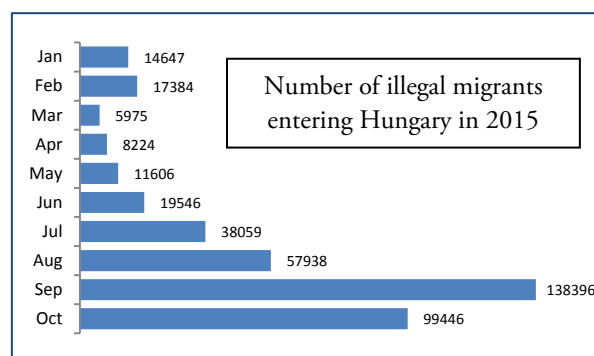
***What is the reaction of the Hungarian society?***

I'm sure we are aware of the very xenophobic campaign of the government. I would say that it's very counterproductive in terms of people's attitude towards the irregular migrants. It's very important that they are irregular, not illegal. I would say that the attitude of the average Hungarian is getting worse because of this hateful campaign. I could only urge the government to stop this.

***What are the difficulties refugees face when entering the Hungarian border?***

I can say that one of the changes of this new law is that there will be more detention, so the police can put in jail these people for 24 hours and this can be extended for another 12 hours. This is what is happening now, they just put people behind bars and they don't even have the right to do that in a lot of cases, but they are overwhelmed. People are just going to be there and remain there.

A lot of people don't ask for asylum because they don't want their finger prints to be taken in Hungary. [If this happens] Hungary will be responsible for them. So that's why we have a lot of people from this police institute facilities here and they will be deported back to Serbia. They can try again and avoid the authorities. But what's happening in reality is that even though they have their finger prints taken, they are not in detention, so they can leave, and most of them leave.



We are a transit country. These people want to get to Western Europe, to Germany, to the UK. I think the chaos is very big here.

***What are the conditions in refugee centres?***

The conditions are bad. I've been told that there are huge cages, there are bars in these constructions. There is not enough food and there is hardly enough psychological aid or even medical care.

The facilities were not designed for refugees. Most of them are old military buildings left from the Soviet Era. There are recent news that the government decided to move the camps out from the cities. What they want to do is to create isolation. Their idea is that the tents are going to be enough for these people. And I think this is really outrageous, because they have no solution for winter.

# IMMIGRATION POLICY IN HUNGARY

INTERVIEW WITH GYÖRGY NÓGRÁDI, UNIVERSITY LECTURER, SECURITY POLICY EXPERT

Katalin Szabó

Translated by:  
Marina Luka and Alex Szanyi

*Migrant, immigrant, refugee. The media tends to confuse or use these concepts poorly and the inexact use of terminology can strengthen negative preconceptions in connection with the refugee crisis. Who are they exactly? What is the difference between the definitions?*

I am not a lawyer therefore I will not interpret the definitions in legal terms. In my view predominantly economic migrants are arriving presently in Europe but the definition of economic migration is a matter of perspective. Like the definition of Arab world is not standardised either. According to the European Union the Arab world extends from Morocco to Shatt al-Arab. In the definition of the US administration, Turkey is also listed here.

*What about the expression “migrant issue”?*

The point is that thousands of people are coming from different directions toward Europe. In 2012 13,000 immigrants arrived in Italy which is manageable yet. In 2013 almost four times more, 43,000 people and in 2014 – again roughly four times more than in the previous year – 170,000. This year, only within the first 5-6 months 102,000 people have arrived. I think, that the numbers speak for themselves. In the case of Hungary the migrant issue has a quite different meaning than in most of the states of Western Europe. We don't have a colonial history so our historical responsibility is completely different than of Western European countries.

*What causes the strong increase in migration flow? What are the most important origin countries and could any change be experienced regarding the most crisis-affected regions?*

The migrants come from two different directions. One direction is the Libyan, the other is the Syrian. At the same time it doesn't mean that all the migrants are from Libya and Syria. During the registration 90 percent of the arriving people from Serbia to Hungary state that they were born on the 1st of January. Similarly, not everyone who comes from the direction of Libya is Libyan, many of them come from Sub-Saharan Africa, who were recruited there, in a town called Gao (Mali). There already, their money, which covers the travel expenses, is taken from them and the local police snatch the third of it. From that point on, the strategic aim of the police is that more and more people head to Europe since it's a source of money for them. But Europe is not prepared to receive migrants in such a great number. Despite that the intelligence indicated well in advance the danger of mass migration, European politics did not react.

*Do you think it would have been able to do that? Or could the European Union act effectively in this matter now?*

The fundamental strategic question of the European Union for over 20 years is that what we want: to deepen or to expand? The EU's response has always been the expansion. In

parentheses, I remark that the situation is the same in the case of NATO. In my judgement the countries that were taken up in the last 10-15 years either to NATO or the EU were unsuitable. Rather political than professional criteria were considered during the admission. The problem is that in the last decades Europe is no longer a dominant region in the world. Currently there are three global players. In order: the USA, China, and Russia. Europe is no longer a leading player in this game. In fact it couldn't solve a trivial matter in Yugoslavia without the help of the United States. Who is interested in a strong Europe? If we want to be honest, we have to say: no one.

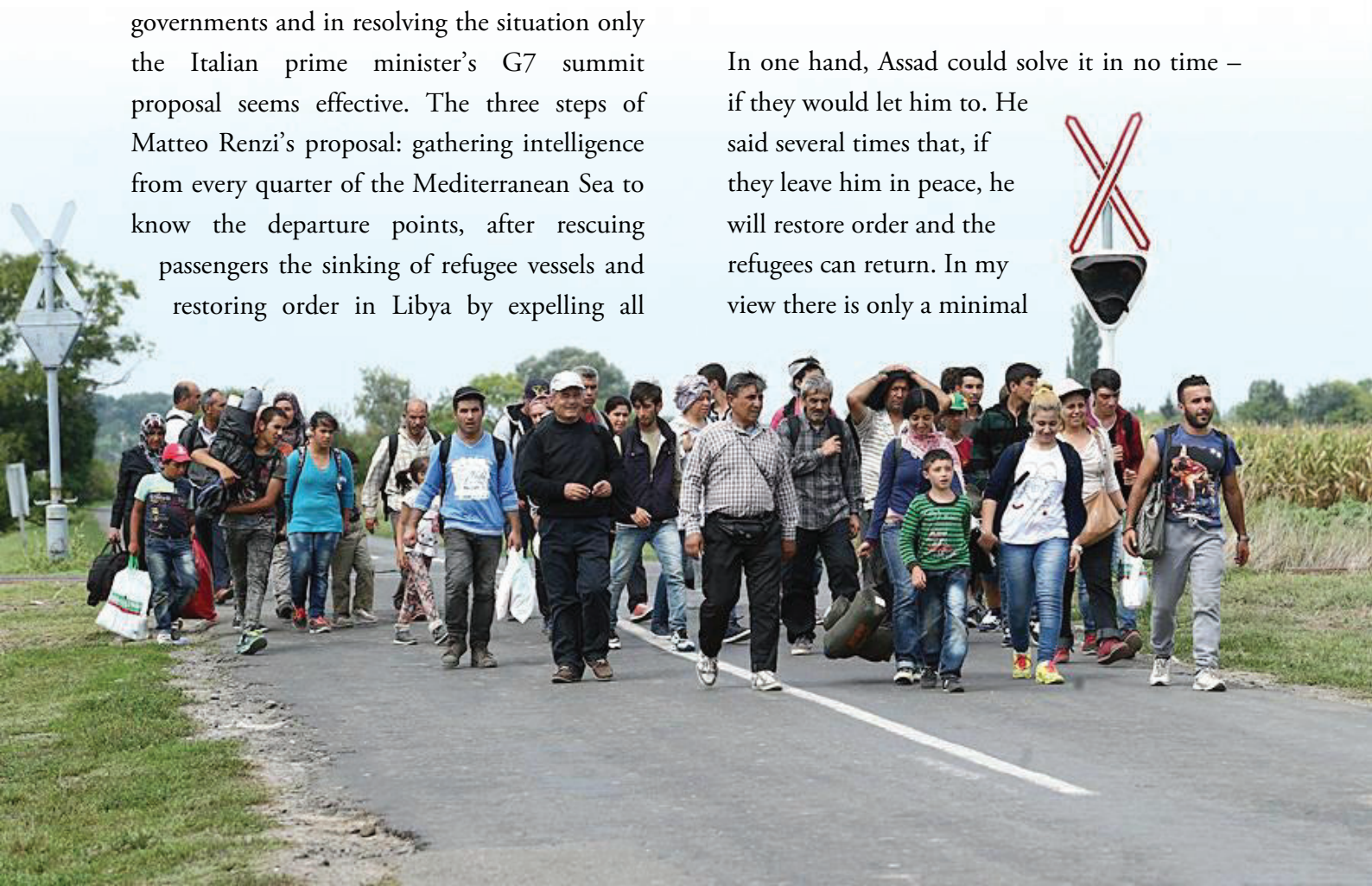
*In fact should order be restored in Libya and Syria in order to curb the flow of refugees?*

Without doubt Gaddafi held a number of speeches in which he was well aware of the rising tide of migrants in the case of his overthrow. Libya currently has three governments and in resolving the situation only the Italian prime minister's G7 summit proposal seems effective. The three steps of Matteo Renzi's proposal: gathering intelligence from every quarter of the Mediterranean Sea to know the departure points, after rescuing passengers the sinking of refugee vessels and restoring order in Libya by expelling all

three governments. At the moment no one undertakes this. Syria is different. The country – beside Iraq, Iran and the Hezbollah – belongs to the Shi'a Crescent whose power and influence is contrary to the interest of the West and the Sunnis. Syria proved to be the weakest link in this system. Syria's population is estimated to be around 20-22 million, the majority of them are Sunnis. Contrarily, the administration of Bashar al-Assad represents the 6-8 percent of the population, the Alawites (a religious group, the local Shi'a counterparts). Thus, even more political powers aim to break Assad's regime. Turkey would like a Sunni, Turkish-friendly government while the West wants the rise to power of a pro-Western democratic system. The problem with that is the lack of a social base. Only a few hundred people sympathises with this.

*With such conflicting interest how and most importantly in how much time could be the situation solved?*

In one hand, Assad could solve it in no time – if they would let him to. He said several times that, if they leave him in peace, he will restore order and the refugees can return. In my view there is only a minimal



chance that Assad will be displaced. If this would happen, the new system – without a social base – would still be weak. The so-called pro-Western Syrian democrats are simple puppets who are not even accepted by the Sunni majority. In my opinion the local conflicts should be solved first of all. The problem is that Europe is unable to do so. So it will be resolved by the US or no one. Like it or not, without the United States this problem can't be solved. The US dictates the rules for the Middle East, anyways.



*Since you have spoken about the United States, do you expect changes from the upcoming presidential elections? Obviously the resigning Obama will not swing into an international action to solve the situation. What to expect of the new president?*

My opinion is that the vast majority of American presidents are mediocre. Obama was not what was expected of him. The first four years were mediocre and the second four were even slightly worse. He simply could not live – not even in eight years – with the presidential leverage. Of course this leverage is controlled by the US military, economic and political realities. The new president will be decisive if only in the case of the new establishment. Lots of changes can be expected in the Department of State, there will be personal changes in

Ambassadorial positions, and the security approach could also change. We will see who will win. The current leader of Republican list is a disaster but he grants satisfaction to the public demand.

*Let's talk a bit about the Islamic State!*

The Islamic State subordinated several terrorist groups, just think of the Boko Haram. Today they have cells everywhere around the world. I think it could be beaten only by deployed western troops however the US will not undertake this only one year before the election. The United States would step up with three different forces against the IS. The Iraqi army, which even the US Defence Secretary has criticised for their lack of courage a couple of weeks ago. The second are the Kurds in Turkey who fight with 30-40 year old weapons in their own war against the Turks. The third power would be the Syrian democrats existing only on paper. Meanwhile the Islamic State rolls on the floor laughing.

*So there is no capacity for successful action against them? Let's say on a European level without the USA?*

No, because there is no European army.

*Rudimentary.*

Not even a rudimentary. There is a Danish-German-Polish cooperation but there is no European army. In order to create a European army we should take a stand against the USA what we cannot do. Furthermore we should maintain a global intelligence for which there is neither ability nor money.

*You suggested in an interview that a fence should be built in Turkey.*

The fence already exists but only serves Turkish interests. The Turkish policy today is very relative. No one dares to say, that after the fall of the Soviet Union there is no need for Turkey in the NATO. Turkey is in conflict with all of its neighbours today. I have said that if Turkey would close the Syrian border – which of course will not happen – the mass migration would end. But first, the order must be restored in Syria.

*You said that the USA intervention would be the solution in Syria. Don't you think that it would further complicate the situation?*

Rather the coalition led by the USA. The Syrian government controls only approximately 40 percent of the country's territory, the remaining part is under the influence of the Islamic State. The only way to restore order is to eliminate the Islamic State and appoint a new leader. The West doesn't want Assad but Syrians don't want to accept the pro-Western Syrian democrats. So if we want the democrats to rise to power in Syria we should support that government with significant Western troops in the same way as we did in Iraq and Afghanistan.

*Regarding Libya you also mentioned that if it wasn't for Western intervention, the situation would be better.*

That's right.

*But why not leave the decision in the hands of the local people?*

Are they able to decide while three governments exist? There is no country where the Arab Spring would have won. Only Tunisia has achieved partial success, and of course the Western experts declared that the American style democracy finally won. Did it really win anywhere? No. Then what are we talking about?

*Many draw a parallel between immigration and terrorism. Do we have anything to be afraid of? How serious are the security risks?*

It may be that many people draw a parallel but I never do. So far, there was not a single case in which it was proven that there is a terrorist among migrants. It could happen but it is not proven. On the other hand if we take a look at the terrorist acts committed in Europe, we can tell that there isn't a case where a terrorist



arrived recently. The perpetrators were mainly second, third, fourth generation immigrants. There is no evidence that there would be a terrorist among the immigrants

who arrive in Italy or Greece. Imaginable but it is not proven. The Islamic State says that you can kill anyone you want, with any weapon of your choice. You can choose the place and the target. I don't tell you anything, just do something. Because of this the European intelligence services are in a quite complicated situation. Where to intervene? Against who? My answer is to the question that after 9/11 despite the strengthening of intelligence cooperation everywhere an attack can occur

anytime, anywhere. I'm always saying that it never gets publicity if the intelligence prevents 99 outrages from a hundred, but after the hundredth heads would doubtless roll. Egon Bahr the doyen of the German Security Policy says: "Security is absolute in the past, relative in the present and incalculable in the future."

*Let's turn back to the migration crisis in Hungary. Greece and Italy have been struggling with the problem which was not seen in Hungary before. How organised is this? So I understood from your words that this is an organised process and that primarily not the poor war refugees are coming to Europe?*

I always like to find out what's exactly happening. One night I went over to Serbia to see what was going on at the Hungarian border. I saw this: the migrants are coming from Macedonia to Magyarkanizsa on luxury coaches. The vast majority of passengers – after getting off the bus – goes to the bank and takes out a band of Euros. That clearly shows that not the poor are coming but it is better not to generalise. What I can say is that now the middle class is on the road. However these people are hustled. There is a man in Magyarkanizsa who – after becoming the local chief of the smugglers – suddenly became a millionaire, bought the nicest house in the neighbourhood and two luxury cars. According to certain sources there are 40,000 smugglers in Europe, many of them are Albanian. Albanians sent illegally one million Albanian to Western Europe in the last 10 years. Meanwhile the news talk about 900 captured smugglers across Europe. But who they are? Truck drivers, bus drivers, insignificant people. They can't reach the main line or the heads of human trafficking.

*What do you think about the responsibility of the countries in the Middle East region? There is no war, the religion and culture is the same. But the final destination of migration is still Europe.*

Indeed. While Europe must address the problems caused by the migration flow, the rich Arab states will not accept anybody. As the US and Australia either. Why? They simply do not need these people. In contrast, Europe is trying to accommodate the newcomers, especially young people. A German government document literally says: it has begun the fight for the best brains.



*What do you think, how successful can the integration be into a Christian European society in the case of people who are coming from a completely different culture, religious traditions, and have a radically different value system?*

It is clear, that the integration policy has already failed in Western Europe. There is a lack of skilled labour but the families of second, third, fourth generations simply cannot or do not want to integrate. Nevertheless there are serious internal problems. For instance, in France the main questions are: housing, employment and education. In Germany the proportion of school-leavers among the second, third and fourth generation migrant children is 2.1:1

compared to children of German families. The proportion is the same in the case of unemployment 2:1. For the second, third, fourth generation migrant families the proportion of people with high-school graduation is 22%. Among Germans 62%. But we could mention marriages, too. 10-20 years ago the marriage between a Christian and a Muslim was completely ordinary. Now, it is practically non-existent, only 0.5% of the marriages.

*Let's sum up! What could stop this process and what are the prospects for the future? How long can we sustain the current situation? How long could the wave of immigration continue? Will there be a joint European settlement plan?*

The way I see it, the later comes the solution the worse the situation. The more migrants

arrive the more radicalised both sides become. And that is dangerous. Meanwhile 20,000 Europeans fight for the Islamic State.

### *Mostly Germans, right?*

Germans, Belgians and many other nationalities. It has been around a hundred Germans dead fighting in Iraq or Syria. Not all of them were Muslims. In many cases disappointed Christians join the IS. If Europe cannot solve the issue it will face serious difficulties and leaves room for national solutions. For example the Estonians already built a fence along the Russian border on paper against the migrants but rather against the Russians. There is a fence on the Turkish-Syrian border, on the Turkish-Greek border, around the Spanish enclave in North-Africa. This will lead to a disaster.

# IMMIGRATION TO SAUDI ARABIA AND KUWAIT

In recent years, many people from Middle East are immigrating to countries in the route of Europe due to the bad circumstances. Why are not they immigrating to the wealthy Middle Eastern or Gulf countries? Examination of two wealthy Gulf countries' immigration policies are going to be a major one of the answers as Saudi Arabia and Kuwait. For instance, the number of Syrian refugees in the Gulf Cooperation Council states is zero. These countries have the strictest immigration policies in the region. These countries hardly ever accept refugees as they even have many restrictions for migrant workers.

*The Gulf Cooperation Council is the cooperation of Bahrain, Kuwait, United Arab Emirates, Oman, Saudi Arabia and Qatar. The organisation was establishment in 1981.*

The relation among migrant workers and GCC states started to change in the late 1980s with Omanisation in Oman, which has been quite successful – at least for public sector – whereupon it has spread to other GCC states. In Oman, the Omanisation program has been in operation since 1988, working toward replacing expatriates with trained Omani personnel.

Foreign workers have helped in the rapid transformation of the infrastructure as well as institutional development in the Gulf and they were generally welcomed. At the same time, Gulf countries have been making statements about the need for indigenisation of the labour force and a reduction in the percentage of the expatriate population and workers. However, during the last decade or so, concrete policies

aimed at enhancing indigenisation and reducing the numbers of foreign workers have actually begun to be implemented. A major reason for the above is the rising level of unemployment among the nationals that has been raising difficult economic and political questions for the governments. (Shah, 2005)

At the end of 2004, the combined estimated GCC population was 35.8 million with expatriates constituting 12 million (34 %). It was estimated that if the expatriate population continued to increase at the present rate it might reach 18 million after ten years (Kuwait Times, December 20, 2004). The data of 2004 indicates that in the largest GCC country, Saudi Arabia, foreigners constitute 7 million (or 30 %) of the 23 million residents. However, they comprise 70 % of the labour force and 95 % of the private sector labour force. In United Arab Emirates, foreigners constitute 80 % of the 4 million residents and 98 % of the private sector jobs. (Migrant News, December 2005)

The most important matter about the immigration policies of Saudi Arabia and Kuwait, such as other GCC countries, is the Kafala system.

## Kafala (sponsorship) system

The kafala system is a sponsorship system which regulates residency and employment of the migrant workers, working mostly in the construction and domestic sectors, in the GCC countries. The system requires all unskilled labourers to have an in-country sponsor, usually their employer, who is responsible for their visa

and legal status. The sponsors pay to their countries for the recruiting the worker. This means that individual's right to work and legal presence in the host country is dependent on his or her employer, rendering him or her vulnerable to exploitation. This practice has been criticised by human rights organisations for creating easy opportunities for the exploitation of workers, as many employers take away passports and abuse their workers with little chance of legal repercussions. For a minimum of two years, a contract signs between worker and recruitment agency (not between sponsor and worker). If a contract is broken sponsor may ask the worker to pay back the recruitment fee, unless abuse or proven violation has been committed by the sponsor. Recruitment fee for live-in domestic worker is 2-3 times higher than what a yearly salary of a worker. This is the cause of escalating abuse. Types of abuse are economically abuse (not paid on time, or paid less or not paid at all), psychological abuse (Employer forbids the domestic worker from contacting their family, restricts movement

– withholding passport and other documents), verbally abuse (insulting, humiliation, making fun of the workers race, cast, religion, clothes, personal behaviour) , physically abuse (not given food or enough rest/sleep, no proper health care or no health care) and sexual abuse (Forced to have sex against their will). GCC countries explicitly exclude domestic workers under their labour laws and social security laws. There is no proper study on the situation of domestic workers since GCC laws do not allow labour inspectors into their homes.

According to the Human Rights Watch World Report (2008), under the kafala system in Saudi Arabia, “an employer assumes responsibility for a hired migrant worker and must grant explicit permission before the worker can enter Saudi Arabia, transfer employment, or leave the country. The kafala system gives the employer immense control over the worker.” HRW stated that “some abusive employers exploit the kafala system and force domestic workers to continue working against their will and forbid them from returning to their countries of origin” and that



this is “incompatible with Article 13 of the Universal Declaration of Human Rights.”

Qatar’s labour minister said he hopes the country’s controversial “kafala” system, which critics have likened to modern-day slavery, will be abolished before the end of this year.

## Kuwait

According to Kuwait Central Statistical Office, the population of the country was 3,268,431 on June 30th, 2012. In this census, the number of Kuwaitis was 1,128,381, while the rest were non-Kuwaitis and foreigners (Kuwaitis %36, South Asians 34%, other Arabs 21% and others %9). After Kuwaitis, Indians represent the

with them. Also, the country has no program for the integration of migrants since it views them as temporary workers who are in the country on renewable contracts that are awarded generally for about 2 years at a time. In reality many of the migrant workers in Kuwait have worked in the country for ten years or longer (Shah, 2004).

## Saudi Arabia

The Kingdom of Saudi Arabia is a major destination for migrants. Saudi Arabia – which has the second largest oil reserve in the world and maintains the world’s largest crude oil production – has been attracting large numbers

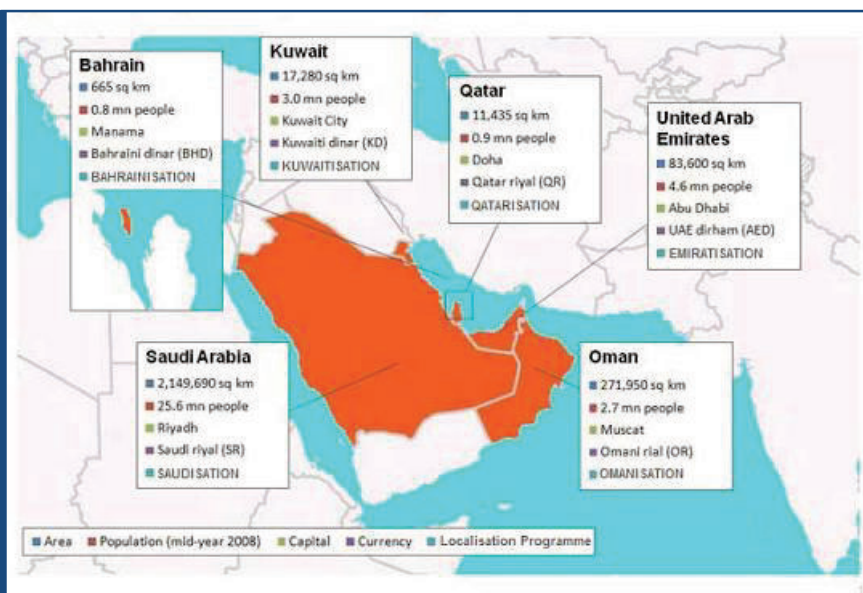
of migrants ever since the discovery of oil reserves to accommodate the growing needs of the economy and fill the labour and skills shortages. (Khalifa, 2012)

Unlike Kuwait, Saudi Arabia reported that it had a policy of integrating non-nationals, even though it has recently been one of the most active countries that have implemented policies to restrict migration. However,

largest community with the number of nearly 650,000. Kuwait considers its high level of non-nationals a problem and has announced plans to reduce this number. And also its policy for granting citizenship is highly restricted. In addition to its general policy for curtailing labour migration, Kuwait also has a policy to lower the number of dependents of migrant workers.

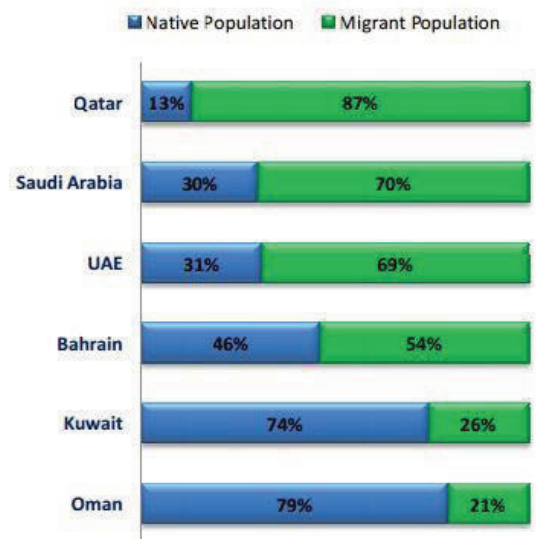
One of the ways in which the country fulfils this policy is by putting a salary ceiling on workers who are allowed to bring their family

it has been reported in the press that Saudi Arabia has passed a law of awarding nationality to some expatriates. Some of the conditions for awarding nationality are the ability to speak and write Arabic fluently and to be highly skilled. (Shah, 2005) There is an exception about Palestinians. They are not allowed to hold or even apply for Saudi citizenship, because of Arab League instructions barring the Arab states from granting them citizenship; the only other alternative for them is to marry a Saudi national. Palestinians are the sole foreign group



that cannot benefit from a 2004 law passed by Saudi Arabia's Council of Ministers, which entitles expatriates of all nationalities who have resided in the kingdom for ten years to apply for citizenship.

### Native vs. Migrant Population in GCC Countries



Center for the Study of Labour and Mobility (CESLAM), 2011

It is estimated that 9 million migrant's workers fill manual, clerical and service jobs. (RMMS, 2013) A significant number of this total comprises of irregular (illegal) migrants. Migrants in Saudi Arabia mostly come from

India, Ethiopia, Egypt, Pakistan, Yemen, the Philippines, Bangladesh, Sri Lanka, Indonesia, Sudan and Jordan. While migrants constitute a third of the total population, they comprise 70% of the labour force and 95% of the private sector labour force. (World Bank, 2012)

In Saudi Arabia, as in the other Gulf states, immigrant labour is managed through the kafala (sponsorship) system: immigrants must have a confirmed job before entering the country, and must work for their sponsor for the duration of their stay. Sponsorship (and a job) is a requirement for a residence permit (iqama).

In theory, therefore, if the job ends the immigrant loses her sponsor, and consequently her iqama, and must return home. This is the theory. In practice there is a rampant black market aimed at circumventing the rules, selling "free visas", and thousands of immigrants do not work for their sponsors. Although these loopholes in the system have led to exploitation, it is clear that a formal "blind eye" to such practices has also permitted immigrants to contribute positively to the Saudi economy.

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## IMMIGRATION POLICY IN GULF COUNTRIES: UNITED ARAB EMIRATES AND QATAR

A The Gulf Cooperation Council region – Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates – is one of the most popular destinations for temporary labour migrants in the world. During the 70s and the 80s, a large scale of temporary migrant workers came to the region to respond to the increase in the oil prices and the rapid development of GCC countries. Flows of temporary migrant workers have continued to increase over the past decades.

GCC countries share similar immigration policies, based on the Kafala sponsorship system. According to the Kafala guest worker program, foreign workers may not enter the country without having a sponsor who is responsible for the migrant. According to UNHCR, GCC countries are host to millions of migrant workers, some of them refugees, but strict immigration and labour laws result in many becoming irregular as result of changing employment or sponsorship. In recent years, GCC countries have been trying to regularize labour and increase employment among nationals.

### United Arab Emirates

The United Arab Emirates is a popular destination for temporary labour migrants seeking employment opportunities. In 2010, the country estimated an expatriate population of seven millions. Foreign nationals made up 88.5 per cent of the country's total population,

and 96 per cent of Dubai's employed population. In 2013 the UAE had the fifth largest international migrant stock in the world, with 7.8 million migrants, according to the UN.

Immigrants comprise over 90 per cent of the UAE's private workforce, and the country attracts both low and high skilled migrants. Most immigrants come from India, Bangladesh and Pakistan. The vast majority of foreign-born men are employed in low-skilled sectors, while women are most often employed in domestic services and retail jobs.

### Kafala system

In 1971, the Kafala sponsorship system was created to allow nationals, expatriates and companies to hire migrant workers and it is used to monitor migrant labourers. Kafala (sponsorship in Arabic) requires foreigners to have a local sponsor, a kafeel, usually their own employer. The system is adopted by all Gulf Cooperation Council countries.

The sponsor grants permission for foreigners to enter the country, monitors their stay and approves their exit. Sponsors are given a set of legal abilities to control workers and are responsible for all aspects of the migrant's stay. UAE law requires foreign nationals to be sponsored by a UAE citizen, but domestic workers can also be sponsored by foreign nationals. Contrary to the Kafala systems in other Gulf countries, exit permits for foreign workers are not required.

In 2010, UN High Commissioner for Human Rights Navi Pillay urged Gulf countries to “replace the Kafala system with updated labour laws that can better balance rights and duties”. The Kafala system has been criticised by human rights groups who state it creates opportunities for exploitation, since employers can take away passports and abuse workers with little legal repercussions. Even though passport confiscation is illegal in the UAE, it remains a common practise that employers use to control their workers, and the government has failed to punish employers for holding passports.

### **Recent policy changes**

A number of laws have recently been approved to address labour issues. The UAE authorities have reformed some aspects of the Kafala system and introduced labour law protections. A wage protection system to resolve claims of non-payment of wages was introduced, an action plan to raise awareness on workers’ rights was outlined by the Labour Ministry in 2009, and labour inspections were enhanced. The UAE also reformed its sponsorship system by abolishing the no-objection certificates (NOC), which prevented workers from moving jobs without their employer’s consent.

In 2012, the UAE Federal National Council approved a draft law to protect the rights of domestic workers and in 2013, the government amended laws to improve the protection offered to

victims and establish harsher penalties for human trafficking cases. UAE’s Labour Law covers numerous aspects, from contracts to wages and working hours, but it is not applicable to foreign domestic workers. Earlier this year, permitting some categories of foreign professionals to work in Dubai without the need for a sponsor was under discussion.

### **Violations of migrants’ rights**

Human rights organizations condemned the Kafala system for exposing migrant workers to abuse, claiming that abusive practices are persistent, especially among domestic workers. According to Human Rights Watch reports, domestic workers are often trapped, exploited and abused in the UAE. In 2014 the organization estimated that at least 146,000 female migrant domestic workers were employed in the United Arab Emirates.

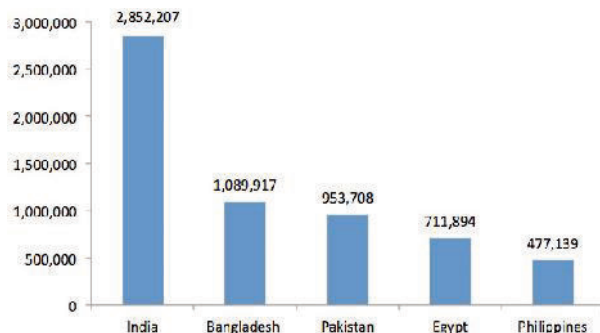
In a report entitled “I Already Bought You” published in October 2014, HRW denounced abuses on migrant domestic workers. The organization states UAE’s government “has failed to adequately protect female domestic from abuse by employers and recruiters”. The report focuses on problems with recruitment practises and the deficiencies of the legal framework for employment in the UAE.

Human Right Watch documented abuses against migrant domestic workers which included



“physical, sexual, and psychological abuse; labour exploitation; passport confiscation and violations of freedom of movement; and denial of food, healthcare, and adequate living conditions. In a number of cases, the abuses amounted to forced labour or trafficking”, the report said.

Top Five Origin Countries of the Foreign-Born Population in the United Arab Emirates



*Note:* Estimates do not include unauthorized migrants. Estimates cited in local media sometimes differ greatly: 2.2 million Indian migrants; 1.2 million Pakistani migrants; 700,000 Bangladeshi migrants; 680,000 Filipino migrants; and 400,000 Iranian migrants. Local media estimates for Egyptian migrants (300,000) do not place Egypt in the top five countries.

In February this year, the organization also published an extensive report on workers’ rights abuses on Abu Dhabi’s Saadiyat Island. According to the report, “some employers continue to withhold wages and benefits from workers, fail to reimburse recruiting fees, confiscate worker passports, and house workers in substandard accommodations. The government has also summarily deported Saadiyat workers who have gone on strike in protest at low pay after their employers contacted the police.”

The report stated UAE authorities have made “significant reforms to Emirati labour law and policy”, failing, however, “to rigorously investigate violations and enforce” laws, thus contributing to the “continuing violation of workers’ rights”. Despite the changes made in

immigration and labour law, HRW stated human rights abuses continue in the United Arab Emirates.

### Importance of foreign migrants and right to citizenship

Foreign migrants sustain UAE’s demographic and economic growth rates, and some families may settle for years or even for generations. However, even those who are born as a second or third-generation descendant of migrants have no right to naturalisation and no protection against deportation. Most contracts compel the residents to a transitory and insecure stay in the United Arab Emirates.

Foreigners are rarely granted citizenship. A foreigner may apply for citizenship by fulfilling a set of criteria, such as living in the UAE for more than 20 years, speaking fluent Arabic and being a Muslim. However, in these cases citizenship is not a right, Emirati law only states citizenship might be granted.

### Qatar

Qatar is a popular destination for temporary migrant workers, who dominate the country’s labour force. About 94 percent of all workers are foreigners, and they comprise 86 percent of Qatar’s total population of nearly two million people. The country has one of the highest ratio of migrants to citizens in the world. Most migrants come from India, Pakistan, Bangladesh and Nepal.

Qatar will host the World Cup in 2020, and its dependence on foreign workers is expected to rise. The International Trade Union Confederation estimated that around half to 1 million foreign construction workers will be required to build the infrastructure needed by 2022.

## Immigration policies: the Kafala system in Qatar

As other Gulf Cooperation Council countries, Qatar's immigration policies are based on the Kafala system. Unless the migrant is from a GCC nation, he must be sponsored by either a Qatari national, a business entity registered in Qatar or a resident family member on which the person is dependent.

The kafeel has control over whether his employee obtains the exit visa required by

trafficking were approved and the identification of trafficking was improved.

## Violations of migrants' rights

Concerns over the treatment of migrant workers in Qatar arouse when human rights organizations denounced the conditions of the migrant workers building 2020 World Cup infrastructure in Qatar.

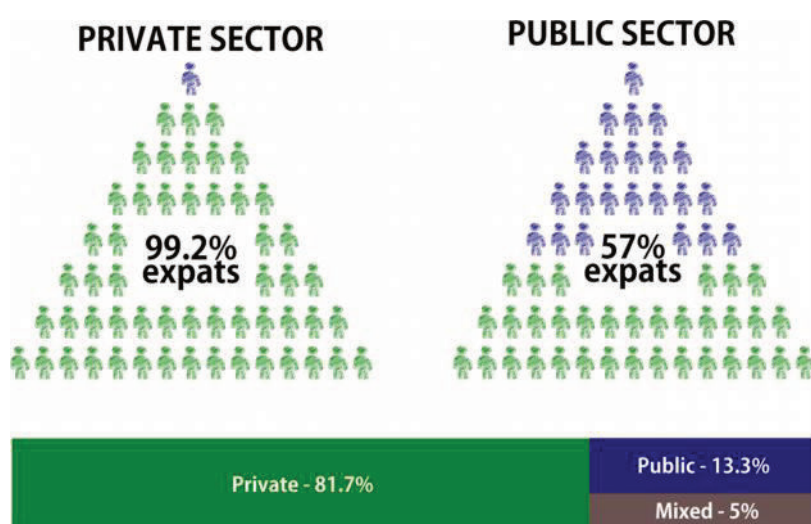
In 2012, Human Rights Watch released investigations on the abuses migrant workers

faced ahead of the World Cup building boom. Amnesty International published a detailed report on workers' rights violation in the construction sector in Qatar in 2013, during preparations for the World Cup. The human rights organisation denounced that foreign workers were being "ruthlessly exploited, deprived of their pay and left struggling to survive", and stated the abuse of migrant workers often

amounted to forced labour.

After a visit to Qatar in 2013, United Nations Special Rapporteur on the human rights of migrants, François Crépeau, urged the Qatari authorities to improve the situation of migrant workers. Crépeau warned that the 2004 Labour Law did not provide for minimum wage, banned migrants from forming organizations and excluded domestic workers. He also urged the Qatari government to "thoroughly pursue its review of the Kafala sponsorship system" and stressed that "migrant who run away from abusive employers should not be detained and deported".

The UN Special Rapporteur pointed out that labour laws still lack implementation by the authorities, noting that many employers



Qatari law. Migrant workers also cannot change jobs without the permission of their sponsor. The permission is called an "NOC" (No Objection Certificate). Qatar adopted new immigration laws in 2004, but under the new law, foreign workers still require sponsorship from a Qatari citizen, and must work for their employer for at least two years before they are allowed to transfer their sponsorship.

Sponsors are required by law to return their employees' passports, however, most low-income migrant workers do not have their passports returned to them. The new Labour Law set minimum standards for employment in working hours, vacations, health and safety, but the law excludes domestic workers and casual workers. In 2011, stricter laws on human

confiscate their workers' passports even though it is forbidden by Qatari law.

Official records showed that the death toll of migrant workers in Qatar was very high, with hundreds of workers dying each year. The Guardian revealed 185 Nepalese men died in 2013, and the International Trade Union Confederation claimed that World Cup constructions in Qatar could cost the lives of at least 4,000 migrant workers.



In May 2014, the Qatari government confirmed the death of almost 1,000 migrants, and promised reforms to address the widespread exploitation of migrant workers, proposing several reforms. The reforms aimed at changing the Kafala system, improving health, safety and accommodation for migrant workers, and increasing the number of work inspections.

However, in May 2015 Amnesty International and other human rights organizations criticized the Qatari government stating that little had improved for foreign workers since promises of reform. Amnesty International accused the government of “promising little and delivering less”, adding that little had change in law,

policy and practise. Out of the nine key issues identified by the human rights group, only five of them had limited progress, said a report published in May.

According to Amnesty International, there had been very limited progress on measures to improve safety on construction sites, control exploitative recruitment agencies and improve access to justice for explored labourers.

### Rights to citizenship

A law promulgated in 2005 on Qatari nationality allowed expatriates to apply for Qatari citizenship if they have resided in the country for a minimum of 25 years, have no criminal record, fluency in Arabic and having sufficient means of income. However, foreigners are still rarely granted citizenship. Qatari law stipulates that a maximum of 50 foreigners may be granted citizenship through naturalization each year.



Most foreign workers in Qatar are compelled to a transient and insecure life in the country, risking deportation.

*According to UNHCR, GCC countries are host to millions of migrant workers, some of them refugees, but strict immigration and labour laws result in many becoming irregular as result of changing employment or sponsorship.*

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## CANADA: THE GREAT WHITE NORTH AND ITS IMMIGRATION POLICIES

According Canada has enjoyed a reputation as one of the most generous nations for immigrants and has one of the highest per capita admission rates. It has, on average, offered residency to about 200,000 immigrants and refugees a year over the past decade, earning a global reputation for a welcoming attitude. However, after the United States aimed at securing its borders after the 9/11 terrorist attacks, and over a so many terrorism-related arrests in June involving people of foreign descent, questions have been raised about Canada's immigration policy and its ability to assimilate those immigrants already on Canadian soil.

Like the USA, Canada is one of the countries where immigration has traditionally been an important shaping factor in society and culture. Due to its small population and vast tracts of unsettled land, Canada's immigration policy was initially launched by a desire for expansion, with most immigrants settling in rural, frontier areas. In the early twentieth century, Canada began to control the flow of immigrants, adopting policies that excluded applicants whose ethnic origins were not European. However, by 1976 new laws removed ethnic criteria, and Canada became a destination for immigrants from a wide variety of countries, which it remains today.

The immigration policy in Canada distinguishes four categories of immigrants: economic immigrants (skilled workers and business people), family class (closely related

persons of Canadian residents living in Canada), other (people accepted as immigrants for humanitarian or compassionate reasons) and refugees (people who are escaping persecution, torture or cruel and unusual punishment).

The economic immigrants represent the largest portion of immigrants each year. Selection is based on a point system that rewards applicants with higher levels of education, job experience, and language skills (i.e., English and French). With the manufacturing sector in decline and the country shifting toward a more information-based economy, this policy emphasises flexible, transferable skills over specific occupations. The Economic Class primarily comprises of professionals and skilled workers under the skilled worker class, the Quebec skilled worker class and the provincial nominee class as well as business immigrants. Using this point system, an applicant is assessed under the federal skilled worker class according to various factors that will indicate whether there is a strong likelihood that the applicant and dependents will successfully establish in Canada. Ideal applicants under the skilled worker class will possess employment skills and experience compatible with occupations available and open to prospective immigrants to Canada. The selection rules particularly favour applicants with government approved job offers in Canada. Under the Quebec skilled worker class and the provincial nominee class, applicants may become permanent residents on the basis of their proven ability to become

economically established in Canada, in accordance with immigration programs and selection criteria administered by Quebec or the provinces. Canada also admits immigrants under the Business Immigration program which comprises three sub-categories including Investors, Entrepreneurs and the Self-Employed. The Investor class is point based and confers permanent residence upon applicants who demonstrate an ability to become economically established in Canada on the basis of their business or management experience and personal net worth of at least \$1,600,000. Approval depends upon the investor undertaking to commit a five-year investment of \$800,000 in a government guaranteed investment fund. Under applicable programs, applicants can obtain financing and receive legal security on their investment. The Entrepreneur class is point based and confers permanent residence upon applicants who demonstrate an ability to become economically established in Canada on the basis of their business experience and high personal net worth. Approval is contingent upon the entrepreneur undertaking to invest and become involved in the active management of a qualifying business operated in Canada that will contribute to the economy and create employment. The Canadian government

has placed a temporary hold on applications in this class. The Self Employed class is also point based and refers to applicants who have relevant experience as well as the intention and the ability to create their own employment and make a significant contribution to the cultural, artistic or athletic life of Canada, or to create their own employment by purchasing and managing a farm in Canada. The Quebec government manages its own immigration programs providing for skilled worker and business class selection rules.

The Family Reunification group of immigrants includes spouses and children joining family members who are already living in Canada. This is the second-largest group of immigrants admitted on a yearly basis. Canada will recognise same-sex couples in this category even if they are not legally married due to restrictions in their country of origin, although a couple must provide proof of a long-standing relationship. Under the federal family class, current sponsorship programs typically promote the reunion in Canada of Canadian citizens and permanent residents with their close relatives including a spouse, common-law partner or conjugal partner 16 years of age or older, an



unmarried dependent child under the age of 22, a parent or grandparent, and a brother, sister, nephew, niece, grandchild who is an orphan, unmarried and under 18 years of age or any other relative where the sponsor has none of the above relatives or family members, in Canada or abroad. While there is a temporary pause on the sponsorship of parents and grandparents for permanent residents, eligible candidates can apply for the long term visitor Parents and Grandparents Super Visa.

The smallest group of immigrants admitted to Canada every year is the Refugees group, which

to be referred to the Immigration and Refugee Board (IRB), the body that makes the final determination as to whether the applicant will receive protected status. Once a person has received refugee status, he or she can apply for permanent residency. Critics of the system charge that it encourages people to attempt “back-door” immigration by applying for refugee status. In addition, because applicants can move around the country freely while awaiting a determination, potential security threats may go unnoticed. According to the UN High Commissioner for Refugees,

Canada’s acceptance rate for refugees (PDF) in 2005 was just over 50 percent, compared with 32 percent for the US.

Canada provides immigrants with language training and access to Canada’s national health care and social welfare

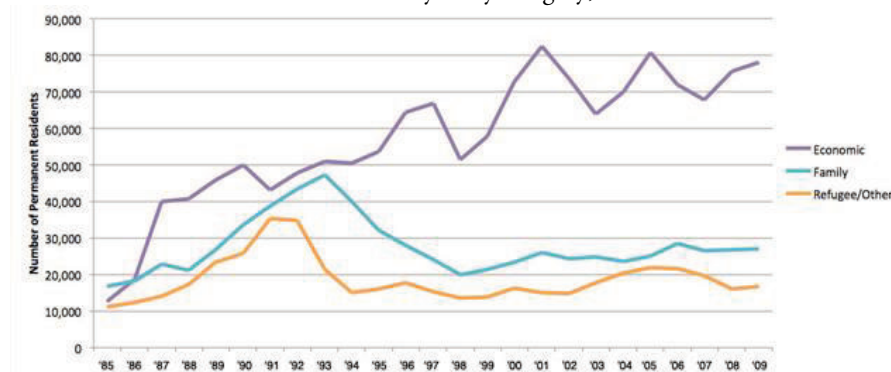
includes both humanitarian resettlement programs and claims for asylum protection. Canada is known for having a relatively liberal policy on asylum. Any person who arrives in Canada can apply for refugee status at any border, airport, or immigration office inside the country.

“If you arrive and say you are a refugee – even people that most other countries would not consider a refugee – Canada will at least look at a claim from anyone in the world, and that includes friendly nations and democracies like the United States”, Martin Collacott of the Fraser Institute (a conservative Canadian think tank).

The process is divided into two parts. First, a claim is submitted to Citizenship and Immigration Canada (CIC). CIC determines within three days whether the claim is eligible

programs. However, the Canadian government is concerned by certain economic indicators that suggest immigrants arriving since the 1990s have had more difficulty matching the economic success of those who came in the 1980s. Some studies also show that despite the focus on admitting educated professionals, many recent immigrants do not find jobs that match the level of their qualifications. A problematic issue are the systemic barriers in the labour market and an inability among many recent highly skilled newcomers to find employment that is commensurate with their education and experience, resulting in a significant amount of wasted skills. The apparent mismatch between the skills and education levels of economic-class migrants and labour market performance in Canada is a concern that highlights both integration

Permanent residents by entry category, 1985–2009



challenges in the post-industrial economy and a sharp division between immigration policy intent and outcomes. However, the problem may be broader than that. While income levels rise for Canadian-born children of immigrants, this is more often the case for immigrants of European origin. Non-white Canadians are almost twice as likely as the rest of the Canadian population to experience low income rates. Still, the 2001 census, which was the first to ask whether a respondent's parents were foreign born, indicates some positive signs for second- and third-generation immigrants.

Concerning public opinion, Canadians have a more positive view of immigrants and immigration than Americans and Western Europeans. They are not as likely to view immigrants as stealing jobs or committing crimes, and the majority of Canadians view immigration as an opportunity, not a problem. Furthermore, only 17 percent of Canadians think there are too many immigrants in their country, compared to 37 percent of Americans and 59 percent of the British. Despite being generally supportive of their immigration system, debates persist surrounding the types of immigrants admitted and their ability to economically integrate. Criticism has been directed at the current government for favouring economic migrants over family and humanitarian applicants, as many economic

migrants may have little Canadian human capital or may have a difficult time finding work despite their individual capabilities. Additionally, some see it as problematic that large numbers of economic migrants are encouraged to permanently settle in Canada even as the country experiences the effects of the global recession.

Canada has become a country with one of the highest net immigration rates in the world, accepting more migrants per capita than Europe, Great Britain, and the United States. This is a trend that will likely remain a fixture of Canadian immigration policy and demography for the foreseeable future as well as the emphasis on human capital, as immigration becomes ever more tightly connected to economic policy. However, important issues are being addressed about the social mobility opportunities that exist for immigrants, and the Canadian economy's ability to absorb foreign-born workers. The patterns of social and economic inclusion of immigrants will therefore likely remain a challenge for an increasingly diverse Canadian society. Fortunately, Canada is one of the few countries where the immigration policy has always evolved over time and has been adapted and changed according to the current global situation.

*The immigration policy in Canada distinguishes four categories of immigrants: economic immigrants (skilled workers and business people), family class (closely related persons of Canadian residents living in Canada), other (people accepted as immigrants for humanitarian or compassionate reasons) and refugees (people who are escaping persecution, torture or cruel and unusual punishment).*

## List of images and figures

- Cover page:** Syrian refugees strike at the platform of Budapest Keleti railway station. Refugee crisis. Budapest, Hungary, Central Europe, 4 September 2015. Author: Mstyslav Chernov. [Source](#)
- Page 2:** Fall of Saigon 1975 - South Vietnamese refugees. 15 January 2015. Author: manhhai. [Source](#)
- Page 3:** Kosovar refugees fleeing their homeland. [Blace area, The former Yugoslav Republic of Macedonia]. 1 March 1999. Author: United Nations Photo. [Source](#)
- Page 3:** Kosovar refugees fleeing their homeland. 1 March 1999. Author: United Nations Photo. [Source](#)
- Page 6:** Dharavi. 29 December 2010. Author: M M. [Source](#)
- Page 7:** A shell explodes (11/14) in the Syrian city of Kobane. 13 November 2014. Author: Jordi Bernabeu Farrús. [Source](#)
- Page 8:** Kenya: drought leaves dead and dying animals in northern Kenya. 10 January 2004. Author: Oxfam International. [Source](#)
- Page 12:** World Map - Abstract Acrylic. 31 March 2013. Author: Nicolas Raymond. [Source](#)
- Page 13:** Group of Friends Smiling. 27 December 2010. Author: hepingting. [Source](#)
- Page 14:** Migrant Integration Policy Index logo. Author: MIPEX. [Source](#)
- Page 15:** Gastarbeiters. 19 January 2008. Author: kikasso. [Source](#)
- Page 16:** Mosque of Garmisch Partenkirchen. 18 January 2014. Author: Metropolitico.org. [Source](#)
- Page 17:** The UK Border at Heathrow Airport. 3 April 2010. Author: dannyman. [Source](#)
- Page 18:** Muslim in Montmartre. 10 July 2010. Author: Francisco Osorio. [Source](#)
- Page 20:** Dutch mosque. Author: rogiro. [Source](#)
- Page 20:** Refugee children from Syria at a clinic in Ramtha, northern Jordan. 28 August 2013. Author: russavia. [Source](#)
- Page 25:** Nyhavn in Copenhagen. September 2006. [Source](#)
- Page 26:** Immigrants in the Nordic countries in 2012. 24 March 2014. Author: Jontts. [Source](#)
- Page 27:** Attitudes to immigrants in Europe. 25 November 2009. Author: FSDBulletin. [Source](#)
- Page 28:** Flag of Sweden. [Source](#)
- Page 29:** Scandinavia united. 11 August 2007. Author: Chris Price. [Source](#)
- Page 32:** Summary of FRAN indicators. 2015. Author: Frontex. [Source](#)
- Page 33:** LE Eithne Operations. 28 June 2015. Author: Irish Defence Forces. [Source](#)
- Page 34:** Detections of illegal border-crossing in 2014 with percentage change on 2013. Author: Frontex. [Source](#)
- Page 35:** First time asylum applicants, EU-28, January 2014 – June 2015. Author: Eurostat. [Source](#)

**Page 36:** Covers of Frontex codes of conduct. Author: Frontex. [Source](#)

**Page 41:** A mass grave for children in Dadaab. 25 July 2011. Author: Andy Hall/Oxfam. [Source](#)

**Page 42:** Top ten countries of origin (red) and asylum (green) of refugees worldwide at the end of 2014, according to UNHCR data (which exclude Palestinian refugees under UNRWA mandate). 29 September 2015. Author: Nykterinos. [Source](#)

**Page 43:** Countries of origin of asylum applicants in the EU and EFTA States between 1 January and 30 June 2015. Author: Maximilian Dörrbecker (Chumwa). [Source](#)

**Page 44:** New arrivals in Zam Zam IDP camp. 15 March 2011. Author: UNAMID. [Source](#)

**Page 44:** Aftermath of fighting in North Darfur. 25 March 2014. Author: UNAMID. [Source](#)

**Page 45:** Border Spain-Morocco, by Mellila. August 2008. Author: Ongayo. [Source](#)

**Page 46:** Asylum applications in the EU and EFTA States between 1 January and 30 June 2015 according to Eurostat data. Author: Maximilian Dörrbecker (Chumwa). [Source](#)

**Page 50:** Határsértő migránsok bújnak át a gyorsleépítésű drótkadály alatt. 25 August 2015. Author: Gémes Sándor/SzomSzed. [Source](#)

**Page 51:** Number of illegal migrants entering Hungary in 2015. Author: Hungarian Police. [Source](#)

**Page 53:** Migrants in Hungary near the Serbian border. 25. August 2015. Author: Gémes Sándor/SzomSzed. [Source](#)

**Page 54:** Barrier in Hungarian-Serbian border. 21 July 2015. Author: Délmagyarország/Schmidt Andrea. [Source](#)

**Page 55:** Refugees on the Hungarian M1 highway on their march towards the Austrian border. 4 September 2015. Author: Joachim Seidler. [Source](#)

**Page 59:** Downtown Dubai from the Burj Khalifa. 23 June 2011. Author: Gary Denham. [Source](#)

**Page 60:** GCC Localisation. 2015. Author: Resourcing Partners. [Source](#)

**Page 61:** Native vs. Migrant Population in GCC countries. 2011. Author: Center for the Study of Labour and Mobility (CESLAM)

**Page 63:** At the border to Saudi Arabia. 18 February 2002. Author: Christine und Hagen Graf. [Source](#)

**Page 64:** Top Five Origin Countries of the Foreign-Born Population in the United Arab Emirates. 18 September 2013. Author: Migration Policy Institute. [Source](#)

**Page 65:** Percentage of foreign workforce in Qatar. Author: Institute for Cultural Relations Policy

**Page 66:** Construction workers at the Burj Dubai. 4 June 2007. Author: Imre Solt. [Source](#)

**Page 66:** Dubai construction workers having their lunch break. In the background the tallest building in the world - Burj Dubai. 12 June 2008. Author: Piotr Zarobkiewicz. [Source](#)

**Page 69:** Cars approaching Canada Customs at Surrey, BC in Canada from Blaine, WA in the U.S. 7 July 2008. Author: dherrera\_96. [Source](#)

**Page 70:** Permanent residents by entry category, 1985–2009. Author: Migration Policy Institute. [Source](#)



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