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COMPARATIVE ANALYSIS OF MIGRATION SYSTEMS  
AND THEIR PERFORMANCE

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## SUMMARY

The increase in migration flows has raised questions for all countries as regards migration policy not only for controlling arrivals but also for managing stocks of foreign members of the labour force and integrating the second generation. The present report defines the idea of the migration system and distinguishes between it and migration policies.

In a first section it seeks to demonstrate the consistency of different types of migration system. Three criteria are used for defining the range of possible migration strategies and the three most relevant types: 1) the tension between countries of settlement and countries of labour migration; 2) the existence within any migration system of primary and secondary objectives; and 3) whether or not the primary objective envisages immigration. The three systems which appear most relevant are therefore: a) permanent settlement migration of the United States model; b) long duration establishment migration of the French model; and c) labour migration of the German model.

The features of each of these systems are identified and contrasted as regards their objectives, their guiding principles and the priorities accorded under them to the three main domains of migration policy: entry, control of the labour market and integration. Family reunification, regularisation, naturalisation, work and residence permits all have their importance in these systems.

The report then proceeds to study the dynamics of the three systems which go a long way to explaining recent changes in migration policy. The flexibility of the temporary labour migration model is offset by its structural instability and the drift towards the model of long duration establishment. The migration settlement model's stability and democratic foundation are offset by the difficulty of using it as a mere accessory of labour market policies. The mixed model of long duration establishment combines advantages and disadvantages during a period of unemployment and slow labour force growth: whilst it seems to present a compromise between the other two models, it is not very efficient in securing optimal allocation on the labour market and it comes up against the problem of integration in that it does not aim from the beginning to support settlement immigration.

The political upheavals and the depth of the economic crisis in Europe make the problems of moving from a temporary to a system of permanent settlement more acute.

COMPARATIVE ANALYSIS OF MIGRATION  
SYSTEMS AND THEIR PERFORMANCE

This discussion paper draws on the conference documents analysing the migration systems in Australia (V. McMahon), Austria (G. Biffl), Canada (L. Chapman), Germany (K. Manfrass), Spain (J. Chozas Pedrero) and Poland (M. Okolski). The authors have also made use of information in other documents for the First and Second Sessions. They wish, furthermore, to record their grateful thanks to Jean-Pierre Garson, Agnès Puymoyen and Daniel Blot of the Directorate for Education, Employment, Labour and Social Affairs of the OECD for comments and advice.

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Introduction

{The challenges facing migration policies}

In the main OECD countries, migration policies have been profoundly affected by the diversification and scale of migration flows over the last ten years. Non-quota or non-selective inflows on family reunification grounds have been called into question in the United States, and so has manpower or labour immigration in all the European systems. Increasing doubt has been expressed about the effectiveness of migration control and integration policies. The criteria by which migrants and movements have been categorised (economic migrants/political refugees, settlement/labour migration, highly skilled/unskilled labour migration, legal/illegal immigrants, and so on) seem blurred. As a result, the regulatory and institutional framework has not always responded adequately to the challenges posed by recent migration trends.

Quantitative and qualitative changes in migration and the way it is perceived are the major cause of this crisis for policy. Some of the changes are related to developments in international trade: liberalisation of the movement of goods and services increases the incentive to emigrate for economic and political reasons. Television, sending pictures of misery or conflict across the world, has changed the image of asylum seekers and economic migrants. The changes stem from less spectacular developments in society, too. Emigrants from the developing world are now more accustomed to urban life, and have more education; in some developing countries the informal economy is assuming considerable proportions. Factors such as these all affect the way in which controls are applied at frontiers, or penalties imposed on firms employing illegal immigrants.

The profound labour market and social changes in the host countries have severely shaken the credibility and effectiveness of migration policy. Keynesian full employment has fallen victim to the climate of economic uncertainty, which has undermined all the immigration systems that relied on macroeconomic assessment of manpower requirements. Budget difficulties in major towns and in local government, the crisis in the inner cities, regional separatism which calls the principles of revenue sharing across the country into question, and the doubts that now overhang the funding of social protection systems all place fresh constraints in the short term on any policy for importing foreign labour or for integrating immigrant communities. From

being a technical problem within the realm of public policy, immigration has become an eminently political issue, making policy even more difficult to determine and implement.

Comparative analysis of the migration policies that OECD countries have pursued in recent years first requires an examination of migration systems and their results. Particular attention will be paid to the opportunities they offer and to the limitations they place on policy. A detailed study of migration systems is a prerequisite for determining what actual scope there is for deliberate and legitimate policy on migration and the integration of immigrants and ethnic minorities. Migration systems and sub-systems do not all allow the same opportunities; measures applied in one country cannot necessarily be transferred to another. The essential purpose of this paper will be to identify the main thrusts of migration systems and to see more clearly how they can be made more coherent.

After proposing a definition of migration systems and policies, we shall examine the main systems, present a classification based on the dominant models, and consider how they respond to the chief problems raised by international population movements. Lastly, some conclusions will be drawn as to likely and/or desirable developments in migration policy.

{Definition of migration systems and policies}

International migration raises methodological (definitions, data collection) and theoretical issues which have been fairly thoroughly explored. See, for example, the special issue of the International Migration Review (IMR), Measuring International Migration: Theory and Practise, XXI, No. 4, Winter, New York, 1987; M. Tribalat et alii, Cent ans d'immigration, Etrangers d'hier Français d'aujourd'hui, INED, PUF, 1991; G. Tapinos, L'économie des migrations internationales, Presses de la FNSP, Paris 1974; S. Sassen, The Mobility of Labour and Capital, Cambridge University Press, Cambridge, 1988; W.R. Brubaker (edit.) Immigration and the Politics of Citizenship in Europe and North America, University Press of America, New York, 1989; J.F. Hollifield, Immigrants, Markets and States, Harvard University Press, Cambridge, Mass., 1992.

F. The precise ground covered by the concepts of migration systems and migration policy

While it seems relatively straightforward to describe the content of migration policy as narrowly understood (selection on entry or departure, administration of the foreign population in the labour market, in the place of residence and in society), the same does not apply to the wider sense of the term. It may then overlap with domestic policy or foreign policy, and hence lose its particular identity. For example, anti-discrimination policies designed to facilitate the integration of immigrant ethnic communities usually target the second or even third generations or naturalised citizens born abroad. Such measures can hardly be considered as just an appendage of migration policy.....

F, on the other hand, is less clear. Should a migration system be construed loosely, or understood in the strict sense of a structure

Can a series of fairly loose connections between aggregate variables in an input-output model (for example, size of population, per capita income, internal mobility, level of technology, division of labour, nature and quantity of migratory flows, host country legislation and policies of countries of origin, pressure groups) be called a migration system? Or should the term be given the more restrictive meaning of an exhaustive and detailed network of defined and formal relations between an indefinite number of elements, in short a structure? Literature on the subject may take a fairly loose approach (as in the rationalist pluralism found in the input-output models of political science -- see J.F. Hollifield, 1992, pp.109-123) or a structuralist view implicit in any econometric formalisation (for a strict definition of the concept of structure, see M. Serres "Structure et importation : des mathématiques aux mythes" (November 1961), Hermès I, "La communication", Minuit 1968). Unlike purely demographic events (such as births and deaths), the nature of the events involved in international migration means that the institutional level cannot be ignored or reduced to a purely exogenous variable. The level of inflows and outflows is inevitably affected by the regulations and administrative framework that surround them. No single approach (demographic, economic, sociological, historical, political or legal) can, by itself, serve to construct a coherent framework.

However, a model in which the unitary aspect of migration systems was based on the concept of a structured whole would be misleading, since this network of relations between the elements of the system would have to offer the same guarantee of scientific consistency as the laws of physics. For a more detailed discussion, see G. Dushman and D. Levy (1992), "L'économie doit-elle être une science dure", paper for the DREDE Colloquium, French Ministry of Education, Paris, 29-30 October 1992). The authors postulate an input of social demand and an output comprising government decisions and reactions. This output is both an intermediate objective and an outcome, which makes it very difficult to determine the effectiveness of administrative or political measures except in terms of a highly formal, and usually tautological, functionalism. For example, the lack of centralisation or poor co-ordination among government agencies dealing with immigration is often cited as a source of inefficiency and inconsistency. But until the objectives of the migrants themselves, of governments and of migration policies have been clearly defined, it is impossible to determine a priori whether the effect of fragmented decision-making is negative, positive or neutral.

Our definition does not therefore assume that migration systems are formal structures. With the specific combinations that are proposed, on the other hand, it does suggest that systems cannot be properly compared on the basis of one aspect alone.

F? Can it

be treated apart from a country or an economy's overall systems of regulation? The question is all the more important in that the borderline between migration system and migration policy is itself blurred. They can be distinguished at a fixed moment in time but migration policy, shaped by components of migration systems, significantly changes the systems over time. Here we simply offer a provisional definition of migration systems, designed essentially to supply a few benchmarks.

By a migration system we mean the particular combination of types of population flow between countries of departure and arrival (which may extend over several generations) with the rules regulating these flows and the institutionalised responses of the agencies concerned with their continuing or coming to a halt. This definition allows the interplay of institutional variables to be given an important role.

The main consequence is that international comparisons are meaningful only between structured sequences of migration systems. Care is thus needed when dealing with apparently technical matters such as entry quotas or naturalisation statistics, or very general subjects such as family reunification, penalties for employers and illegal immigration. Furthermore, their precise function in each individual system must be analysed before any comparison is made. Similarly, distinctions between, for example, countries which run regularisation exercises and countries which do not are often unrealistic and can be misleading. On closer examination of administrative procedures and migration mechanisms, it can be seen that a more meaningful distinction is between countries which have formal regularisation channels (France, United States) and those where the channels are discretionary (Germany, Austria and Switzerland).

F. The fact that migration policies are highly dependent on the system in which they operate leads us to propose a working definition of migration policy: it is a sub-system of the migration system. It comprises any action taken by central or local government under the rule of law, i.e. on the basis of treaties, agreements, laws, orders and instructions. It also covers administrative measures clarifying and applying decisions concerning the exogenous population, meaning both the foreign immigrant population and its descendants, whether born abroad or in the host country.

Migration policy reflects the content of the system, and at the same time is an essential component of its dynamics. It reflects the concern to control the effects of the migration system and, to some extent, to control migration itself internationally<sup>F</sup>

A number of observations may be put forward at this stage.

a) In parliamentary democracies, migration policy is not confined to the sphere of national sovereignty, less subject to legislative control (foreign policy, right to enter and leave the country). It extends into a broader sphere, subject to greater control, including economic, labour and social policy, and public freedom. The increasing degree of democratic control can be traced in the development of Australian and Canadian law. Changes have in fact occurred even within the foreign policy sphere. The world economy has moved towards more and more international trade and greater interdependence.

b) The purely bilateral nature of trading links and manpower arrangements is now facing a number of constraints. Within an institutional structure such as the European Community, individual Member States have only relative autonomy in deciding the form and the content of migration policy. The new countries of immigration which had no policy, such as Spain, Italy, Portugal and Greece, were compelled to adopt one very swiftly. All the EC countries, moreover, had to suspend regular admissions of further foreign labour from 1974 onwards. The process is often marked by disagreement among governments (e.g. the negotiations preceding the Schengen Agreements), and ultimately a conflict of jurisdiction between the Community and its Member States. But the trend is unavoidable, and treaties establishing economic groupings (NAFTA in North America, and the Maastricht Treaty) will reduce the partners' freedom in migration policy and set in place more comprehensive regulatory mechanisms that will provide margin for manoeuvre elsewhere.

c) Migration policy simultaneously reflects the underlying long-term trends of the system to which it applies, and the short-term changes of course that it seeks to induce as circumstances require. One significant consequence of the distinction between migration policy and migration systems, and between control variables and strategic variables, is to bring out the difference between passive and active migration policy. Active policy makes use of the control variables that government agencies can influence, and seeks to meet its implicit or explicit objectives, which may be compatible with the system as a whole or may manage to change its framework. Passive policy is rather a by-product of the migration system. It is frequently a rationalisation in official language (i.e. the administrative or political justification) of short-term pressures or underlying trends that are hard to counter.

d) A cautious policy which acts within the limits set by the migration system and merely responds with slight adjustments to changes in migration flows, may be termed passive. It will have a largely incentive and non-decisive role, but the outcome may prove more satisfactory than with an active policy. The shortcomings of the quantitative planning of flows in Australia and Canada, for instance, will be more visible than the outcomes of the overall United States approach.

F.

As a sub-set of the migration system whose characteristics are not necessarily as obvious or clearcut as the features of regulations, governments' policy on international migration faces constraints of two kinds: those arising from the nature of their own system<sup>F</sup>

The very different traditions of Europe, a continent of emigration, and the other continents for example, all relations left over from the colonial period which have led to special arrangements in almost all cases.

<sup>F</sup> and those inherent in the policy

being only a sub-system, which sets limits to what it can achieve. Some important factors in the migration system are not control variables that policy can influence. Examples are the attitude of the countries of origin, though the host country can often act effectively here by indirect means<sup>F</sup>

Countries of origin and host countries may, depending on circumstances, wish to tie migration in with other economic questions, or to separate them entirely in negotiations. The cases of Algeria and France, Turkey and Germany, and Mexico and the United States, are particularly relevant here.

F, and all the types of refugee flows in time of war. Also relevant are the pressure groups and parties which make up the "political marketplace" in the democracies.

1. The main systems: continuing polarity between settlement migration and employment migration

The problems that international population movements raise for public policy are broadly similar, reflecting the nature of present-day migration: problems of inflow and outflow control (quantity and quality), problems of labour market regulation in connection with the foreign labour force, and problems of integrating highly diverse categories of migrants, covering immigrant workers and their families, short-term migrants and migrants who will settle permanently

Permanent establishments does not rule out any return to the country of origin on holiday or retirement. But the bulk of the immigrants working life will be spent in a host country. Most of the children of such migrants will settle permanently as well.

F. But the response of individual countries or groups of countries differ appreciably, although the OECD countries do seem to categorise migrants on similar lines.

Can these differences in institutional response be regarded as direct differentiation of migration systems? If so, what are the major criteria for differentiation? It would be beyond the scope of this paper to describe in detail each and every migration system; most are highly complex and so marked by the historical process that they defy generalisation. The history of each migration system is in fact unique. We shall simply propose a schematic description as an aid to comparisons.

{a) The New World and Europe: settlement and employment immigration}

One clear contrast in the immigration systems and policy of OECD countries is between the countries of the New World (or New Worlds), largely settled by immigrants, and the countries of Europe, the Old World. The latter, with the exception of France, were essentially countries of emigration from the 18th to the mid-20th century; since the 1950s they have been host to short-term employment migration

The United Kingdom is a special case. Though it had considerable emigration, it has also received substantial immigration from Ireland, from the 18th century onwards.

F. By "short-term" we mean not the United Nations sense of periods of less than one year, but the absence on admission of any statutory category of establishment or settlement. In the United States, Canada and Australia, all New World countries, immigration for settlement is enshrined in the Constitution. They acknowledge that they have been built by immigration, conferring it much higher status than in Europe whose countries claim they were already constituted around a language, a people or a revolution.

None of the European countries has a statutory procedure for settlement on admission, or any category of migration for permanent settlement. Family reunification as understood in Europe is not the same as family preference in the settlement countries. In Europe, family reunification primarily concerns the ability of an immigrant worker to bring in his direct family. Accordingly, admission of the family is closely tied to his right to work. In any case, admission under family reunification rules is, in principle, only temporary. Asylum for political refugees is one breach of the European principle that on admission immigrant can claim a right to settle permanently in the host country<sup>F</sup>

It is not surprising that surveys of first-generation migrants in Europe find a stated intention to return "home", even when their actual behaviour demonstrates the opposite.

F. But labour market entry rules were in fact waived for refugees because they are not assumed to be staying for good.

The only constitutional reference to settlement migration is in Article 116 of the German Constitution, which provides for a right of return for the descendants of German minorities in Central and Eastern Europe (Aussiedler), and at the time for citizens of the German Democratic Republic (Übersiedler) [see K. Manfrass, OCDE/GD(93)16].

The contrast between countries of settlement and countries of manpower immigration is reflected in their migration systems, but oversimplification should be avoided. In actual fact the contrast is no longer so clearcut: the settlement countries, in various ways, do take account of manpower concerns. Australia and Canada apply sophisticated point systems of selection taking age, skills and mobility into account for all types of immigration except family preference and refugees [see V. McMahon, OECD/GD(93)27 and Employment and Immigration, Canada, OECD/GD(93)15 and OECD/GD(93)24]. All the settlement countries have one or more special forms of entry for migrants with particular skills in demand. Some of them have also introduced temporary or short-term migration regulations similar in many ways to Europe's rules on seasonal workers and Switzerland's annual work permits. Reference may also be made to the H2 programmes for temporary agricultural workers in the United States, and arrangements for short-term workers and trainees in Canada and Australia.

Conversely, the experience of France over the last hundred years, and other countries in Europe over the last thirty, shows that in the long run 60 to 75 per cent of intra-European or trans-Mediterranean movements, similar to the proportion for trans-Oceanic migration, ends in permanent settlement in the host country<sup>F</sup>

The large number of returns to Europe, in the case of trans-Oceanic migration, is as little reported in North America as the figure for permanent settlement in the case of intra-European and trans-Mediterranean movements. Much the same trend is thus presented in two distinct ways, depending on the migration system to which it relates.

F. The range of naturalisation procedures in fact have the same outcome as obtaining the green card in the United States. The distinction between settlement and employment immigration, accordingly, is not entirely straightforward.

Is it conceivable that a country whose migration system rests solely on labour force considerations may end up with settlement immigration? It certainly is, given that any movement of workers is liable over time to become settlement. In the long run, immigrants become a component part of the population. But the typology we present below will take account of the settlement factor where there is clear evidence that settlement concerns were displayed as early as the first or second generation by the government agencies charged with the design, implementation and control of public policy.

A further distinction will be based on the combination of a prime or dominant aspect of a migration system and its secondary aspect. Another

criterion is whether the country is institutionally open or closed to immigration. Some countries are officially closed, or will accept only a specific category of foreign migrants. The criteria include, for instance, religious factors (the law of return in Israel) or historical ties (rights of entry for citizens of the former colonies of Portugal, Spain, France, the Netherlands and Italy)

The preferential clauses, leading in particular to substantial migration from the Philippines into Spain, were amended when the Community was enlarged. As in France, there continue to be facilities for naturalisation or recovery of nationality, giving access to the "national" labour market.

F, and the right of free movement for Commonwealth

The short-lived Communauté Française d'Afrique, still enshrined in France's 1958 Constitution, allowed free movement for citizens of a number of African countries until the late 1970s. Until the Patrial Act of 1971, citizens of the "non-white" Commonwealth countries were free to enter the United Kingdom.

F citizens in the United Kingdom). In any case, the policy is not always openly declared: some countries operate labour-importing immigration policies without acknowledging the fact.

{b) Typology of migration systems and features of their development}

Table 1 shows six types of migration system in a schematic presentation. Some categories are purely historical, or ideal. For instance, the settlement-only system, case No.1, did not in fact rule out labour or employment considerations

In the United States for instance, until the turning point marked by the 1992 and 1924 Acts, labour concerns were often dominant.

F. But short-stay migrants and settlers were admitted on the same footing. Accordingly, admission was not directly subject to labour market considerations.

Case No.5 is a special one. Virtually the sole example is Israel, a country which also falls into cases Nos.4 and 6 inasmuch as it has migration rules covering temporary foreign or "ethnic minority" workers applying to Palestinians in the occupied territories. Case No.6 relates fairly broadly to all countries which, though not officially open to immigration, have a back-door route for labour migrants. All the Mediterranean EC members which are now immigration countries fell into this category during the 1970s before the regularisation exercises and the introduction of immigration rules under pressure from the EC Commission

For a comparative analysis of these programmes, see SOPEMI Report for 1989, OECD 1990. ....

F. They now fall more into cases Nos.3 or 4, with hybrid systems of long-term establishment. Japan, which is still closed to immigration at present, also belongs in case No.6

Officially immigration is restricted to skilled workers, but the trainee category and the fact that foreign students can enter the labour market on certain conditions demonstrate the secondary aspect as well. Combating illegal immigration is part of migration policy as it is in Europe and the United States.

F. But there is another reason for this: Japan had labour migration during its involvement with Korea and Taiwan, and these groups have stratified as ethnic minorities

Koreans form the bulk of these immigrant communities. But the uncertain origin of the {Burakumin} (untouchables) may reflect a wave of immigration in the distant past.

F. The United Kingdom, which until 1971 regarded itself not as a country of immigration but as a host country for minorities from parts of the Commonwealth [see M. Fitzgerald, OCDE/GD(93)31], also fell into this category

During the 1960s the United Kingdom's No.6-type regulations meant that Pakistani, Indian and Jamaican immigrants were admitted on quite different terms to economic migrants entering No.3 and No.4-type countries. That explains how these ethnic groups penetrated service employment in large numbers, especially in the public service, unlike on the European mainland where the main admission sectors were industry, building and agriculture.

F. In mainland Europe, migration systems with a labour force dominant are the rule. Labour market concerns have been to the fore since 1945, and since the 1920s in France

Residence permits were introduced in France in 1917. The employers' pre-war system of employment contracts to justify admission were

superseded by State control in the general mobilisation of the economy for war. Residence permits were soon a widespread requirement.

F.

When entry is statutorily subject to labour market conditions, the principle of job availability governs all new admissions of immigrant workers. It was invoked to justify continuing the suspension of labour immigration which a number of OECD countries in Europe had introduced in the mid-1970s. A distinction should be drawn between the labour-only systems (case No.4) and the hybrid ones (case No.3). The settlement-only system (case No.1) has virtually disappeared today.

Probably on account of government intervention in industrial and labour matters.

F, but the labour-only migration system (case No.4) still dominates the design of regulations in Western Europe, although with time it is tending to move or drift towards a hybrid system (case No.3).

In case No.4, work with no guarantee as to its duration is the only reason for admission, apart from asylum and from family reunification, which depends on the head of family's employment and on proper accommodation being available. Employment is fundamental in the residence rules and in selective admission. Even when special arrangements (for Turks in Germany, for instance,

and Algerians in France) depart from the common rules governing non-EC nationals, employment is still dominant. Accordingly, there is no question of permanent establishment. Migrants do not enjoy the constitutional safeguards of the country's citizens; they are covered by occasional legislation and much more numerous ministerial orders and instructions defining administrative practice and adjusting it in line with circumstances.

Residence and employment of foreign nationals is regulated by the interior or home affairs ministry and by government intervention on the labour market. Switzerland is the clearest example of this system of rotating labour migration, with its short-term labour permits and seasonal authorisations [see T. Mauron, OCDE/GD(93)26]. A worker moves frequently back and forth between host country and country of origin, whose nationality he retains; family reunification is uncommon, and when it does occur it may well indicate not permanent establishment but an intention to build up savings more quickly so as to return home.

See J.P. Garson and G. Tapinos (eds.), *L'argent des émigrés. Revenus, épargne et comportements de transfert de huit nationalités*, INED, 1981.

F.

Based on rotating migration, this form of movement for specific times and purposes is precisely what we find in some OECD countries in Europe where immigration began to develop only between 1960 and 1975. The older and more varied the tradition of migration in European countries

Different forms over the course of history (movements of skilled craftsmen, unskilled labour, political refugees, displaced persons, the brain drain and migration from former colonies, etc.) all leave some trace in regulations, which are built up cumulatively in most cases, rather than around a single logical thread.

F, the harder it is to define their systems narrowly as labour-only migration.

Alongside the labour-only system where migration is governed by short-term economic requirements (case No.4), we have a system whose secondary aspect is settlement (case No.2). The underlying concerns here may be military or demographic, in some cases coupled with mercantilist aims.

The tradition of immigration in France goes back to Colbert. The fiscal aspect (increase in the number of households would increase the revenue base) combined with efforts to attract skilled labour.

F. In both cases, family settlement is a conscious objective, so reunification is the rule, with few of the statutory and practical obstacles found in case No.4. When naturalisation, without being automatic, applies to significant numbers, a large proportion of the foreign population will be absorbed, sometimes in the first generation.

See M. Tribalat {et alii, op. cit.} (1992).

F. A system of that kind seems a fairly stable compromise.

Usually stable; there may be attempts to overturn earlier naturalisations, such as the Vichy Acts in France in 1940, aimed not only at the Jewish community but also the naturalisations granted under the Popular Front Government.

F

between case No.2, settlement and case No.4, the "guest worker" system. In countries of settlement, naturalisation is not the key selection factor since permanent visas are granted on admission; in "guest worker" countries employment is deemed short-term, and naturalisations are far less frequent. France seems a clear example of this system, case No.3. The Netherlands and Sweden present many of the same features, despite somewhat different political traditions. Belgium, with its country-wide supervision of the labour market, seems closer to case No.4; yet its assimilation of second-generation migrants, through the relaxation of naturalisation rules, places it clearly in case No.3.

Any classification is open to question. Countries provide illustrations of the ideal types, but may change from one period in their history to another. The prime aspect may be particularly dominant, or not.

After the liberation of France, for instance, the impetus was split between the populationist option put forward by Alfred Sauvy and the sectoral manpower requirements of government departments concerned with reconstruction.

F. Some traces of case

No. 6 are still to be found in European countries which were formerly colonial powers. In countries with two linguistic communities (Belgium, Canada), immigration policy is dominated by minority fears that the majority will select entrants in a way that reduces the smaller community's significance. [Hence the safeguards offered to Quebec under recent Canadian legislation, see the report by Employment and Immigration Canada, OECD/GD(93)24.]



The point of greatest interest which the schematic presentation raises is of course the systems' dynamics, and hence stability. Under Article 16 of the Constitution, Germany cannot refuse to examine requests for asylum from people believing themselves to be persecuted. The right to asylum, introduced during the post-1945 population movements and applied during the cold war and the division of Germany, is exceptional in that it breaks with the country's usual migration system, case No. 4 in our typology. With reunification and the collapse of the communist regimes, and with the bulk of population movements now over, the chief reason for making immigration a constitutional right is no longer present. Hence the proposal to restrict asylum, and revert to a labour-only system. But the constitutional aspect should not lead us to overlook the labour-market function that this historical anomaly has played, by circumventing the 1973 ban on refugees taking employment. Another point to be borne in mind in this connection is the inflow of ethnic Germans, not treated as immigrants since they automatically obtain German nationality under Article 116 of the Constitution, which refers to an ethnic concept of the nation<sup>F</sup>

See D. Schnapper, *La France de l'intégration*, Paris, Gallimard (1992).

F.

The labour requirements generated by economic recovery from 1986 onwards and reunification in 1990 and thereafter were paradoxically satisfied via the right to asylum, now an anomaly in the German system, and the admission of some million ethnic Germans between 1988 and 1991. But the review of asylum and the introduction of stricter criteria for ethnic German origin is tantamount to a less open system. Germany hence seems to be moving back towards a labour approach, closer to case No.4.

Other aspects indicate a slow but clear trend towards the hybrid model in Germany [see K. Manfrass, OCDE/GD(93)16], more in keeping with the long-standing migration from Turkey, Yugoslavia and Greece. Germany relaxed conditions for family reunification during the 1970s, and the naturalisation rules during the 1980s<sup>F</sup>

See SOPEMI, 1992.

F.

Assimilation of second-generation immigrants, in particular in terms of language<sup>F</sup>

Now the German conception of the nation is that of the people (Volk), another aspect of German-ness is cultural and essentially linguistic. Integration is by assimilation in Germany, a lengthier process than under the policy line in France.

<sup>F</sup>, seems to be leading the German system over the medium term towards a hybrid system of the kind found in France (case No.3). The violent xenophobia directed not only at asylum seekers but in some cases at long-established foreigners as well shows the danger of systems whose declared aim is not long-term integration. The socialist party (SPD) in Germany proposed in early 1993 that naturalisation rules be eased and quotas established for economic migrants, in exchange for reform of asylum. The proposal takes the approach of long-term establishment case No.3.

It may be thought that the countries of Western Europe represented by models Nos.3 and 4 are moving towards recognition of settlement (case No.2), for two reasons: the long-standing presence of migrants in their midst, and the increase, very rapid in Germany and substantial elsewhere, in flows of asylum seekers and refugees who fall outside the labour migration model or who severely test the filtering arrangements in place. A further structural factor underlies the internal crisis in No.4-type systems: flows were largely controlled not upstream but via the labour market, and then by the largely discretionary process of naturalisation by decree, so internal problems did not arise with large numbers of young, first time migrants seeking employment when economic conditions were favourable and illegals were relatively few<sup>F</sup>

Until 1974 regularisation exercises were institutional in France, so absence of control of illegal entrants was not complete. Issuing work permits under these exercises provided fairly flexible and reliable ex-post control of the employment situation. Matters became different once the suspension of worker admissions meant that regularisation exercises were henceforward exceptional.

F. The

close connection between stage-by-stage operation of the labour market and the scale of flows is clearly illustrated by Switzerland (see T. Mauron, OECD/GD(93)26). It shows the limitations of overall quotas, and the indirect regularisations that occur as workers gradually progress from seasonal status to annual and then permanent status. Since 1975 inflows of new workers have been strictly rationed in Northern Europe, but labour market entry, as more women take employment and children of first-generation migrants reach working age, is becoming more and more significant. The migrant population is ageing.

Another significant example of this trend is offered by the Austrian system [see G. Biffl, OECD/GD(93)14]. Austria, where emigration to Switzerland and Germany was a considerable factor in generating a need for immigrant labour, issued work permits to employers, not to workers. In 1988, permanent work permits valid for five years were automatically granted to second-generation migrants, and the qualifying period for the first generation was reduced from eight to five years. In 1990 permits were issued to workers, no longer to firms for specified jobs.

Similarly, the proportion of automatic (declaratory) naturalisations is increasing everywhere, through the natural increase in the foreign or foreign-origin population and through mixed marriages<sup>F</sup>

In the United Kingdom in 1990, non-discretionary naturalisations accounted for 44 per cent of the 57 300 people who took British nationality. In France declaratory naturalisations rose from 31 per cent of the total (60 500) in 1985 to over 46 per cent of the total (64 976) in 1990; mixed marriages rose from 8.7 to 10.7 per cent of all marriages between 1986 and 1990 (see SOPEMI, 1992).

F. Is the hybrid model

found in France (case No.3) suited to the changes in migration in most EC countries which have labour migration systems? Or is it moving, willy nilly, towards the settlement country model, case No.2? This is one of the crucial points raised by attempts to harmonize migrant rules within the EC, and will have a considerable bearing on the reform of migration policy.

But is the settlement system (case No.2) in fact stable? The vast changes in industry and their impact on spatial mobility, and changes in the ethnic composition and skill levels of current flows (in particular with the growth of Asian communities), have led the main OECD countries falling into category No.2 to pay greater heed to the immediate requirements of the labour market. Australia and Canada have experience with selective immigration that could be of value to new host countries, especially in Southern Europe. Selection also involves some control of the allocation of immigrant manpower in the labour market [see V. McMahon OECD/GD(93)27]. The continuation of illegal migration, and the large-scale movements of asylum seekers and refugees, are bound to strengthen this trend.

The United States has taken an appreciable change of direction by introducing, alongside a large-scale regularisation programme for certain illegal immigrants, a series of penalties for employers, drawing substantially on experience in Europe. The 1990 Act setting quotas for 1992 -- 1994 and 1995 onwards made considerable increases (33 per cent) in the overall number of permanent immigrant visas<sup>F</sup>

The maximum number of visas was raised from 534 000 a year to 714 000 for 1992-1994, with a further 24 000 thereafter (see SOPEMI, 1992).

F but also increased quotas for categories of immigrants not qualifying for admission under family preference. Labour immigration quotas are to double<sup>F</sup>

From 54 000 to 120 000 a year.

F, and in some cases triple for highly skilled people. At the same time family immigration continues to predominate, as in Canada and Australia<sup>F</sup>

Entries under family preference will still account for over 70 per cent of all permanent immigrant admissions to the United States, and represented over 47 per cent in Canada and 41 per cent in Australia in 1990 (see SOPEMI, 1992).

F.

Despite these moves, the approach taken by the three main migration systems (cases No.2, 3 and 4 in Table 1) remains appreciably different. That is what we shall see now in the three main areas of migration policy:

selective admission, control of the foreign or foreign-origin labour force on the job market, and integration of the foreign or foreign-origin population into society and citizenship.

## 2. Interdependence and performance of migration systems and policy

### {a) Three separate models}

We may now compare the three main components of migration policy, namely selection mechanisms, management of the immigrant labour force, and integration procedures. These will be considered for the three main systems of migration, the settlement model, the short-term labour model and the long-term establishment model.

The ranking of migration policy objectives is different in each of these systems. In settlement countries (case No.2), the aim of integration is predominant, and governs the selection procedures to a large extent. Membership of an already established community (religious, ethnic or national, depending on the era) is the key criterion. Selection of people of working age is marginal (United States) or heavily skewed for age and skill factors that will assist integration (Australia and Canada). Integration is viewed as community integration, of the family as a whole. Labour market integration is not treated separately from overall integration, and is secondary and accessory. Selection is stated at the time of admission, where the bulk of controls are focused<sup>F</sup>

This practice in settlement countries was considerably assisted by the fact that frontier controls, for immigrants from Asia and Europe, were easy to apply in ports. Matters are quite different with the Hispanic and Haitian inflows into North America; these groups form the majority of illegal immigrants [see J. Fraser OCDE/GD(93)22].

<sup>F</sup>. This is the basic thinking behind Canadian and Australian migration policy. The annual statistical records are detailed and reliable. Once admitted, migrants are subject to few controls by government (which is generally of a federal type); it intervenes little on the labour market and when it does the intervention is general or anti-discriminatory on behalf of minorities, not immigrants<sup>F</sup>

Government posture, originally liberal, may extend to action targeting minorities. Integration arguments, presented under the guise of community balance, have led settlement countries to introduce quotas at times, but discrimination on entry is usually all-embracing, and applies to the overall population and not particular categories.

<sup>F</sup>.

In the labour system (case No.4), labour market considerations dominate. The key aspect of migration policy is control of incoming labour. Non-national manpower is not entitled to enter the labour market freely. Immigrants enter only when they are of working age or directly related to a person of working age. They can only take employment if they are assigned to a particular job, area, sector of activity or type of work. They are assigned by government agencies, under the statutory constraint of employment and residence permits which are closely correlated and of limited duration. In Austria, until 1990, work permits were subject to quotas by region and issued for a specific job in a given firm. Accordingly, for varying periods, the spatial, sectoral and occupational mobility of an immigrant worker (in particular the possibility of self-employment) is restricted.

This is the principal form of selection, requiring a contract of employment prior to entry. Selection at the point of entry does not need to be stringent since it recurs: either the immigrants return at regular intervals to their country of origin and hence to the starting point in the process, or renewal of residence and work permits gives the opportunity for regular overall control (ensuring that the immigrant's terms of residence, accommodation and employment are being respected). Labour market controls ease only slowly, over a period of years. Integration takes third place, being subordinate to labour

market integrationF

Reception arrangements for workers who have left their families behind may be quite satisfactory, for instance, but linguistic and social integration will not have advanced greatly even after a number of years.

F, and is not a real priority even when it is a stated aim.

Naturalisation is insignificant for the early generations. Only the children of mixed marriages can enter the labour market freely. A system of this kind depends less on reliable statistical recording of migrants at the point of entry and more on administrative, local and sectoral management of overall employment. In the German model, for instance, we find a strong correlation between jobs and skill levels; labour force management is carefully monitored both for occupational training purposes and under tripartite partnership arrangements involving government, trade unions and employers' associations. All employees, nationals and foreigners alike, come under the same form of management, so the system of control for foreigners is finely meshed. In principle, rules are applied uniformly across the board.

The third model (case No.3), which chiefly concerns France, seems to fall midway between the two priority rankings we have just examined. Labour market control through work and residence permits and the segmentation of the labour market are, in formal terms, the same as in case No.4; regulations are frequently ad hoc, however. They do not apply to all employees, or are not really enforced for them, and concerns to integrate the foreign population appreciably modify the content of controls. For example the selection procedure provides for admission under contracts of employment (for named persons or not, in France), and for regularisation of status after entry, for both people of working age and family members. Renewals of residence and employment permits are more flexibleF

In particular, even fairly long periods spent abroad do not mean that the right to reside and work in the country is forfeited.

F, because there is more scope for

adjustment to local labour market conditions, and government controls on the labour market are traditionally less strict than in the manpower model (case No.4). Expulsion of foreign minors, or parents of minors who have gained French nationality, has not been possible in France since 1981. Last, the scale of naturalisation, starting with the first generation, raises the segmentary barriers within a period of from five to 15 years. The effects of the {jus soli} in France is an example of this mechanismF

Unlike the even more flexible system of naturalisation in settlement countries, where birth automatically gives citizenship, the French system holds that right over until the next generation (a child of foreign immigrants who is born in France, with at least one parent also born in France, can become French under the declaratory procedure). But together with mixed marriages, in which the foreign spouse can obtain French nationality by the same procedure, and naturalisation by decree, the arrangements absorbed 941 000 between 1973 and 1991 (see SOPEMI, 1992). By and large, naturalisation is being facilitated in all European countries. But considerable differences remain over the generation when it becomes automatic (third generation in Belgium since June 1991) and over the right to naturalisation for one partner in a mixed marriage.

F. The fundamental

characteristics of migration policy in this system are the regularisation of status after entry at all levels, and the scale of naturalisation. It may be noted, by way of objection, that the system has operated less satisfactorily since manpower admissions were suspended, and that institutional regularisation seems to have been halted.

In that sense, the system would seem to be moving towards labour migration. It is true that with the cessation, in 1974, of the regularisation exercises that were usually run every year for people of working age, and the cessation of similar regularisation for family members in 1984, these processes have become more exceptional. But they did occur in 1974, 1979, 1981-82 and 1991, so they have still been fairly frequent. Given the smaller inflows of permanent workers, compared with the levels between 1965 and 1974, the exceptional regularisation exercises do partly fill the role played by the automatic exercises when flows were much larger. In addition, since 1984 France has applied much simpler and broader conditions for issuing 10-year residence permits, which can be renewed automatically. While in formal terms this hybrid model seems close to the manpower system, the integration and settlement objectives override labour market control in ways which make the model similar to the first system we looked at (case No.2 in Table 1).

{b) The models subjected to policy tests}

None of the countries which can clearly be placed in any of these three systems fully matches the stylised model into which it falls. The reason is not simply the usual gap between stylised representation and actual practice. It in fact lies in the way the systems have responded to the disrupting and unbalancing factors that have affected all of them. If we take three countries, the United States, Germany and France, as representing the three models, we can see that their systems have been modified by policy decisions more in line with another system's approach, so that each one is to some extent blurred or distorted.

Whatever their system, the OECD countries of immigration have since the early 1980s faced the same range of problems: stronger incentives to emigrate on a worldwide scale, in both the South and the East, and reduced ability to absorb labour flows with the emergence of structural underemployment, shifts in industrial centres of gravity, and slackening growth. Two problems are acute: asylum seekers and refugees

See Hutchinson E.P., Legislative history of American immigration policy 1798-1965, University of Pennsylvania Press, Philadelphia, 1981, pp.25-29, 280-281 and 521-534.

F, and illegal immigrants.

With the economic and demographic imbalances between the industrial and the developing world, would-be emigrants seek to advance via all the institutional channels that a particular system offers. The scope for controlling emigrants overall on entry, and absorbing them via existing channels without distorting the latter, is greater in the settlement system than in the labour system. The long-term establishment system (case No.3) lies between the other two, notably on account of the facilities which regularisation exercises provide. In the labour system, once admission via the main channel has been suspended, would-be entrants turn increasingly to the family reunification route (hence the attempts to restrict it to persons not of working age) and to the asylum route.

In ordinary times with large inflows of workers, the numbers of asylum seekers and refugees are marginal and assistance can be provided to keep these "atypical" migrants out of the regulated labour market while their applications are being considered. If they work a little on the side, that will not greatly affect the general situation. The case is quite different, however, when flows of asylum seekers increase substantially

Germany, as we have seen, offers a constitutional right of return to people of German origin together with a right of asylum that is without parallel in the rest of Europe.

F. Then the government can no longer afford to pay to keep asylum seekers outside the normal labour market for foreigners. In Germany, for instance, the numbers of asylum seekers and refugees are substantial and the burden on the federal and Länder governments is estimated at between DM 7 and 35 billion a year [see K. Manfrass, OCDE/GD(93)16]. The deteriorating job situation which fosters insecure forms of employment, the manpower shortages in some sectors and the spreading informal economy in the industrialised countries all offer asylum seekers opportunities for becoming illegal immigrants. They consequently come to be seen (unlike with the segmented, regulated market) as potential rivals of the classes of local workers most affected by unemployment.

The solution is either to reopen the channel of admission for workers, i.e. return to an earlier practice

Germany considered a resumption of Yugoslav and Turkish immigration once the economic cycle turned up in 1986.

F, or to conduct large-scale regularisation and naturalisation exercises. Either course will shift the No.4-type system in the direction of long-term establishment (case No.3). But in a guest workers system, integration is not high on the agenda. The local population accepts

foreigners who are not direct competitors on the same labour market and do not expect, over the long term, to become integrated. Germany has admittedly eased naturalisation for young people who have been in the country for eight years, and for those resident for 15 years<sup>F</sup>

Effective since 1 January 1991.

<sup>F</sup>, but although such naturalisations are a shift away from the short-term migration system they are not at present expected to have any decisive effect.

Countries which operate a system of long-term establishment have experienced the same difficulties, because of the importance attached in formal terms to labour market conditions and the work permit arrangements. The continuing ban on new entrants and the cessation of regularisation exercises have driven migrants into the other channels to hand, for entry as tourists, asylum seekers, family members or students. In fact the dominant approach of migration policy, whatever the political line, has reflected the hybrid nature of the systems. An integrationist settlement approach has simplified residence and work permit arrangements by easing access to freely chosen employment and to naturalisation, and by running a number of substantial regularisation exercises for illegal immigrants. A labour market approach has led to cessation of quasi-automatic regularisation, making it an exceptional process. The efforts to tie family reunification more closely to the employed status of the head of family stems from the same approach. Much the same can be said of France's decision in 1991 to stop allowing asylum seekers to take employment while their applications are being processed<sup>F</sup>

Ministerial circular of 26 September 1991.

<sup>F</sup>. These are all consistent with the short-term migration system (case No.4).

{c) Towards a crisis for the main models?}

The reasons which have fostered the introduction of measures of this kind, though they are not always strictly and effectively enforced, lie not in the absence of a pattern of integration, as in the labour system, but in a crisis in the pattern of individual assimilation. In an integration system, of which France provides a standard example, the objective of absorption is compatible with the formal framework of short-term labour migration because of the large-scale naturalisation and regularisation exercises and because of the considerable historical cohesion of the cultural model<sup>F</sup>

A uniform education system and egalitarian republican centralism resolutely opposed to recognition of political or civic communities have, together with the experience of war, been the key points in French assimilation. Sweden also belongs to this model. Countries such as the United Kingdom and the Netherlands, with a more liberal democratic tradition, have explored the path of multiculturalism.

<sup>F</sup>. A migrant spends

15 or so years under a labour migration system, frequently less rigorous than short-term immigration, and at the end of this period (and earlier in some cases) he is offered unrestricted access, subject to naturalisation, to all civic and political rights. There is no stage-by-stage process, such as local voting rights to begin with. But when the cultural framework starts to break down, in particular because equal education opportunity makes uniformity harder to achieve than with a small elite, or because religious pluralism fits ill with the lay philosophy that has so far prevailed, the decline of the assimilation model comes to be seen as an identity crisis.

The current movement towards closer union within the European Community heightens the crisis in the mono-cultural integration models. Foreign immigration is seen as altering the nation's identity. Nationalist pressures (which might be termed nativist in the United States, where similar trends have surfaced regularly over the country's history) come to the fore, calling for restrictions on naturalisation, or migrant-return schemes that are wholly unrealistic both because of their economic impact, via employment, and because the rule of law precludes forcible expulsions. Governments are often tempted

to appease to public opinion by reasserting a severe approach to flow control. This compromise solution is entirely superficial, since it undermines the scope for flexible adjustment that is a major advantage of the hybrid system (case No.3) over short-term labour migration.

Given that the underlying approach in any system will be stronger than policy measures which cannot prove effective for long against the tide, making asylum seekers' position more insecure by forcing them into the ordinary channel for immigrant workers will reduce the number of applicants for asylum only at the margin. Any sharp arrival of displaced persons, as is the case now in Western Europe as the former Yugoslavia breaks up, could call the effects of those restrictions into question. Indeed, the number of illegal immigrants is likely to increase correspondingly, since asylum seekers whose applications are turned down are not systematically returned to their country of origin. Such people will move into the least favoured corners of the labour market. A similar development, which occurred in Austria once asylum seekers no longer simply passed through the country but stayed there, led the government to authorise asylum seekers to join the ordinary labour market [see G. Biffl, OCDE/GD(93)14].

Easing the naturalisation process and encouraging political involvement at local level are solutions much more in line with this type of system. A number of countries have adopted measures of this kind, notably the Netherlands, Sweden and the United Kingdom. But because admission is directly and formally subordinated to labour market conditions, with the humanitarian exception of refugees, the countries applying the long-term establishment system fail adequately to recognise the indisputable settlement dimension of migration<sup>F</sup>

The exceptions to ordinary rules on residence and employment for refugees from former Yugoslavia raise a number of problems. French government agencies, for example, have to determine whether refugees come from a war zone; if not (and how that can be ascertained locally is not clear) the refugees are not allowed to take employment.

F.

Does this mean that settlement countries (case No.2) experience no strains, and have not introduced migration measures that jeopardise the internal harmony of their system? Certainly not. But overall, for a number of reasons, this model has stood up more effectively to the challenges posed by migrations at present. The settlement system remains an open one<sup>F</sup>

It would in fact be hard to close, and the most severe restrictions were in fact imposed by modifying the nationality quotas in 1922 and 1924; this system was abandoned in 1965.

F, the front

door has not been closed. Pressures are accordingly easier to channel, especially because most of the countries have long experience of handling very large flows. Since the fundamental parameters governing admission are not closely connected to aggregate labour market conditions, the qualitative deterioration in employment has not ultimately produced restrictive effects.

Additional quotas for displaced persons, whether fleeing from communism, other dictatorship or civil war, have not generated the problems found in Europe. Refugees admitted under the quotas have the same status as other permanent immigrants. There is also some flexibility in the arrangements made for refugees by private agencies, and indeed families in Canada for instance, (see Employment and Immigration Canada, OECD 93(GD)29).

One last factor marks the settlement system off from the other two. Migration policy is the subject of broad and regular debate, and wide-ranging parliamentary control<sup>F</sup>

Comparison of parliamentary proceedings in the United States and France, two countries with a long tradition of migration, is instructive in this respect. The 1986 Act was closely monitored by the United States Congress. In France the establishment of the Haut Comité à l'Intégration, and a high-ranking advisory board, following the lengthy debate over the nationality code, seems a modest step towards placing public and political discussion of these matters on a less polemical footing.

F. "Nativist" moves to safeguard the position of English<sup>F</sup>

In this connection, see A. Leibowicz (1989), who noted the segregationist effect, until the 1965 civil rights acts of rules in southern states confining the electoral roll to people who could write a commentary in English on passages from the Constitution. The measure effectively prevented black elites from gaining elected office.

F, and moves to protect national jobs, give rise to extensive discussion

and hearings of experts and representatives of social and occupational groups.

Yet despite the scale of admissions clearly defined in advance by the overall quotas<sup>F</sup>

The other two systems, found mainly in Europe, do not set out requirements or figures for potential admissions in advance. In that respect the settlement countries plan, and Europe relies on the market. <sup>F</sup>, demand among economic migrants and refugees has proved so strong that over the last 15 years the settlement countries too have faced a new wave of illegal immigration. It is no accident that the largest numbers of illegals have concentrated on the United States' land and sea frontiers with Mexico and the Caribbean basin. These unregulated flows and their labour market effects have given rise to keen argument. Do they depress wage levels for nationals, and in particular minorities? Are they detrimental to job creation for nationals? What are their effects on public spending, through welfare payments? All these questions had arisen earlier, in connection with legal immigrants<sup>F</sup>

In most cases the answer was no. The competition seems mainly between illegals and some classes of legal immigrants and workers from the most underprivileged Hispanic and black minorities. The positive impact on growth and overall employment does however offset this. The chief demand comes from the production system, from employers [see Y. Moulrier Boutang, J.P. Garson, R. Silberman (1986); G.J. Borjas (1990); DOLE (1989); F.D. Bean, B. Edmonston, J.S. Passel (1990)]. For an overview of recent regularisation exercises, see SOPEMI (1989). <sup>F</sup>. The United States government opted for amnesty arrangements: illegal immigrants had to demonstrate unbroken presence on American soil, not a stable job or employment contract, to obtain worker status<sup>F</sup>

The H2 programmes to bring in seasonal workers for agriculture were criticised as contrary to the American tradition of permanent immigration. Back in 1889 the Ford Commission had railed against "birds of passage", and its report saw as immigrants only people who in all good faith wanted to become American citizens and were worthy of citizenship (E.P. Hutchinsin, op. cit., page 501). <sup>F</sup>. That was in line with the permanent settlement model, under which permanent immigrants are authorised to work straight away on the same basis as any citizen. Temporary migrants (non-immigrants) cannot usually take up work, but the numbers receiving permission to do so are rising each year, and in Canada and Australia they make the labour market highly flexible.

Penalties for employers proved highly controversial; it is a somewhat European approach, although it took the form of enforcement of federal regulations on wages, working conditions and non-discrimination. The 1986 Act had made it an offence for employers to take on workers without proper papers. Employers were compelled to complete special forms when hiring immigrant workers, and check that they were authorised to take employment<sup>F</sup>

This clause removed an employer's exemption from liability for hiring illegal workers, termed the Texas proviso in the 1952 Act. <sup>F</sup>. This provision, regularly renewing controls after immigrants have crossed the border, and placing responsibility on the firm, ran counter in two ways to the American system's liberal approach. Employers complained that they were being forced to police their staff. Enforcement was closely monitored by Hispanic minorities, fearing discrimination. The 1990 Immigration Act largely abolished the requirement to check papers, except for farm agencies and agricultural employers [see J. Fraser, OCDE/GD(93)22].

The results have been disappointing. Over 40 per cent of firms still do not appear to be complying, notably small firms, the ones making most use of illicit migrants. The hopes in Congress that firms would have to raise wages substantially for the jobs filled by amnestied immigrants, and that illegal immigration would be eliminated, proved over-optimistic. Trying to combat illegal immigration by European-style methods was always going to be hard in a settlement system; the methods had not in any case been very effective in Europe. The spread of subcontracting, and the growing underground economy, were powerful obstacles.

As in Europe, the need to create jobs (including illegal immigrants) seems to override the need to control flows or protect jobs for nationals. In any case an appreciable proportion of illegal immigrants (particularly among Hispanics) are family members who have been in the United States for years and are actually on the lengthy waiting lists for non-priority categories, under family preference. These people have come in before their turn, which has helped them among other things to learn English. The normal procedure of family preference immigration is in fact serving to regularise the position of some migrants already in the country<sup>F</sup>

See D. Bean, C. Edmonston, J.S. Passel, op. cit., page 263.



A number of settlement countries, and the United States in particular, have recently tried to prospect for skilled labour to deal with shortages in some sectors. The quotas now include allocations for highly workers in some areas<sup>F</sup>

The Immigrant Nurses Relief Act, seeking to counter a shortage of hospital nurses. There are similar shortages in western Europe.

F. The European aspect of this measure is the prior verification that no national workers are available to take these jobs. How is this actually checked? From European experience, most such checks are largely theoretical. At the same time, the settlement system's influence is still felt, because people admitted for special work reasons may in some cases become permanent immigrants after four years' residence, and receive permission to bring their families in.

The debate about welfare for illegal immigrants, and the cost to the States and the federal government reflects rather the same strains in the model, under the temptation to turn to a European solution. Centralised control of welfare recipients and computerised checking of social security registration may to some people appear the key to controlling illegal immigrants outside the workplace. Extending social coverage to all Americans will no doubt make registration procedures more uniform, but centralisation of data on permanent immigrants may well be seen as intolerable and a breach of constitutional freedoms<sup>F</sup>

Countries with a liberal tradition are extremely reluctant to consider identity cards. For the political limits on efforts to combat illegal immigration, see D. North (1991).••••

F.

Table 3 summarises the achievements and main characteristics of the three components of migration policy under the main systems we have discussed.

## Conclusions

{Advantages and drawbacks of the main migration systems}

We have tried to demonstrate how the particular approach taken in the three main migration systems into which the OECD countries can be placed has remained consistent. That has been the case despite considerable changes in their policies to deal with growing manpower and family reunification inflows, arrivals of asylum seekers and an appreciable increase in movements of highly skilled workers.

Each of the systems has its own advantages and drawbacks, but they differ quite widely, making it illusory to hope to combine the positive aspects without having to take on the disadvantages as well. The settlement system is comprehensive, displays long-term stability and has proved flexible in adjusting to major trends in world migration. Its characteristics place it at the "terminus" of migration, which is an easier position than that of the "staging post" countries. A very long experience of immigration, and the fact that it is enshrined in the Constitution, means that migration policy is clearer, more accepted and more democratic than in countries of long-term establishment (case No.3) or countries of labour immigration (case No.4), where policy is shaped more by the executive or the social partners [for Austria, see G. Biff1, OCDE/GD(93)14] than the legislature.

The reverse side of the long-term effectiveness of settlement systems is considerable inertia in decision-making. Amending immigration law will usually take several legislatures, and involve almost a constitutional debate<sup>F</sup>

Hutchinson (op.cit.) recounts the very long procedure required for any immigration bill with numerous sessions in first the House of Representatives, then the Senate, their respective commissions, the Justice Department, the need for agreement of both chambers and finally the presidential right of veto. Such procedures are reserved in European political systems for constitutional amendments.

F. The influence of lobbies and pressure groups, in particular minorities and

established communities, dilutes any cyclical labour objectives. Rapid changes on the labour market and economic downturns will not be matched by immediate adjustments in migration policy. The bulk of inflows is made up of family members, and the quantity or quality cannot over the short term be significantly regulated.

- See, for instance, the difficulty referred to in the report by G. Jasso and M.R. Rosenzweig (OCDE/GD(93)28) in the United States when higher qualifications are demanded from candidates selected for admission on the strength of highly skilled job vacancies because of family reunification.

F.

When there is a large surplus of would-be immigrants, the clear and objective methods of selecting immigrants subject to quotas or other conditions means that lengthy waiting lists build up, stimulating illegal immigration. Australia has recently tried to meet this difficulty by devising a category of admissibility where would-be immigrants are placed in a reserve and can take up unused portions of various quotas, and be permanently admitted [see V. McMahon, OCDE/GD(93)27].

There are grounds for scepticism about the capacity of settlement systems to achieve any highly controlled official allocation of manpower in the labour market. Canada and Australia, which have ambitious programmes here, are coming up against difficulties due to various forms of geographical and sectoral mobility, including onward emigration to the United States. The effectiveness of integration policy, on the other hand, seems to rest to a considerable degree on community attitudes, liberal access to civic and political rights and high upward mobility flowing from economic success. Whether the integration models of settlement countries are mono-cultural (Australia, United States) or bi-cultural [Canada; see E. Ruddick, OCDE/GD(93)24], their degree of success seems to depend less on explicit content than on the newcomers' participation in building new countries.

- Apart from subscribing to the American way of life and learning the language, the Americans are still seeking the criteria for their identity as a nation.

F.

Labour migration systems, on the other hand, have the advantage of responding swiftly and selectively to changes in the economic cycle and sectoral strains on the employment market. The renegotiation of manpower agreements and amendments to short-term work permit regulations are hampered only to a lesser degree by the possible effects on integration. Unlike the settlement system, with its selection on pre-determined criteria, the availability of jobs, in macro or micro terms, will not guarantee admission here.

Incentives to return home and barriers to family reunification can be brought in as easily as steps to increase flows. The regular renewal of work and residence permits allows direct local control of the migrants and migrant population. The simplicity of government intervention which is apparently immune from ministerial in-fighting, its effectiveness in the very short term, and the ways in which migrants' status differs from the status of nationals, whether employed or self-employed, all seem to give governments a degree of liberty that they will not readily forego. The drawbacks in the system are clear. As long as it allows first-generation migrants to earn money quickly, while keeping them culturally apart in an unequal but provisional form of cohabitation, the system's authoritarian aspects, notably the lack of political and civic rights, are tolerated. When economic growth slows down, the prospects of returning home dwindle, stay lengthens and the second generation starts to appear, however, the model becomes structurally unstable. In a liberal democracy it tends to shift towards case No.3, a hybrid system of long-term establishment. Democratic principles work progressively against the anomalous status of the temporary migrant on the labour market and in society,

particularly as there is good reason to believe that inferior treatment of first-generation migrants will, if it persists, contribute to the subsequent formation of minorities.

In terms of labour market management, the short-term system has one major drawback: if flows slacken very appreciably, the choice is simply between abolishing the system, so that the labour market ceases to discriminate in any way between migrants and others, or increasing the segmentation of the market. Both these developments have been observed in Western Europe: work and residence permit procedures have been simplified and liberalised, but illegal immigrants who have not benefited from regularisation exercises (including unsuccessful asylum seekers who have not been expelled) are caught in markets that are still more segmented than prior to 1975. The effectiveness of labour migration systems in terms of integration is then of course seriously handicapped, and integration policy is often unproductive.

The effectiveness of the long-term establishment system (case No.3) is harder to assess. Does its hybrid nature give it the advantages of the other two systems, without their drawbacks?

The policies applied within this system do seem to enjoy a considerable degree of freedom in striking the balance between employment and settlement considerations, and allowing for geo-strategic factors as well. While the settlement system shows stability, and the labour migration system shows structural instability, the long-term establishment system does adjust to changes and upsets, admittedly with some time lag, and regains its balance by course corrections and frequent adjustments of the policy line.

The spread of powers across branches of government, and the numerous and sometimes contradictory purposes that guide them, mean that all decisions are composite ones. A labour migration system, to overcome its instability, will move in this direction.

Being hybrid has its drawbacks, however. The two other systems are clear, but this one is complex and can be read in two ways at each stage. Many extraneous considerations also find their way in. It does not lend itself to candid public debate leading on to clear decisions, let alone clearcut acceptance by the migrants themselves. The question of naturalisation and the reform of nationality law in France is a good illustration of this. Yet the integration benefits of the long-term establishment system in a fairly homogeneous cultural framework are considerable, though they are not so openly and effectively expressed as in the settlement model. The major drawbacks of the system are found in the two others we have considered (cases nos 2 and 4). With the settlement model it shares a certain lack of response to cyclical changes and difficulty in combating illegal immigration. Like the labour migration model, it runs the risk of excluding the second generation and seeing ethnic minorities build up; in fact, it is liable to reinforce the segmentation of part of the immigrant population. Such are the main advantages and drawbacks of the three systems we have described.

{Possible developments in migration systems and policy}

Policy in settlement countries will continue to seek swifter responses to changes in the labour market, but will come up against two serious limitations. The first lies in the fundamental role of family migration, which is very hard to control as a variable of the labour market [see G. Jasso and M.R. Rosenzweig, OCDE/GD(93)28] without attacking the principle of settlement immigration itself. The second stems from geo-strategic pressure in international relations, refugee flows being only one aspect of this. Canada, the United States and Australia continue to be countries of reception: that is backed by a general consensus.

The position of the European countries applying the two other systems seems quite different. Countries with a tradition of labour migration (case No.4) are affected by their system's instability, and over time it is moving towards long-term establishment (case No.3). The transition, which might have proceeded smoothly in individual countries, is occurring in a troubled international context of prolonged economic slowdown and political and geo-strategic upheavals that are without precedent since 1945.

The relationships between Europe, the South and the East have been completely transformed, and the movement towards European unification is profoundly changing the instruments and the national framework in which migration policy has so far been devised and put into effect. The changes that will occur in Germany are clearly decisive, not only because of that country's position in the European Community but also because it is representative of the questions facing all the labour migration countries. How is migration policy likely to develop? Probably with more marked liberalisation of naturalisation rules, and a far more active policy of cultural and linguistic integration.

The countries of Southern Europe which have only recently had to develop a migration policy (cases Nos.6 and 4) are facing similar difficulties. Their new regulations seem to be torn between short-term migration and long-term establishment (as evidenced by the regularisation exercises run since the mid-1980s, notably in Spain and Italy). Faced with national labour shortages, as the flows from their own southern regions dwindle, they regard the inflow of manpower from Africa, Asia or Eastern Europe as providing flexibility that will help them compete with the rest of the European Community. Their high overall unemployment rates would apparently lead them in the direction of the former German model, guest workers. But other domestic factors, in particular the low level of government control over the labour market, and external factors such as the crisis in the German model in Northern Europe and geo-strategic pressures around the Mediterranean and the Balkans, are leading them into an approach that is similar to the one taken in France (case No.4). In addition to recurrent regularisation exercises, they are likely to ease naturalisation procedures.

Countries which have opted, explicitly or not, for long-term establishment face two major difficulties. The first lies in the relaxation of control of migrants already on the labour market, and the problems of urban and social integration for second-generation immigrants. The second difficulty concerns any resumption of migration flows, whether or not controlled. With substantial inflows, control was exerted on admission, via the labour market

and the renewal of permits. As flows of workers decline, except in the informal economy fed by illicit immigrants (including unsuccessful asylum seekers), there is no qualitative control; for that to take place, these countries like the settlement countries would need to set a level of admission and apply various criteria (skills, age, family preference).

A return to labour migration for set periods and purposes [such as the migration/training proposals for workers from Central and East European countries, see H. Rudolph OCDE/GD(93)53] raises practical difficulties of implementation and control. The proposals at present involve limited numbers, and are not favoured by all the social partners. Over the next ten years, what would be the status of the new temporary arrivals, in relation to immigrants from earlier waves? Setting immigrants with different status side by side over a lengthy period is not without its risks. In Germany, for instance, we observe an imbalance between a very slow naturalisation process, with citizenship granted to limited numbers of people from the earliest waves, and automatic citizenship for groups of people who are of German origin but may not be highly integrated (in particular in economic terms) and may not necessarily speak German properly.

On the basis of recent trends in OECD countries in Europe, governments are likely to turn to the hybrid system of long-term establishment, either implicitly at national level or explicitly in defining convergence via EC immigration rules. This is a policy dilemma, the start of a vicious circle. Recognition that the objective of many migrants is long-term integration has removed some of the economic basis from the work and residence permit system, namely the ability to close off parts of the labour market. Regularisation exercises are becoming more frequent and so are naturalisations. But when economic activity is slack and unemployment high, a "nationalist" reaction develops, proclaiming less ability to assimilate, and seeking to protect "national" jobs from migrant competition.

Stronger segmentation of the labour market between illegal immigrants (including unsuccessful asylum seekers) on the one hand, and migrants with proper papers and nationals on the other, can be achieved by applying regularisation exercises more strictly or making naturalisation laws more restrictive. It will lessen concern about competition, but will ultimately exclude certain groups, producing minorities in subsequent generations and heightening the difficulties of integration (inner city problems, crisis in equal education opportunities).

The solution held out by the settlement system is to opt for civic integration (swift and automatic naturalisation for permanent immigrants admitted on the basis of clear pre-determined criteria) and to relinquish the work and residence permits that can be adjusted in the light of economic conditions. That system of permits is not in line with normal labour market operation, where work can be taken in any occupation, sector or place. Any migrant admitted on a permanent basis but not yet naturalised can then move freely on the employment market and enjoys the same rights as citizens. Via family preference, in addition, the nationality or ethnic groups most strongly represented and integrated have an advantage. The difficulties with this system are not to do with marginal adjustment, better use of resources within a given migration system, or increasing funds for enforcement. They are the ones

that occur with any radical change, especially during a period of rapid change elsewhere. The new frontier being created by the process of construction in the European Community could provide a suitable opportunity for a strategy review of this kind.

But it is clear that Europe, like North America and Australia, cannot expect too much from migration policy. Even the most liberal policy will not settle the problems of minority integration, discrimination, the inner cities and underemployment. If it did not worsen them over the long term, that would already be something. The range of policy will to a large extent be governed by the attempts to find overall solutions for these problems. The most to be expected of migration policy is that it be consistent with programmes to reduce inequality and to improve employment.

Even the strictest migration policy with effective control and enforcement, on admission and thereafter, in the advanced countries would have no genuine impact on the fundamental factors giving rise to emigration. Only co-operation and development programmes can be effective at the source of international migratory movements, which reflect a refusal to accept economic and political underdevelopment. It is clear, for instance, that the EC association agreements with Africa and Eastern Europe, and the establishment of the North American free trade area, are likely over the longer term to bring fundamental changes in the nature and volume of flows, whatever systems and policy are in force in receiving countries.

Table 1. Main migration systems

Primary aspect	Secondary aspect	Typology	Examples
1. Settlement •	• Settlement ••• colonisation	Country of •USA (1788-1922) •Brazil	
2. Settlement • •	• Labour •••	Immigration •• USA, Canada, (permanent •• Australia, Republic establishment) • of South Africa	
3. Labour •	• Settlement •••	Long-term •• France, Belgium, establishment • Sweden, Netherlands	
4. Labour • • • •	Labour •••	Guest workers • Germany, Austria, • Switzerland (Spain, • Italy, Greece, • Portugal since early • 1980s?)	
5. No general immigration	• Settlement	Return • Israel	
6. No general immigration • • •	• Labour •••	Ethnic minorities • United Kingdom or recent • until 1971, Japan immigration • (Spain, Italy, Greece, • Portugal until • early 1980s?)	

Table 2. Ranking of policy components in the three dominant systems

Nature of system	Components of policy				
	• •• •	••• •• ••admission	•	•	•
Settlement (Case No.2)	••	2•	•	3•••	1•
Long-term establishment (Case No.3)	•• ••	3•	•	1•••	2
Labour (Case No.4)	••	2•	•	1•••	3•

Table 3. Impact of policy under the three dominant systems in OECD countries

Type of system	Settlement (Case No.2) (Case No.3)	Long-term establishment (Case No.4)	Labour migration
Examples United States, Canada, Australia Sweden	France, Belgium, Netherlands	Germany, Switzerland,	
Right to immigrate	Constitutional	Effective, with conditions	Conditional
Selective admission	Stated ex-ante	Stated ex-post	Stated ex-post or ex-ante
VERY STRICT on overall population, quotas, family preference	MEDIUM or SLIGHT on workers, with exceptions and regularisation exercises	STRICT on workers, but with exceptions	
Dominant mode of control	On admission Recurrent control	Control at national level Recurrent control	Local and federal control
Manpower policies	SLIGHT AND ACCESSORY Self-allocation on labour market (limited self-allocation)	STRICT Administrative allocation	VERY STRICT Specific allocation
Job availability not a requirement	Job availability not a requirement	Job availability a requirement	Job availability a requirement
Single permanent card permits	Successive work and residence permits	Successive work and residence permits	Successive work and residence permits
Mobility allowed in short term	Progressive and quasi-automatic (some categories) removal of mobility constraints	Slow or discretionary removal of mobility constraints	
Integration	Projected and in some cases organised from the outset	Not explicitly projected, but organised during residence	Not explicitly projected
Pluri-ethnic individualistic	Assimilationist and individualistic	Cohabitationist	
Civic integration: short	Civic integration: long	Civic integration: very long	
Naturalisation: possible in short term (first generation)	Naturalisation: facilitated (jus soli and jus sanguinis)	Naturalisation: very limited (jus sanguinis)	

Table 3. Impact of policy under the three dominant systems in OECD countries  
(continued)

Type of system•••••	Settlement (Case No.2)• (Case No.3)•••	Long-term establishment•• (Case No.4)	Labour migration
Main advantage•••••	Migration policy is•• democratically debated•	Policy can be reoriented•• direct control of immigrants	Economic flexibility
Dominant problems•••••	Inertia linked to•• settlement immigration•	Drift towards settlement•• model (permanent establishment)•	Structural instability in long term
•••	Qualitative impact•• limited in short term	Formation of minorities••	Formation of minorities
•••	Difficulties in•• combating illegal•• immigration (United States)	Greater market segmentation• when admission rates are low•	Greater market segmentation when admission rates are low
Political influence• over migration system	Medium•••	Strong, national and local•	Slight, federal and local•
•••	Influence of pressure groups and lobbies•••	Variety of aims of government	

END-OF-TEXT