

**Under Political Construction:
Migrants in European Union**

**Presentation on the Symposium: “Perspectives on migration and human rights“,
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The German historian and migration researcher Klaus J. Bade argues that the "*homo migrans*" has been around as long as there have been "*homo sapiens*". He says: "since migration belongs to the *conditio humana*, just as do birth, reproduction, illness, and death (...). The history of migration, therefore, has always been part of the general history and can only be understood on this basis" (2000, 11). But in high developed national states of Western Europe – in North America or Oceania, too – migration is an exceptional case. In process of international integration – or globalisation -, especially in the case of European integration actors of Western countries try to hold national sovereignty. They are afraid that they lose it step by step, if the process of European integration will going on. In this context migration becomes an extraordinary role, and migration policy becomes a field on which national sovereignty and constitution of national state are negotiating.

Migration policy is an inconsistently political field with conflicting interests, motives, and goals. There is a gap recognizable between migration as a social phenomenon and migration as a political issue. Migration policy does not focus in first priority on this social phenomenon.

How is this constellation to explain? My thesis is: migration as a social phenomenon is coming into conflict with – how the German social scientist Ulrich Beck (1998) means – a bureaucratic definition of reality of what nation and national state are. In process of European integration this conflict is getting worse. Migration isn't the reason, but the folio on which the constellation will be visible.

In the following I want to discuss three issues:

- I. Migration as a social phenomenon – how is it to define?
- II. Migration under political construction, or: how governments try to bring order back in migration movements.
- III. Migration and bureaucratic definition of reality in the process of European Integration.

My presentation basis on results of two research projects: (1) on an international co-operation project with universities in Spain, U.K., and Germany about migration and interculturality in the world of labour (Birsl/Bitzan/Solé/Parella/Alarcón/Schmidt/French 2003) and (2) on the following project of migration and migration policy in the process of European integration (Birsl 2005). It is a comparison study of the old 15 member states and immigration countries in the European Union.

I. Migration as a social phenomenon – how is it to define?

In migration research we have not any generalised definition of migration. And there exists some important differences between definitions in sociology and political science. In political science often dominates an understanding of migration which is similar to the political construction of groups of migrants or forms of migration; for example: refugees/asylum seekers, migrant workers, ethnic migrants or the differentiation of involuntary migration because of political persecution or voluntary labour migration.

This differentiation makes sense by policy analysis. But when we want to define what migration could be, and we want to know something about the relationship between migration and public policy, we need a sociological point of view on this social phenomenon.

In support on Annette Treibel (1999) – a German migration researcher – and out of heuristic reasons I break migration down on four dimensions: 1st the geographical distance and spatial mobility, 2nd the length of the change of locality, 3rd the causes, motives and aims of migration, 4th the scope of the migration movement.

1. Geographical Distance and spatial mobility:

On the one hand, this dimension means migration as a movement over long distances, national borders, and continents, namely the geographical expansion of migration movements. On the other hand, it refers to the spatial aspect, which includes the “out-migration” from a structurally weak economic area and the “in-migration” into area of industrial concentration. This type of spatial mobility may refer to migration within a country, that is, internal migration, to migration into a transnational economic area, or to international migration in the geographical sense.

Like the following time dimension, the spatial dimension cannot be quantified, as for example, by kilometre measurements and so forth.

2. *Length of the change of locality:*

While “migration” is the broader term for migration movements, the term “immigration” denotes the gates of entry and resettlement into a national state. However, at which point one can talk about immigration has not been uniformly demarcated in Western European countries. There only appears to be universal agreement that immigration denotes a complete change in one’s residence, at what moment this takes place, however, is interpreted differently. In general, entry into a country with the intention of staying for a fixed duration of time is considered immigration. Definitions of this “duration” vary from three months as, for example, in Belgium, Denmark or Spain, to six months as in the Netherlands, or to twelve months as in Portugal, Finland, Sweden or Great Britain. In addition, some countries require an officially authorised residency permit. Thereafter, bureaucratic rules are dominating. These rules don’t record important migration movements – for example migrants who don’t resettle but commute between different developed economic areas.

3. *Causes, motives and aims of migration:*

While the time and geographical-spatial dimensions tend to be secondary dimensions of migration, the push and pull factor as well as the scope of a migration movement are considered to be of central importance. However, the significance of push and pull factors has been contested.

Thus, according to Ludger Pries (1997, 15ff.) and Thomas Faist (1997, 63ff.), from push and pull factors it cannot be determined why only a few residents of certain countries, regions or localities migrate, while others living in the same conditions do not; and further, why certain countries are selected as destinations, even though another country offers equal or, in some cases, even better conditions. In their view, decisions to migrate and the destinations chosen can only be explained by the existence of transnational social spaces (Pries) and transnational migration networks (Faist). Together they have the capacity to set up social spaces over vast geographical distances and across state and continental borders and to create interactive networks of communication and information exchange.

These networks, moreover, serve to make resources available for migration, such as financial means, contacts, and reception networks in the country of destination. For Faist, transnational social networks form the meso-level, that is, the link between individual decisions to migrate (the micro-level) and political, economic, and cultural structures on

an international scale (the macro-level). This has been absent in earlier studies of migration movements (Faist 1997, 73).

These migration networks in transnational social spaces, in effect, should be indispensable for migration movements, regardless of whatever motives may exist. In contrast to what is often suggested in scientific reports, these networks are not a new phenomenon. They can be observed in a more concentrated form since the beginning of the nineteenth century, especially during the mass transatlantic migration from the European continent to North America.

In context of transnational social spaces we find different forms of migration, for example to resettle for longer time or to commute between regions and countries. In European Union the last form dominates, in case of undocumented migration from the eastern European neighbourhood, too.

Migration networks in these spaces give chances to migrate out of different motives, and they are determining the direction respectively the destination. They make social capital available. This is one side. On the other hand these networks select who is able to migrate and who is not. At the same time, they integrate and they exclude people who want to migrate.

4. *Scope of the migration movement:*

All these directly influence the scope of migration, the last of the dimensions for determining migration. From a sociological point of view, migration can really only be spoken of if it takes on collective forms, becomes a social phenomenon, and is carried by social relationships. This leads to two different consequences:

(A) As a sociological phenomenon Migration first becomes visible when – so called – chain migration has begun. Pioneer migration as such often cannot be observed if it only appears as individual migration in which the social context is still unclear.

(B) In such a way, a decision to migrate must be linked to social relationships in order for it to be considered a valid sociological phenomenon. This means that the decision to migrate must be collectively reached and, as a result, shared in the country of origin. This takes place, for example through family or neighbourhood connections as well as in ini-

tiating further decisions to migrate because of these social relationships, for instance, within the context of a family strategy¹ or a network.

Thereby the scope of migration is measured by the question of whether migration and decisions to migrate occur within the context of collective social relations. At the same time, this means that even this dimension – in the sense of a determinable scale upon which migration might be measured – is just as difficult to quantify as the temporal and geographical-spatial dimension (Birsl 2005).

II. Migration under political construction, or: how governments try to bring order back in migration movements

These four dimensions represent the somewhat more sociological side for understanding migration. Under political construction six general categories can be distinguished from each other, however, they are not distinctly separate in respect to the causes, motives, and aims of migration². They do, nonetheless, play an important role in the migration policy of the migrant-receiving countries:

- *labour migration* followed by family reunification, for example under the so-called “guest-worker system” from the 1950s to the 1970s or in conjunction with the internal migration that took place earlier in Spain or Italy when migration from the south to the north was especially prominent; as well as through recent recruitment measures in the highly qualified segment of the labour market or the less qualified segment of the labour market, for instance in agriculture and tourism,
- *colonial and post-colonial migration*,
- *ethnic migration*, for example, in Germany the immigration of *Aussiedlerinnen* and *Aussiedler* from Eastern Europe or following the termination of the foreign labour recruitment program, the return migration to southern European countries,
- *flight from persecution or expulsion*,
- *elite migration*, for instance within business conglomerates or the field of science,

¹ Insight on this is offered by Hillmann's study on women who immigrated alone to Italy, but whose decision to migrate, however, was tied to "family strategies. Therefore, their decision was socially integrated as well as commonly shared (Hillmann 1997, 23, 26).

² Fassmann and Münz identify only five forms of immigrants (which include both men and women). We have excluded the category "other migration" under which both authors had subsumed elite migration (Fassmann/Münz 1996, 18)

- *other migration*, under which is included, for example, the migration of retired persons from the northern to the southern West European countries of Italy or Spain.

One problem with these distinctions results from the mixing together different aspects of the forms of migration. For example, post-colonial migration – similar to ethnic migration – above all is defined by the historical relationship and connections between the country of origin and the country of destination, even though this migration is primarily labour migration. In contrast, the category of labour migration focuses on the motives for migration. Under “elite migration” social class-specific aspects are addressed, although this form is also oriented above all to the labour market. For flight and expulsion, again causes and motives are of central importance. Here, as previously discussed, the problem of a lack of distinction between flight and (labour) migration appears once again in the classification.

Overview: Classification of migration groups and their legal status

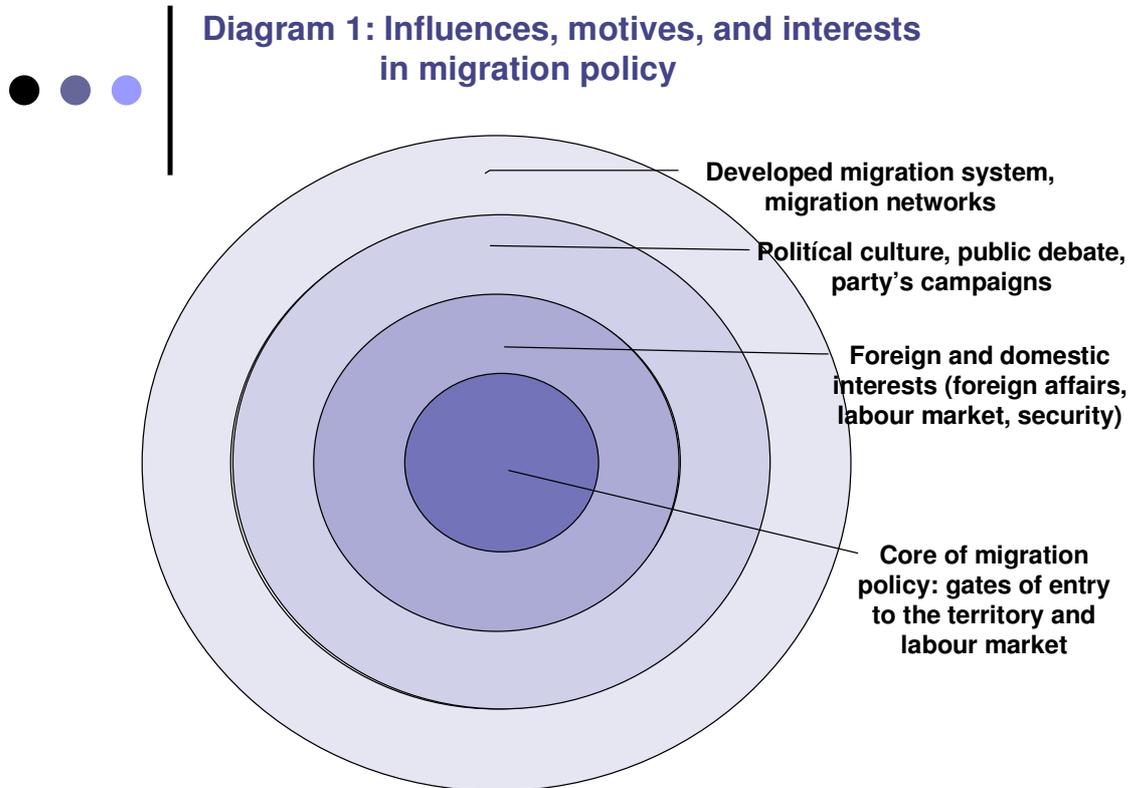
Migration group	Legal status	
Group I: Ethnic migrants Post-colonial migrants	Subjects, returning migrants from former time.	Subjects of former colonial administration etc. till 1960s, today: liberal naturalisation acts.
Group II: European Union citizens	Rights based on the treaties of Maastricht, Amsterdam, and Lisbon; free movement and resettlement, right to vote on local level, rights are similar to nationals.	
Group III: Labour migrants		
Subgroup: Labour migrants recruited from 1950s to the 1970s, since 1990s	Legal status varies; in the meantime southern European citizens fall under the status of Group II; for third-country nationals residency status is often dependent from work place, are integrated in welfare state.	
Subgroup: Temporary labourers	Short-term residency and work permits without claims on social security, officially, not seen as immigrants.	
Subgroup: Contract workers	Bilateral labour contracts with companies in non-EU countries, foreign companies send workers for max. 2 years, workers have no claims on social security; officially, not seen as immigrants.	
Group IV: Asylum-seekers	Individual right to asylum in case of (political) persecution, status can be recalled; officially, not seen as immigrants.	
Group V: Convention Refugees	Humanitarian help in context of the Geneva Refugee Convention, in several countries: paid work temporarily prohibited, reduced welfare benefits, status can be recalled; officially, not seen as immigrants.	

Source: Birsl et al. 2003.

In other words, the systemisation of migration is not unproblematic, yet politically it plays an important role. Migration policy is oriented primarily towards these manifestations of migration and/or even establishes them firmly as such in the first place and then organises migrant groups hierarchically in determining the allocation of legal, social, and political opportunities and in gaining access to the host societies. The sociological dimensions of migration only seep rudimentarily into the policy, and then only to the degree in which individual manifestations are defined.

In the Overview, migrant groups are organised into categories, and when possible, the forms of migration are assigned to each. Through the classification of migrant groups, both their different legal status as well as the hierarchy between the groups become clear, just as they are politically created.

By now it should be evident that the area of migration policy is a complex political field. In Diagram 1, a model of this policy field is summarised with consideration given to the central aspects of migration policy, in particular the determining factors.



The illustration defines the core of migration policy insofar as it addresses the conventional concern with controlling access to the national state territory and, beyond the territorial principle, to the political arena. This core is then positioned in its interrelation to the motives, interests, and policy formulations of the five policy areas identified above: labour market, economic, internal security – especially since 9/11 –, external security, and foreign policy. The determinants of migration policy are enclosed by political and cultural factors. These include the public discourse on migration and asylum, political party debates, and the situation of the political atmosphere and attitudes.

Emerging out of all this a strikingly paradoxical situation in which one policy area supports increased immigration, while another seeks to restrict it and meanwhile a public dispute breaks out over immigration and asylum. The alleged inefficiency of immigration controls can basically be traced back to this contradictory construction of policy and to these competing interests. Thus, it is first and foremost “home-made.”³

Finally, located in the outer square is the phenomenon of migration with its incorporation into the historical migration system that has developed over years in the countries of immigration. A migration system is shaped, for example, through earlier immigration during the colonial and post-colonial periods as is the case for Great Britain, France, Belgium and the Netherlands or, as in Germany and Sweden, through the recruitment of workers or ethnic migration in Germany respectively re-immigration to former emigration countries in southern Europe. While in other cases, such as in southern Europe, migration systems are still developing. But even here, historical relationships such as the long-ago colonial history of Spain play a role. These historical relations serve as the basis for the transnational social spaces and migration networks.

III. Migration and bureaucratic definition of reality in the process of European Integration

I started my presentation with the thesis that migration as a social phenomenon is coming into conflict with a bureaucratic definition of reality of what nation and national state are. I argue

³ García y Griego in his work on immigration policy in Canada also reaches the conclusion that endogenous factors are mainly responsible for problems in immigration control. He points to an additional factor not discussed here: the uncoordinated activities of administrative authorities, who deal with immigration, produce quite high frictional losses as part of their administrative work (García y Griego 1994)

that we can identify this conflict in political constructions of migration in context of the process of European integration.

“National state” on continental Europe is constituted on two principles: 1st) on the territory and 2nd) on the membership in respectively on the rules who is subject of a national state. The understanding of “national state” covers the unification of territory with social, cultural, economic, and political space. It is an understanding of “national state” as a container with clear defined borders. Migrants in transnational social spaces arrive in national states, national constituted societies, and will submit to the political definition of reality of what nation and national state are. In this logic political classification of groups of migrants with their different legal status makes them to included or to excluded immigrants. Thus transnational migrants become re-nationalized. This is the grounded conflict between migration in transnational social spaces on one side and the understanding and the constitution of national state in continental Europe on the other hand.

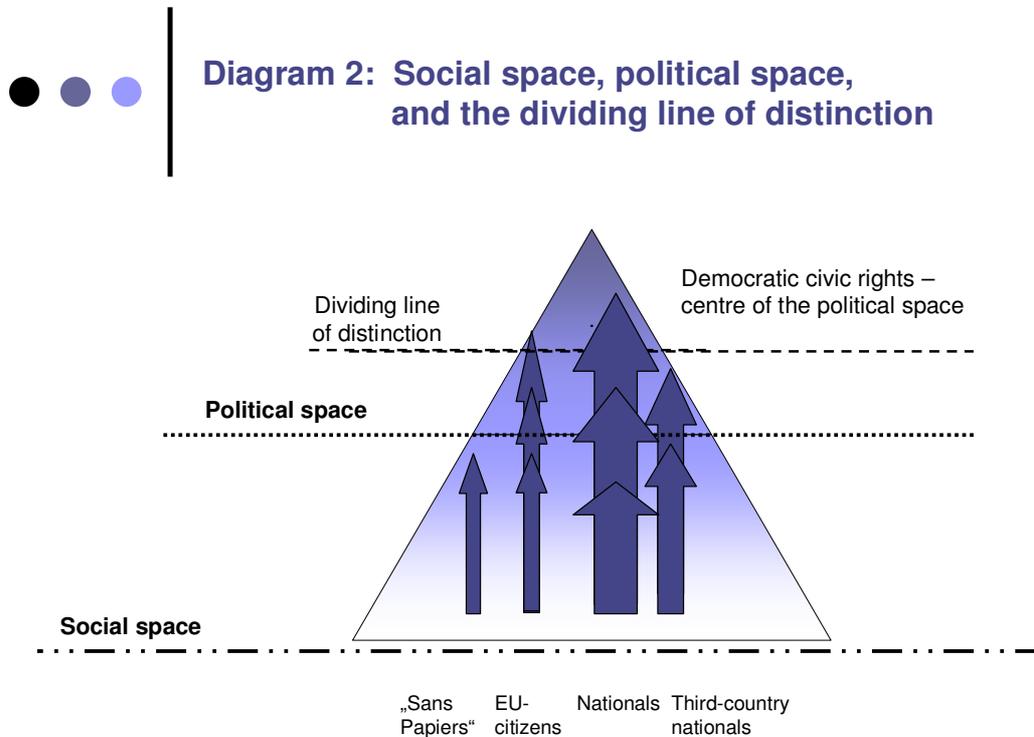
But now, in process of European integration, especially in the case of the Schengen agreement, which is actually signed from 27 European states (from Non-European Union states, too), the constitutional principle of the territory of national state has lost its relevance. There is no systematic border control within this Schengen area anymore, but the agreement grants free movement and resettlement of European Union citizens and third-country nationals with a legal status. They have an – relatively – open gate of entry to the labour markets and the welfare states. Independent of different structured welfare states, these migrants move in a transnational area. But the national-member states in the Schengen area don't transform in a transnational state.

In this process, the constitutional principle of national state becomes a more relevant standing: who is subject? Out of our research results we find well-founded hints of a new orientation in the policy of naturalisation and nationality. The aim of this policy is to define the own nationals and to separate them from other nationals, especially from other European Union citizens. In this context the question recedes into centre: What is the political community of the political system of the state. We can observe that the immigration countries are more liberal by opening the gate of entry to the territory, labour market, and welfare state but they try to control more restrictively the “immigration” into political community.

All these can be interpreted as an attempt, the loss of national sovereignty in the process of European integration to prevent. This development could be with serious consequences for democratic societies.

With this diagram 2 of the relationship between social and political spaces in European democracies I try to show how these spaces could be more separating because of the new political orientation.

In this case the centre of the political space is uncoupled from the social space. In every 15 old member states of European Union we can find an empirical correlation between citizenship and democratic civic rights – with the exception of United Kingdom. These democratic civic rights – especially the right of election – become an instrument to select, and to make the membership in the political community in a national state and the gate of entry to democratic civic rights more exclusive.



The bureaucratic definition of reality and the attempt to hold national sovereignty in the process of European integration change the political construction of migration. It gets a new dimension with consequences of the future of democracy. On the field of migration policy we can observe how democratic societies could change in split migration societies.

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