

English version of the essay written in the annual report 2006

THE DIFFICULTY DEALING WITH LABOUR MIGRATION



IOM International Organization for Migration

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Basically, Dutch immigration policy is only around 30 years old. This will probably constitute a surprising observation for some considering the political and social prominence, and unease which currently surrounds the subject. Nevertheless, it was only in the mid-1970s that the Dutch government decided to undertake serious efforts to limit the number of foreigners settling in the country. If any immigration policy had been implemented before this time, it was aimed at promoting the departure of Dutch citizens to other parts of the world, Canada, Australia and New Zealand in particular. Nevertheless, simultaneously, starting in the early 1960s, labourers were recruited from the countries around the Mediterranean (initially from Southern European countries, later from Morocco and Turkey). This was not seen as being in contradiction with emigration policy for Dutch citizens as it was emphatically termed temporary labour migration. In order to emphasise this characteristic the term ‘gastarbeider’ (guest labourer) was borrowed from German. Following the recruited guest labourers were an increasing number of spontaneous migrants often originating from the same villages as their predecessors. They had heard that there was plenty of work in the Netherlands – and elsewhere in Western Europe. Because this was indeed the case, the arrival of these ‘tourists’ was not seen as a problem by the government. These migrants often received work permits and residence permits without much ado, as soon as they were employed by a company.

This surplus in jobs, disappeared during the Yom Kippur war in 1973 when Arab nations punished the Netherlands for supporting Israel, by cutting off oil supplies. This led to a dramatic economic recession and the loss of a large number of jobs, not in the least in those sectors which had employed guest labourers. Although all the parties involved, i.e. the labourers and the Dutch government, had assumed that if this were to occur, the surplus employees would return to their country of origin, this did not happen on a large scale. At the time, the economic prospects were too limited to that end in Morocco and Turkey in particular and integration into Dutch society had also basically taken place to a great extent. Moreover, the migrants were often entitled to salary replacing income – just like unemployed Dutch labourers – which reduced the economic necessity to leave the Netherlands. The Dutch government also did not undertake any policy initiatives with regard to residence permits aimed at encouraging guest labourers to return to their countries of origin. However, it was decided that from then on the Netherlands would deal with immigration restrictively. This entailed that permanent residence would only be permitted if important Dutch interests were served in that way; international obligations gave rise to it or there were serious humanitarian reasons. This put an end to room for spontaneous labour migration.

Here lies the seed of the social theme which is on people’s minds to this day, because instead of the expected end to large-scale immigration, the Netherlands were confronted with the continuing permanent relocation of newcomers.¹ The approximately 60,000 guest labourers led to the development of the Turkish and Moroccan migrant communities which – including the second generation – grew to around ten times the size. Many of the original labour migrants proved to ultimately have ended up in a permanent marginal positions on the labour

¹ Incidentally, during the 1970s, large numbers of people from Surinam relocated to the Netherlands. Their arrival – closely linked as it was with the former colony's imminent independence – was also unexpected. Ultimately, in 1980 (the year in which they definitively had to decide whether they wanted to become Dutch citizens or be Surinamese) approximately a third of all Surinamese lived in the Netherlands.

market i.e. long-term unemployment or occupational disability. For their children it also proved difficult to grow up on equal footing with their Dutch peers. Although, the deficits can principally be explained by the low (or even absent) level of education the first generation had, which initially made them attractive to employers, some refer to a Dutch labour migrants' trauma in this context which – to this day - makes the business-like discussion of labour migration in whatever form, difficult.² Although labour migration to the Netherlands continued to be possible even after the end of the guest labourer era,³ it was only dealt with restrictively. Initially, through the *Wet Buitenlandse Werknemers* [Foreign Employees Act] and later through the currently still valid *Wet Arbeid Vreemdelingen* [Foreign Workers (Employment) Act], the principle was shaped to such an extent that labour migrants were only welcome if there was no risk of them edging out the prioritised labour pool (which consisted of labourers already present in Europe as a standard, i.e. indigenous and immigrants with residence permits).⁴ Moreover admission was – in principle – a temporary matter.

Not only the traumatic aftermath of guest labourer era ensured that it continued to be difficult to discuss immigration calmly in recent years. From the mid-1980s onwards, all of North Western Europe was confronted with a rapidly growing influx of asylum seekers. Irrespective of the matter of whether the previous newcomers had always been fully welcomed, there had at least been a certain amount of predictability. Asylum seekers however, arrived from entirely unexpected places. In the Netherlands' case, in 1984 and 1985 the asylum seekers were primarily Sri Lankan. In 1986, the largest numbers originated from, respectively 1) Turkey, 2) India, 3) Afghanistan and 4) Iran. The following year this changed to Ghana, India, Turkey and what was at the time Zaire.⁵ In the following years, these nationalities were followed by large numbers of asylum seekers from countries like Ethiopia, Somalia, the Soviet Union and Yugoslavia which was disintegrating at the time. Although the Dutch government tried to limit admission as much as possible with regard to these newcomers, it proved to concern actual, grievous human suffering and many of them were eventually permitted to permanently establish themselves in the country. The rapid rise of the category *Miscellaneous non-EU* in Graph 1 illustrates this development.

Graph 1, Immigration into the Netherlands 1945-1995

From Van Wissen en De Beer “Internationale migratie in Nederland: trends, achtergronden, motieven en vooruitzichten” in Nico van Nimwegen and Gijs Beets (ed.) (2000) *Bevolkingsvraagstukken in Nederland anno 2000* The Hague: NiDi, p.150

Throughout the 1990s, the number of people seeking asylum in the Netherlands remained relatively high (in comparison to that in other EU member countries) which caused the necessary problems for subsequent governments (or to be more precise: secretaries of state for Justice). After all, the government cannot automatically assume that such a request is justified in every instance – i.e. that the asylum seeker is actually a refugee. Particularly in circumstances in which there are few other options for acquiring a residence permit, it should moreover be taken into account that there is a possibility that the request for asylum is

² T. de Lange & J. Doomernik “Arbeidsmigratie in internationaal vergelijkend perspectief” in *Amsterdams Sociologisch Tijdschrift* Jaargang 31 (1), pp. 147-179

³ other than in Germany where a formal recruitment stop was announced (Ditto).

⁴ This range rose over time as the free traffic of employees within the EU and its predecessors began to apply to an increasing number of countries. Nevertheless, employers always retained a need for options to recruit employees farther afield.

⁵ J. Doomernik, R. Penninx & H. van Amersfoort (1986) *Migratiebeleid voor de toekomst. Mogelijkheden en beperkingen* TWCM Voorstudie 8, Amsterdam: Instituut voor Migratie en Etnische Studies

primarily economically motivated. Because those motives no longer constituted a valid reason for admission, every request for asylum necessitated a process of trying to find out the truth. A lot of the time, this proved to be no easy task and this resulted in the requesting party often having to wait on a definitive decision for years. This severely tested the Immigratie en Naturalisatie Dienst [Immigration and Nationalisation Service] (IND) and the Centraal Orgaan Opvang Asielzoekers [Central Agency for the Reception of Asylum Seekers] (COA)'s administrative and reception capacity. Another factor was the fact that an effective return policy never got off the ground. Although the valuation of this influx and the growing ethnic diversity differed strongly per political camp, there was simultaneously a certain consensus that this type of immigration should also be manageable. In an attempt at regaining control, the so-called 'second purple cabinet' (liberal-social-democratic cabinet) formulated a new aliens' act (the Vreemdelingenwet 2000) which was introduced in April 2001. After implementation the number of requests for asylum decreased as hoped. In 2004, the number even dropped to under 10,000 in the Netherlands which was the same number as in 1988. In 2000, there had still been 44,000 requests for asylum.⁶ Incidentally, it is hard to indicate to what extent this meant that migrants that first might have requested asylum now opted to remain unknown.

Although some observers ascertained that this drastic reduction in the number of asylum requests was detrimental to the meticulousness of the procedures⁷ the mania of the day slowly lost its grip on this problem. Instead, themes which pertained to the integration of newcomers came to the fore, particularly with regard to those from economically less developed parts of the world who wished to join their partner in the Netherlands. Emotions now and again ran high, but simultaneously (perhaps as a result) this created room to deal with the theme of labour migration in a more business-like manner. After all, by definition this does not primarily centre on the question: 'what is our humanitarian obligation', but more on: 'the advantage available to the Dutch economy through the import of particular labourers'.

TOWARDS A MODERN MIGRATION POLICY

In May 2006, the cabinet formulated its ideas on the modernisation of Dutch migration policy in a letter to the lower house of parliament. Among other things, the cabinet formulated its point of departure that, although the limiting of immigration was to be retained, this should be combined with selectiveness so that 'much more than was the case so far' migrants could contribute to society.⁸ The admission of such migrants should furthermore be enabled in a decisive manner in accordance with 'society and the labour market's needs'.⁹ In order to be able to achieve this, the cabinet was of the opinion that it was necessary to drastically simplify policy and practice. Whereas, in the system used thus far there were 26 residence objectives, the cabinet proposed reducing this number to five clearly distinguished categories.

In the field of labour migration, the cabinet furthermore made the following concrete proposals:

- The Netherlands should be able to enter into competition with other countries when it comes to recruiting the higher educated - 'the battle for brains' – and was therefore to become

⁶ CBS Webmagazine, 18 April 2005 'Asielverzoeken in EU met een vijfde gedaald'

⁷ Adviescommissie voor Vreemdelingenzaken (2007) *Secuur en snel. Voorstel voor een nieuwe asielprocedure* Den Haag: ACVZ

⁸ Tweede Kamer, vergaderjaar 2005-2006, 30573, nr.1, p.3

⁹ Ditto.

attractive as a country to relocate to for those who could provide an important contribution to the culture and economy.

- As an element hereof the cabinet wished to create a scheme whereby migrants would be admitted on the basis of a points system. This would introduce an element which is – to the present day – a known factor in classic immigration countries: the government draws up a catalogue of criteria a newcomer should ideally speaking meet and those who score highest are eligible for admittance.
- Labour migrants who could meet the demand in the middle or lower segment of the labour market could possibly be admitted according to the rules already valid as laid down in the Wet Arbeid Vreemdelingen [Foreign Workers Employment Act] (WAV) i.e. they will only be admitted if no workers are available from within the EU (prioritised supply).
- Furthermore, the cabinet considered it important to create a strict distinction between labour migrants that might possibly settle in the Netherlands permanently and those cases in which temporary residence should be strictly enforced. In the past, it often proved possible to prolong a temporary work permit thereby creating long-term residence. The cabinet was of the opinion that this was no longer desirable and for this reason 'non-prolongable residence permits were introduced with a maximum validity of one year, linked to a limited package of rights.'¹⁰ Such a residence permit could, for example, allow the rotation system to function that was proposed by the Adviescommissie voor Vreemdelingenzaken [Advisory Committee on Aliens' Affairs]¹¹ and could thereby constitute a positive driver for the temporary migration of lower qualified labour migrants.¹² Circular migrants were also considered potentially positive by the countries of origin. This would constitute what is currently referred to as a 'win-win' situation, because it would not only benefit the Dutch labour market, but also have positive economic effects abroad.

TABLE 1
SCHEMATIC OVERVIEW OF THE NEW ADMISSION SYSTEM

	Column I	Column II	Column III	Column IV	Column V
Type	temporary exchange and labour	Standard study and labour	High-quality knowledge and labour	Family and family unit	Humanitarian reasons
Example	Au-pairs Seasonal labour	Studying and work through WAV	Knowledge workers and talents	Partners children	Refugees, victims of human trafficking
Residence objective	Demarcated and temporary	Linked to study or position	Free on the labour market	Uniting and reuniting families	Dutch interest not considered
Residence duration	Maximum of 1 year	Prolongable to permanent	Prolongable to permanent	Dependent on partner, after which permanent	Temporary unless otherwise essential
Miscellaneous	Limited rights	Family reunion and gaining of rights	Family reunion and gaining of rights	Gaining of rights	Family reunion and gaining of rights

Source: Tweede Kamer, vergaderjaar 2005-2006, 30573, nr.1, p. 29-34

In summary, the Dutch cabinet's proposals were based on a twofold ambition: 1) promoting the sustainable relocation and integration of knowledge migrants and 2) the strict enforcement of temporary residence for most other labour migrants. In order to be able to estimate how

¹⁰ Op. cit. p.3,4

¹¹ Adviescommissie voor Vreemdelingenzaken (2004) *Regulering en facilitering van arbeidsmigratie*
Den Haag: ACVZ

¹² Tweede Kamer, vergaderjaar 2005-2006, 30573, nr.1, p.15

realistic these ambitions were, we will first have to focus on a number of underlying, long-term processes taking place both in developing countries and in (post) industrial societies such as those in Europe. These are to a large extent similar in nature, but are in very different phases which make them potent forces, with potentially major consequences for international migration processes.

MIGRATION IN A GLOBAL CONTEXT

Behind the ostensibly clear causes of international migration – in its simplest form: *push and pull* factors – lie fundamental, long-term processes of a demographic, economic and political nature.¹³ Ecological developments, which are of a very unpredictable nature, can also lead to migration, although this often will not be international.

Demographic developments

Half a century ago, the world's population amounted to some 2.5 billion people. One third of lived in the industrialised countries, the remaining two thirds in the less economically developed parts of the world (see Table 2). At the time, Europe still accounted for almost a quarter of the total world population. The ratio is currently quite different: of a world population of 6.5 billion, well over five billion people live in the less developed countries. Half a century from now, the ratio will have shifted even more dramatically: the figures will then be almost nine and eight billion respectively.¹⁴ In other words, the population of the developed part of the world has remained more or less constant (around 1 billion) while that of the other countries has well over quadrupled (see Table 2).

Table 2, global population, according to level of development and hemisphere, estimates on the basis of the average variant

TABLE I 1. POPULATION, BY DEVELOPMENT GROUP AND MAJOR AREA, ESTIMATES AND MEDIUM VARIANT, 1950, 2005 AND 2050

Development group or major area	Population (millions)			Percentage distribution		
	1950	2005	2050	1950	2005	2050
World	2 519	6 465	9 076	100.0	100.0	100.0
More developed regions.....	813	1 211	1 236	32.3	18.7	13.6
Less developed regions.....	1 707	5 253	7 840	67.7	81.3	86.4
Least developed countries.....	201	759	1 735	8.0	11.7	19.1
Other less developed countries.....	1 506	4 494	6 104	59.8	69.5	67.3
Africa	224	906	1 937	8.9	14.0	21.3
Asia	1 396	3 905	5 217	55.4	60.4	57.5
Europe	547	728	653	21.7	11.3	7.2
Latin America and the Caribbean.....	167	561	783	6.6	8.7	8.6
Northern America.....	172	331	438	6.8	5.1	4.8
Oceania.....	13	33	48	0.5	0.5	0.5

¹³ Please also refer to Hans van Amersfoort 'An analytical framework for migration processes and interventions' in Hans van Amersfoort & Jeroen Doomernik (1998) (eds) *International Migration. Processes and interventions* Amsterdam: Het Spinhuis, pp.9-21

¹⁴ It should however be kept in mind that the distinction between developed and less developed countries is **not** unequivocal and above all not static. If the current economic growth in China continues, for example, it is easy to imagine that this country will no longer deserve the epithet of underdeveloped in 2050. Well over one billion people will then move from one category to another.

Source: United Nations Department of Economic and Social Affairs Population Division (2004) *World Population Prospects. The 2004 Revision Analytical Report* New York: UNPD, p. 5

Incidentally, those who see an immediate relevance for global migration behind these figures, for example, from densely populated areas to less populous areas, are sorely mistaken. The composition of these populations is much more relevant.

Fertility is high in almost all African countries as well as in parts of Asia, which results in a substantial excess of births. In the Netherlands, a country in which – in comparison to other European countries – women still have a relatively high number of children, an average of 10.9 children are born every year per 1,000 inhabitants. In Afghanistan this figure is 46.6 and in a randomly picked African country such as Nigeria it is 40.43.¹⁵ This not only has enormous consequences for the growth of the population in absolute figures, as shown above, but also for its structure. In Afghanistan 44.6% of the total population is under fifteen years old. The Nigerian population has a comparable composition: 40.43% of the population belongs to this age category. The contrast with the Netherlands is dramatic: here 18% of the population is a member of this age category.

While large parts of the less developed world are undergoing rapid growth, the opposite is happening here as we are all too well aware. European societies are set to shrink and have an ageing population which, in the long term, will lead to the ratio between the working population (or more precisely the potential labour population: everyone aged between 20 and 65) and those enjoying their pensions, undergoing dramatic change. At the moment the ratio is still approximately 61 : 15, however, according to prognoses drawn up by the Centraal Bureau voor de Statistiek [Statistics Netherlands] this balance will reach approximately 55 : 24 in 25 years' time and this level will remain so for an extended period (in any case until 2050). This means there will be a maximum of two working people for every pensioner.¹⁶ In most other European countries, with the remarkable exception of Ireland, this process will occur even more dramatically because fertility decreased to below the 2.1 children per woman average required to replace the population much sooner than it did in the Netherlands.

Economic developments

A relatively young population as observable in the majority of the underdeveloped world, entails all manner of challenges. One of these is especially important in this context: the possibly inadequate balance between the demand for labour and the rapidly rising number of new, potential employees. The economy and the labour market will have to expand exceptionally rapidly in order to be able to absorb the growing labour populations of Africa and some other regions. The United Nations' Economic Committee for Africa regularly point out the fact that a serious problem has developed. A number of African countries, particularly those with healthy levels of scarce resources such as oil and minerals are currently undergoing strong economic growth (between 7 and 10 percent, with Angola outstripping them all with 19.1% growth in 2005 thanks to the export of oil).¹⁷ But even then the Economic Committee notes that: *'With the highest incidence of poverty in the world, Africa urgently needs to create more employment and thus tackle the scourge of hunger, malnutrition and the overall low*

¹⁵ Zie het CIA World Fact Book, o.a. via <https://www.cia.gov/cia/publications/factbook/index.html>

¹⁶ Borrowed from Kerncijfers van de bevolkingsprognose, 2006-2050, Prognose, from: <http://www.cbs.nl/nl-NL/menu/themas/dossiers/vergrijzing/cijfers/default.htm> (26 March 2006). We should hereby keep in mind that there are of course young people receiving education and otherwise costing money instead of contributing.

¹⁷ United Nations Economic Commission for Africa (2006) Economic Report on Africa 2006, p. 31

*living standards the continent continues to witness.*¹⁸ Moreover, the assumption is that this economic growth cannot be lasting: *'It is clear that while high growth rates are recorded in several countries, very few are able to sustain high performance for an extended period.'*¹⁹ In other words: we should assume that in many African countries, the labour markets are not growing fast enough to offer employment to the rising numbers of young people. Comparable developments are occurring in a number of central Asian countries (please refer to Graph 1, in which the darkest colours represent the highest fertility rates), whereby we should expect the armed conflict in Afghanistan and Iraq to continue to obstruct economic normalisation.

Graph 1, global fertility (source NiDi)

The economic developments in industrialised parts of the world are of such a nature that this description is slowly losing its accuracy for the world's wealthiest countries. After all, after the economic recessions of the 1970s and 1980s, many industrial activities have disappeared from these countries to make way for a strongly expanding service sector. This has had major consequences for the demand for labour: it is increasingly a matter of education. It is therefore not without reason that during the European Council in Lisbon in 2000 agreements were made aimed at raising the average level of education of EU citizens in order to ensure that the EU can compete with the other large economies such as that of the United States. At a follow-up to this high-level meeting the European Commission, among other things, proposed the following: *'Around 2010 the member states are to ensure that the average percentage of 25 to 64 year olds in the EU that have completed higher secondary education is at least 80% or more.'*²⁰

Simultaneously, there continues to be considerable demand for low educated labour, often directly linked to the increasing importance of highly qualified services. In extreme exaggeration: the highly educated are relatively wealthy and have relatively little time. Particularly in major cities, there is a demand for people who do have time and take on the high earner's household chores in a flexible manner. But elsewhere in the economy there is also sustainable demand for low-qualified, service-oriented labour, for example, in the hotel, restaurant and catering industry. This demand occurs cyclically in seasonal sectors such as agriculture and market gardening. At other times, the demand is not so much for low-qualified labour as much as for cheap, flexible labour. Think for example of building contractors, painters and comparable trades. Furthermore, the demand for personal care can be expected to grow over the coming decades. The great prosperity around us makes it increasingly less likely that those in need of care will end their days in nursing homes. Instead, a market for care givers who provide home visits at flexible times and at affordable rates will develop. This impression does not entirely do justice to reality, but does suggest a clear trend in which these processes can be ideally interpreted as a structural bifurcation of the post-industrial labour market: on the one hand, properly qualified labourers with decently remunerated, stable jobs, with, on the other, the development of complementary demand for flexible, low-educated labour which is hard to fit into the frameworks of regulated labour relations and will therefore be fulfilled under uncertain and often poor labour conditions.

Political developments

¹⁸ United Nations Economic Commission for Africa (2005) Economic Report on Africa 2005: Meeting the Challenges of Unemployment and Poverty in Africa, from cover text, author's emphasis.

¹⁹ United Nations Economic Commission for Africa (2006) Economic Report on Africa 2006, p. 31

²⁰ Committee statement. European benchmarks in education and training: follow-up to the European Council of Lisbon, COM(2002) 629 definitive, p. 4

The processes we subsequently have to examine are connected to the nation state: on the one hand, its immaturity and, on the other, its slow disappearance.

A large proportion of the African, and some of the Latin American and Asian countries hit by the coincidence of high population growth and retarded economic development are also characterised by political instability. This can generally be traced back to their colonial histories. A brief look at the map of Africa suffices to understand what the result of this was: relatively random borders, drawn with little interest in ethnic lines. In colonial times, when the relationship between the government and its subjects was weak, these borders did not really matter. After these countries' independence all that changed. From that point onwards, an even keeled relationship between the population and the government became of crucial importance for the building of a stable nation. Often however, a particular ethnic group became politically dominant from independence onwards, structuring access to and the distribution of national resources in a manner which benefited them most. An additional factor was that external interests could also have a destabilising effect such as during the Cold War. Private interests such as those of arms merchants, oil companies, diamond and gold traders could lead to the slow disintegration of these countries along ethnic lines. If in Europe nations (people) and states came together during a gradual process, this has not been the case yet in many former colonies. The robust institutions and a reliable government which could calm the centrifugal forces of ethnic diversity are also almost always lacking. The result is that many of these states have remained inherently unstable and vulnerable, and sometimes have to be considered nothing more than mere dictatorships.

European countries are in another phase. The nation state seems to slowly be losing importance in favour of increasingly close cooperation within the context of the EU. With regard to immigration policy there is also a clear trend towards close cooperation or even harmonisation. The political wish to do so has repeatedly been expressed by the joint heads of state. Simultaneously, it proves difficult to achieve this in practice. Although there is a meeting of minds when it comes to combating illegal migration, human trafficking and trade, and other phenomena which require a repressive response, when it comes to formulating a mutual vision on what should be done on the inviting side of things, there is little to no progress on every occasion. The European Commission has taken the initiative on several occasions with regard to joint labour immigration policy, but this met with a lack of enthusiasm, particularly in northern countries. In this context it would be overzealous to meticulously examine the backgrounds to this which consist of a variable mix of problems concerning the cost of social security, national identity, political sovereignty and the perception of other religions and cultures. One element however should be highlighted: the developments on the labour market as described above.

European governments generally do not have a problem admitting that it can be important to admit highly-educated, non-EU citizens²¹ especially as long as the Council of Lisbon's ambitions have not been achieved. After all, this clearly benefits the competitive position of their economies and few if any displacement effects can be expected on the labour market. It is therefore quite imaginable that the member states could find common ground in a communal admission policy for this type of migrants. However, this would not be the case for lower- education or unskilled positions. Immigrants at the bottom of the labour market are at least potential competitors for the already present low-educated which could lead generous admission (i.e. without labour market assessment) to cause political tensions. This is most likely to occur in the northern social democracies. In general these have to deal with large numbers of unemployed people or other members of the (potential) labour population who are

²¹ Third country aliens who are not EU citizens. In other words: they are people who do not have the nationality of the country they reside in (first country) nor that of another EU member state (second country).

out of the labour process for the long term. Time and again, it proves to be difficult for politicians to understand – let alone explain to their voters - that there is no contradiction between, on the one hand, the presence of people who would like to work, but do not get the chance and, on the other, the unfulfilled demand for particular types of labour. This is where the greatest challenges lie when it comes to labour migration policy. The stronger a government is supposed to act in a regulatory manner on the labour market, the harder it becomes to admit low-educated migrants. Moreover, traumatic experiences with guest labourers exacerbate this problem. And so, we once again encounter the Dutch policy objectives to – if foreigners with low levels of education are even admitted – do so temporarily.

Unbalanced demographic growth is used as a reason to admit people more freely and permanently in some EU member countries. In particular countries who finance their old-age pensions using pay-as-you-go method (those that work pay for the pensioners) could benefit somewhat from this. Demographers however point out two difficult facts: migrants also age and the numbers required to balance the population structure are exceptionally large and the other consequences are unpredictable. Incidentally, in the Netherlands this problem is less relevant thanks to the capital funding of pensions. However, it is imaginable that due to the ageing population the demand for care and personal service could increase very dramatically.

Adding up the foundations

If we add up the demographic 'greening', retarded economic development and political problems in many post-colonial African, Latin American and Asian countries – and if we thereby realise that these processes often meet in their most pronounced form – the only possible conclusion is that these countries are set to experience enormous emigration pressure. This will partly concern primarily economically motivated migration. But an increasing number of states will also suffer from lengthy internal conflicts or perhaps even cease to exist functionally. This will primarily lead to large numbers of refugees and otherwise dispossessed persons. Just as is the case today, the majority of these migrants will try to find a refuge in their own or neighbouring countries. However, there will also be those among them who migrate to other continents, whereby Europe is an attractive destination, for the sake of a better future; particularly if demand continues to exist there for labour and it remains a safe haven from persecution. Naturally, we do not know how strong this desire will be among migrants. However, it does seem safe to suppose that the numbers will not be lower than those we have seen in recent years, although the number of migrants submitting requests for asylum has definitely decreased in recent years. On the other hand, millions of undocumented migrants have been given residence papers during normalisation campaigns in the EU's southern member states in recent years.

Particularly if the motives of these migrants are primarily economic in nature, it is important to consider that *individual* migrants often hope to serve the interests of an entire *household* (which should here be taken to mean a larger unit of people who are related to one another and feel economically involved). The relocation elsewhere of someone who can contribute money is then one of the ways in which a household can hope to broaden and further guarantee their basis of existence. The consequence of such regular financial injections into the household budget should however not always be seen as positive. A side effect can be that the household develops a structural dependence on these funds which puts great pressure on the migrant to stay abroad as long as possible. A second effect can be that local inflation occurs due to the fact that a single household has more to spend than another over an extended period of time. Moreover, this easily leads to a situation in which other households also wish to acquire this additional income i.e. increased emigration.

Officially there is little room for spontaneous migrants in Europe at the moment, which often forces them to take the informal or illegal route. Sometimes this occasions them to take highly dangerous sea routes such as those between Senegal or Mauritania and the Canary islands. In 2006 alone, an estimated 6,000 migrants died this way.²² But spontaneous migrants that enter Europe via less visible routes can seldom do so without the aid of a human smuggler. Administrative and other obstacles around Europe have become higher and higher over the past decade. This did not stop migrants coming, but did ensure that it costs them more time, effort and money. Moreover, it created a growing market for human smugglers which European governments have responded to repressively with limited success. Particularly the fact that the smuggler and the migrants have the same objective makes tracking them down very difficult. This has led to it once again becoming more normal to use criminal law measures to deal with illegally residing migrants: aliens detention and prison sentences.²³ The consequence of the increasing investment required for the journey to Europe is that this makes the possible return of spontaneous migrants – for example if they have failed to find work or if they have been detained as illegal aliens and end up in aliens detention – even harder than it already was.²⁴ Criminalisation therefore does not seem to be a very promising option. Simultaneously, we have determined that the demand for unskilled and flexible labour in Europe is (much) larger than the labour population present there can satisfy, while for political reasons a number of European governments cannot or can only to a limited extent recognise this fact. The consequence of this is that this demand is filled informally. Partially by people who are in the country legally (often including the indigenous population), but work for cash because they are on a state benefit; builders working for themselves in the evenings or students or housewives trying to make a little extra money and not declaring the income. These are people who make a little extra money of their own free will and have some powers to demand certain hourly wages and other working conditions. This is very different when it comes to illegal migrants. They too fulfil a considerable proportion of this specific demand for labour. Due to their residence status their bargaining position with employers is minimal. In the event of abuse, such as the non-payment of the agreed salary, they generally do not dare to try to get what they are entitled to through the standard institutions even if they know this is possible. In short, these migrants are in a precarious situation. The measures the Dutch government uses against them are limited: the removal of illegal aliens, checks for illegal employment and fines for the employers. The first measure is known to have little effect²⁵, the second is terribly expensive and is not always social useful as the damage to some economically important sectors can be substantial. Moreover, the active tracing in perhaps the most important sector that of personal service in and around the home is almost impossible without serious invasions of privacy. The question then arises whether tools can be thought up

²² BBC News via <http://news.bbc.co.uk/2/hi/europe/6213495.stm> (28 March 2006)

²³ In 1989 the number of places for aliens detention amounted to 200, in 2010 the Dutch government hopes to have 3,600 available (Budget Ministry of Justice for 2006, Lower Chamber year 2005-2006, 30300, Chapter VI, No.2, p.22). Prison sentences can result if someone is declared an undesirable alien and is found to still be in the country. In recent years many people have been declared undesirable. See: Anton van Kalmthout (2006) *Ook de illegaal heeft een verhaal. 61 gesprekken met illegale vreemdelingen in vreemdelingenbewaring*. Tilburg: Wolf Legal Publishers

²⁴ See Ilse van Liempt's example (2007) *Navigating borders. Inside perspectives on the process of human smuggling into the Netherlands* Amsterdam: Amsterdam University Press, of Jeroen Doomernik (2007) 'Open borders, close monitoring' in Michael Jandl (ed) *Innovative Concepts for Alternative Migration Policies. Ten innovative approaches to the challenges of migration in the 21st century* Amsterdam: Amsterdam University Press, pp. 89-97

²⁵ A. van Kalmthout (2006). *Ook de illegaal heeft een verhaal*. Nijmegen: Wolf Legal Publishers

A. van Kalmthout, A.M.W.J. Graft, L.M.A. Hansen & M. Hadrouk (2004). *Terugkeermogelijkheden van vreemdelingen in vreemdelingenbewaring*. Nijmegen: Wolf Legal Publishers.

which can bring demand and supply together in a more sensible manner and whether the Dutch government's proposals contain these.

The modernisation of Dutch migration policy reconsidered

Figures from the Centraal Bureau van de Statistiek [Statistics Netherlands] reveal that the throughput among better educated migrants is relatively high. Their behaviour has nothing to do with the question of whether the government is of the opinion that they can stay permanently (which is generally the case after five years). They leave if they have a good reason to do so, not because the government forces or stimulates them to. For example, of all the migrants who entered the country since 1995 (500,000 in total) half have already left again. Of the labour migrants two thirds left.²⁶ Residence rights tools are therefore of little influence for the objective of stimulating the arrival and relocation of highly educated parties. Undoubtedly the low bureaucratic requirements as intended for the admission of talents and other knowledge migrants will be seen as inviting. More important are perhaps the secondary aspects such as the – now tarnished – reputation of the Netherlands as a tolerant, friendly open society and the fact that English is an accepted language for communication. Forcing migrants to learn Dutch which is also a Dutch policy is a negative opposing factor. But in any case: in a world in which a whole range of other countries constitute attractive destinations and in which migrants can possibly use their mother tongue such as Spain, France and English speaking countries, modesty with regard to the ambition of having – all – highly educated migrants settle here permanently is a must.

The proposed Dutch policy's second ambition: enabling migration for the bottom end of the labour market, but then only temporarily should also be examined sceptically, particularly if only the right for residence is used as a tool. Here too it is primarily the migrants themselves who have to decide to return (or to stay) and sufficient stimuli must exist to this end. It is not hard to imagine circumstances in which this is hardly the case: the employer wishes to keep the employee working for him longer; for the migrant the objective of the temporary residence (e.g. saving money) proves harder to reach than originally envisaged; the economic or political circumstances in the country of origin deteriorate; a family member comes down ill which increases pressure on the migrant to transfer money in a sustainable manner; whatever the case – implicitly or emphatically – the expectation is created among those left behind that the migrant will look after them, etc. If, in such cases, residence rights end, a situation can rapidly develop in which the migrant (and his employer) decide to go about things differently, if need be illegally.

How to organise temporary labour migration

In recent years, the International Organisation for Migration (IOM) has promoted a holistic vision on migration policy and management. This development is part of broader international discussions such as laid down in the 2005 report by the *Global Commission on International Migration (GCIM)*.²⁷ The largest development in the international discussion which has since arisen is the increased attention for the many positive aspects of international migration and the opportunities this provides. Temporary labour migration is emphatically part of this. The GCIM proves conscious of the difficult factors of temporary labour migration, not in the least forcing it to be temporary, but nevertheless wishes to promote the concept. The commission did however formulate a number of points of attention:

²⁶ Govert Bijwaard (2005) 'Bijna helft immigranten geen blijvers' in *Demos* Oktober/November

²⁷ Global Commission on International Migration (2005) *Migration in an interconnected world: New directions for action* Geneva: GCIM, available at <http://www.gcim.org/en/finalreport.html>

- ensure that migrants are properly informed and are conscious of the preconditions under which they are allowed to go and work elsewhere, including the requirement of having to return home afterwards;
- guarantee the migrant the same treatment in terms of working hours, remunerations, health care, etc.;
- ensure that they are free on the labour market and not tied to a single, particular employer – this benefits the economy as it allows demand to be flexibly met and is safe for the migrant, because he/she can remove themselves from poor working conditions and abuse if need be;
- provide equal access to women in such migration programmes;
- monitor the correct adherence to the rules in order to be able to possibly exclude employers or countries from future participation;
- take employers to court who employ people without a work permit and deport migrants who continue to work after their permit has lapsed;
- create a permit system for recruiters;
- create a visa scheme which makes it easy for migrants to travel home regularly;
- support migrant reintegration once they have returned to their country of origin.²⁸

Operating within the framework set by GCIM, IOM has – in the recent past – provided a number of examples of facilitating bilateral, temporary labour migration, among other things between Colombia and Spain, Albania and Italy and between Guatemala and Canada (Quebec). IOM has also developed a few activities which support countries of origin in organising the temporary employment of their citizens in other countries. After all, bilateral agreements require both parties to be equipped to this end. These are the first steps towards what could potentially be initially a set of regional agreements and perhaps later on even a global system for the facilitation of labour mobility. Incidentally, such regimes have been proposed in academic circles in the past as the unavoidable and very desirable capstone of worldwide agreements on the mobility of goods, capital and services. Some spoke of a Worldwide Agreement on the Movement of People (WAMP).²⁹ Another came up with a New International Regime for the Orderly Movement of People (NIROMP).³⁰ These ideas are now increasingly finding recognition in international political circles.

Simultaneously, we are witnessing a project that goes much further: the gradual incorporation of most European countries into a regime that is based on full freedom of mobility: the European Union. It is true that most 'old' member states have not immediately opened up their labour markets entirely to employees from the member states which joined the EU in 2004 and 2007, these are however admitted more readily than people from non-EU countries. Moreover, this concerns a transitional situation which will in the near future develop into the completely free traffic of employees. Perhaps this development – and the possible expansion of this free mobility towards Turkey and elsewhere - will serve as a source of inspiration. For the time being however, a world without borders is still a utopia. This is a result of the increase in political and economic chaos in some parts of the world predicted above. Agreements which fit within more regulatory frameworks such as those provided by WAMP

²⁸ Op. cit. p.18

²⁹ Jonas Widgren in his speech at the fifth International Metropolis Conference in Vancouver in 2000.

³⁰ Bimal Ghosh (ed) (2000) *Managing Migration. Time for a New International Regime?* Oxford: Oxford University Press

or NIROMP will not always be adequate.³¹ However, not developing these for that reason is not an alternative.

Closer to home, the Sociaal Economische Raad [Social and Economic Council] (SER), recently asked for advice with regard to this issue by the government knew of no examples of countries in which return has been realised in a watertight manner.³² The Council then stated that the most realistic options were probably bilateral agreements between the countries of origin and destination, within which programmes attractive to migrants could be provided which would allow circular migration to occur.³³ An example of this is the Project Poolse verpleegkundigen in Nederland [Polish Nurses in the Netherlands] (which dates back to the period in which there was no free traffic for Polish employees to the Netherlands). Within the framework of this agreement, these nurses could work in the Netherlands for two years and receive additional training, after which they would return to Poland with new knowledge and experience. IOM monitored this project which, according to the Adviescommissie Vreemdelingenzaken [Advisory Committee on Aliens' Affairs] deserves emulation.³⁴ Ideally, so the Council continues, such policy goes hand-in-hand with the stimulation of the development in the country of origin, for example in the framework of partnership agreements as proposed by the European Commission.

In the Netherlands we are seeing the first steps towards a policy that may possibly do more justice to global processes which the Netherlands and Europe cannot escape from. Enforcing temporary residence for migrants will thereby probably always have its challenging aspects. It is thereby definitely important to enter into sensible coalitions between all interested parties i.e.: the countries of origin and destination, employers and migrants, and that mobility programmes be compiled in a meticulous, predictable manner. A neutral party, such as the IOM, can play an important role for individual migrants and the governments involved with its global network. Simultaneously, governments will have to be prepared to accept a certain amount of background interference in their migration control. After all: regulating social processes is almost never 100% successful, why on earth should we expect migration regulation of all things to be any different?

By Jeroen Doomernik (IMES/UvA)

³¹ Incidentally, it should be noted that global agreements concerning regulated labour mobility can be useful for people who have been forced to leave their country, but can never replace the existing international obligations with regard to the stateless and refugees.

³² Sociaal Economische Raad (2007) *Advies Arbeidsmigratiebeleid* Den Haag: SER, p.161.

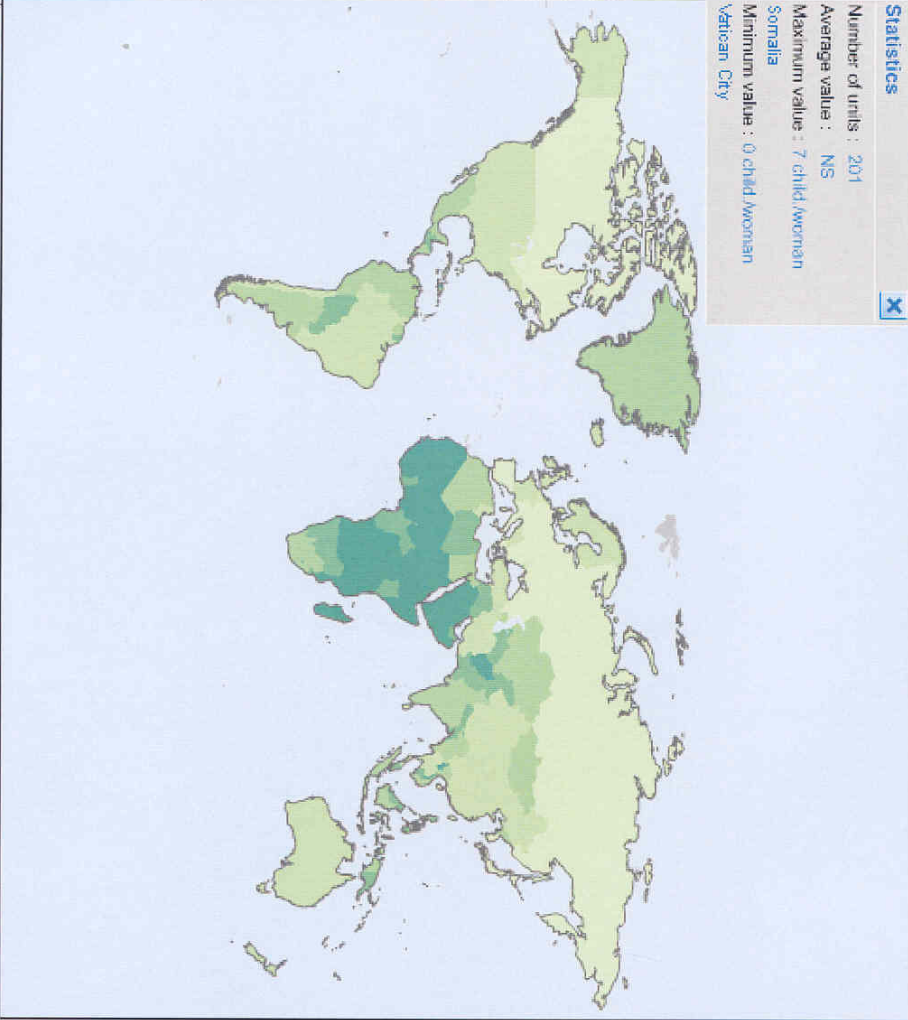
³³ Ditto.

³⁴ ACVZ (2004) *Regulering en facilitering van arbeidsmigratie*, Den Haag: Adviescommissie voor Vreemdelingenzaken

the number of countries (201 units)

Statistics

Number of units : 201
Average value : NS
Maximum value : 7 child/woman
Somalia
Minimum value : 0 child/woman
Vietnam, City



Write here your own comment...

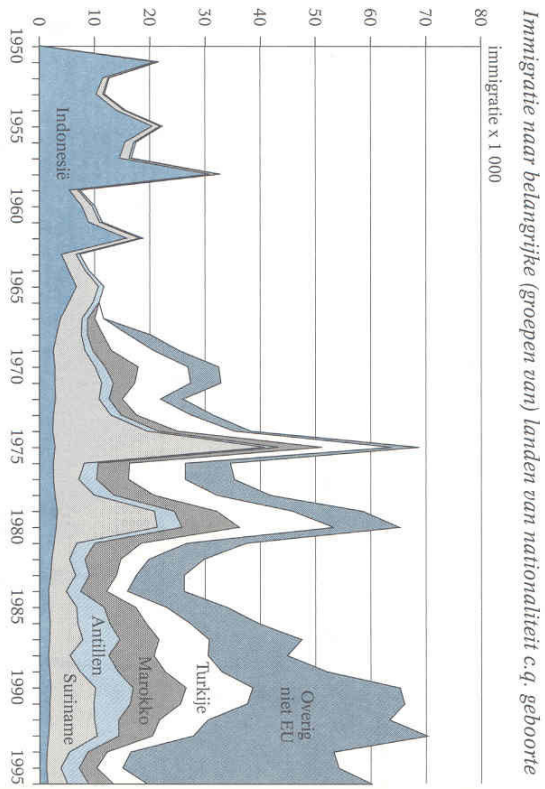


total fertility rate



Source: US Census Bureau - IDB.

NIDI
Netherlands
Interdisciplinary
Demographic
Institute



Immigration to important (groups of) countries of nationality or birth

- Indonesia
- Other non-EU
- Turkey
- Morocco
- The Netherlands Antilles
- Surinam