

# IMMIGRATION IN EUROPE: REALITIES AND POLICIES

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June, 2002

In Western Europe, the attention of both the public opinion and politicians is being increasingly drawn to questions of immigration and asylum. Since 1973, immigration has been considered a problem to which the state should offer solutions. Since 1985, however, the European Commission has been considering the need to formulate a community immigration policy, but it was not included on the European Union agenda until the beginning of the following decade. There now seems to be some agreement among the Member States' governments in order to jointly deal with questions concerning immigration and asylum: the impossibility of tackling this problem independently and the interdependencies generated by the creation of an unified European market are becoming more and more obvious. At the same time, the peculiarities of each State in relation to this phenomenon and the perceptions and national normative references regarding the content of the immigration process complicate the attainment of clear and binding agreements.

In this report some of the more relevant aspects of this phenomenon will be highlighted. In the first place, a brief description of European immigration patterns and some questions related to the political debate on this issue will be discussed: the aging of the population and the social cohesion around values considered to be important in Europe. Secondly, the most outstanding progress made towards jointly dealing with immigration and asylum issues will be underlined. Thirdly, the most outstanding national characteristics of the phenomenon in Germany, Spain, France, Finland, Sweden and the United Kingdom will be discussed: in particular, the immigration pattern, the relation to the labour market and the most important national regulations, and the political debates concerning immigration will be included. Finally, and to conclude, a synthesis of the progress made in the construction of a common resolution to the migration phenomenon will be discussed. A description on the migratory issues in Switzerland is added as a fifth section.

## Section 1: Common challenges in Europe

Since 1950 Europe has continued to be an immigration receiving area and currently, in the European Union, 11 million legalized immigrants reside, and several million more illegal immigrants have been estimated. The migratory behaviour of Member States is, however, heterogeneous: the northern zone (Ireland, United Kingdom, Finland and Sweden) has been quite dynamic as far as migratory movements are concerned; the central zone (Belgium, Denmark, Germany, France, Luxembourg, Holland and Austria) is the main focal point of attraction of immigration headed for Europe; the Mediterranean zone (Italy, Spain, Portugal and Greece) has undergone a radical change, given that this zone, once provider of emigrants for the central zone, is now a receiver of immigrants coming largely from North Africa.

The migratory pattern of the European Union Member States has changed during the last two decades (see table 1). The economic reactivation in the eighties, the disintegration of

the Soviet Block and the fall of the Berlin wall in 1991 resulted in an increase in migratory flows towards Western Europe, especially outstanding during the early nineties. The majority of the foreigners that during the past decade moved to European Union countries can be included in the categories asylum/refugee and family reunification. In contrast to this general tendency, countries to the South, included in the European Union during the eighties and therefore becoming the southern boundary of the European Union, show a type of immigration that is principally economic.

During the nineties, the following tendencies were detected: a slight decrease in legal immigration, although Europol affirms that more than 500,000 irregular immigrants enter every year; the diversification of the immigrants' home countries; the decrease in the number of applications for asylum after 1994 (see table 2); family reunification is the most significant category of immigration; an increase in the number of foreign workers; the consolidation of the participation of immigrant women in the labour market; the growing number of immigrants in the service sector; and an increase in foreign self-employment.

In 1997, 50% of the immigrants in the European Union came from Central and East European countries (above all from Yugoslavia, the former Soviet Union and Turkey); and then the Magreb countries in 17%.

Table 1. Immigration (entries) in the EU between 1989 and 1999. In thousands of persons.<sup>1</sup>

Countries	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Germany	1522	1652	1199	1502	1277	1083	1096	960	841	802	874
Spain	34	34	24	39	33	34	36	30	58	81	-
France	105	97	102	111	94	64	50	47	66	100	-
Finland	11	14	19	15	15	12	12	13	14	14	15
Sweden	66	60	50	45	62	84	46	40	45	49	50
United Kingdom	250	267	267	216	210	253	246	258	285	402	-

Source: Eurostat Yearbook 2001.

Table 2. Applications for asylum in the EU between 1989 and 1999. In thousands of persons.

Countries	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Germany	121	193	256	438	323	127	128	116	104	99	95
Spain	4	9	8	12	13	12	6	5	5	7	8
France	61	55	47	29	28	26	20	17	21	22	30
Finland	0	3	2	4	2	1	1	1	1	1	3
Sweden	30	29	27	84	38	19	9	6	10	13	12
United Kingdom	17	38	73	32	29	33	44	30	33	46	70
Total EU	292	397	511	672	517	300	264	227	241	289	342

Source: Eurostat Yearbook 2001.

<sup>1</sup> Eurostat does not dispose of consolidated data on Spain, France and the United Kingdom for 1999.

The population of the EU rose to 376.5 million inhabitants in the year 2000 and it represents 6.2% of the world's population. Its relative weight is decreasing: it is estimated that in 2050 it will be 4%. It has been argued whether or not immigration can offset the tendency towards aging and stabilize an economically active population.

All the member states show a decrease in fertility, as well as a fall in mortality of the elderly. According to a study by the ONU, almost all of the EU countries (except Ireland) will have by the year 2010 an old-age dependency ratio of 20-30%, which means that the proportion of the population older than 65 will be around a fourth of the population between 15 and 64. In addition, the burden to be borne by the working population will again increase in 2020. The question at hand is whether this evolution could or should be offset by an increase in net immigration. According to the OECD, in order to offset the increasing demographic burden and reduce the rate of dependence to favourable limits, the Member States must allow for a net immigration of 47 million persons old enough to work, the equivalent to 7 times the net immigration between 1985 and 1995.

Eurostat comes to similar conclusions, estimating that between 1995 and 2025: the EU population will increase from 372 to 386 million; the proportion of persons 60 and over will rise from 15.4% to 22.4%; the population old enough to work will decrease from 225 to 223 million.

Since 1989, net migration (the difference between immigration and emigration) represents the main component of EU demographic change. Despite the fact that the increase in immigration in Europe was significant between 1989 and 1993, it could not reverse the declining tendency of the European population. Consequently, we cannot expect immigration to be a definitive solution for problems of the elderly and the labour market: it should only represent a positive contribution to that labour market, to economic growth and to support systems of social protection.

Immigration is a test for social cohesion in receiving societies. The incorporation of immigrants in Member States has been accompanied by an increase in xenophobic attitudes and behaviours. Generally speaking, tolerance with ethnic minorities is lower in Member States with a greater proportion of immigrants, while states with less foreign presence show less intolerance (see table 3). According to the European Monitoring Centre on Racism and Xenophobia, an increase in xenophobic aggressions has been detected in the last few years, attributed to a rise in immigration, and to be more exact, a rejection of Muslims, on the rise since the September 11 events. Moreover, political discourse, especially in the extreme right, frequently relates immigration to the deterioration of security, the main concern of Europeans at the moment.

On the other hand, the presence of immigrants and refugees brings up the question of the concern for the respect for human rights. The European Union has clearly recognized the applicability of human rights treaties in matters related to refugees, applicants for asylum and immigrants. Human rights are inalienable and fundamental, but not necessarily "absolute". States can make their own decisions as to the determination of whether or not restrictions exist and which ones should be

implemented in the light of local circumstances. The concern for a respect for human rights is greater in the Nordic countries<sup>2</sup>. In the last few years, some international non-governmental organizations have questioned some of the police interventions in such matters in southern Europe.

Table 3. Attitude towards ethnic minorities, 2001. Percentages

Country	Tolerant	Ambivalent	Intolerant
Germany	53%	29%	18%
Spain	77%	18%	4%
France	55%	16%	19%
Finland	71%	21%	8%
Sweden	76%	15%	9%
United Kingdom	58%	27%	15%

Source: European Monitoring Centre on Racism and Xenophobia

## Section 2: EU policy

Immigration and asylum were not originally within the scope of European institutions. The basis for the treatment of these questions in Europe was established between 1986 and 1992. In the Community, the objective of creating an unified market favoured the consideration of immigration as a question that should be tackled at a European level: the signing of the European Single Act in 1986, which included a program for harmonizing immigration policy and favoured the development of closer cooperation between Member States. The governments of France, Germany, Belgium, Holland and Luxembourg had already signed on June 14, 1985 the Schengen Treaty. Although the signing countries formed part of the EC, the agreement was of an intergovernmental type. From a functional point of view, on the other hand, the agreement was closely related to the community objective: it attempted to reinforce police and judicial cooperation among those states, with the objective of doing away with internal borders and reinforcing external borders. Its Application Agreement was signed on June 19, 1990 and it was enforced on March 26, 1995. The following were later incorporated as Member States: Italy (1990), Spain and Portugal (1991), Greece (1992), Austria (1995) and Denmark, Sweden and Finland (1995).

Also in the scope of intergovernmental mechanisms and in order to avoid phenomena such as the *refugee-in-orbit* and *asylum-shopping*, the 1989 Palma Document and the Dublin Agreement were approved, concerning the State responsible for the examination of an asylum application presented in any one of the EU Member States. The latter, signed on June 13, 1991 and enforced on January 1, 1997, has been endorsed by all the Member States.

Up until the present, there have been several, not always successful, attempts to introduce these matters within the scope of interest of the EC. The European Commission adopted Decision 85/381/CEE on July 8, in order to establish a procedure for prior notification and

<sup>2</sup> See Amnesty International Report, 2002.

for a coordination of migratory policies in relation to third States. Five Member States (Germany, France, the Low Countries, Denmark and the United Kingdom) appealed this decision. The European Court of Justice ratified the claims of these States and annulled the Commission's decision. The proposal was reformulated in Decision 88/384/CEE, introducing an information and consultation policy on immigration policies.

Immigration and asylum policies were included on the agenda of the integration process with the Treaty of the European Union (Maastricht), as integrative questions to be dealt with by Cooperation in Justice and Interior Issues, the pillar on which decisions were adopted, complying with mechanisms for intergovernmental cooperation. The Treaty of Amsterdam, signed in October, 1997 and enforced since May 1999, accelerated slightly the transformation of these matters in community questions, by closely linking them with the attainment of a European space of freedom, justice and security, on the one hand, and by decreeing the incorporation to the community heritage of the Schengen Agreement, on the other. The jurisdiction of the European Court of Justice concerning these matters is especially affected by the accumulation of exception clauses, because the exceptions to the above-mentioned Agreement are still in force in three countries: Denmark, the United Kingdom and Ireland. The Treaty of Nice (February 26, 2001), though it has not been ratified, introduced very few significant innovations in this respect. The process of *communitarization* of immigration and asylum policies still continues and is therefore open-ended.

The European Council at Tampere, held in October 1999 and exclusively devoted to the creation of a space of freedom, security and justice, closed its sessions with the adoption of several conclusions in reference to asylum and immigration, placing the Commission in charge of the elaboration of a plan, which would include a common system of asylum and immigration. Its progress was evaluated in December 2001.

Generally speaking, the position of the EU towards immigration is clearly restrictive. The tragedy of Dover (June, 2000) highlighted the undesirable and perverse effects of restrictive laws: clandestine migratory flows have not disappeared and, consequently, it becomes necessary to periodically implement regularization processes.

The European Commission is the European institution that acts as a catalyst in the process of *communitarization* of immigration and asylum policies. Its more relevant documents are the communications on immigration and/or asylum policies formulated in 1985, 1991, 1994 and 2000, coinciding with moments of inflection in the integration process.

The Commission continues to be the most active institution in this respect: currently many of its proposals concerning the principles that should govern a common policy in the presence of the migratory phenomenon are being considered. As to legal immigration, the Commission has presented several initiatives, still without consensus: family reunification (December, 1999); the concession of long-term duration permits for those who have resided legally for more than 5 years (March, 2001); the joint administration of inflows of immigrants that would include only one permit for both residency and work for temporary emigrants (July, 2001). In order to confront illegal immigration, 4 proposals are on the waiting list: a communication on "a common policy for questions concerning clandestine

immigration” (November, 2001); a directive for temporary permits for stays to irregular immigrants who cooperate with the law (November, 2001), stating that “this phenomenon cannot be dealt with only on a national scale” (February, 2002); a Green Paper containing norms to compel illegal immigrants to return to their homelands (April, 2002), and if this were to be carried out, it would affect more than three million persons; a proposal concerning the integrated administration of EU borders with the creation of a “European Border Police Force”, especially for the coasts (May, 2002). Two other initiatives concerning asylum are also blocked at the moment: one concerning common criteria to apply the Geneva Convention to applicants and another concerning procedures to apply them.

Much importance has been given to an efficient harmonization of the regulations and a rapid implementation of common border controls. On the other hand, social integration policies are still considered a responsibility of each Member State, though the principles established by the European Charter of Social Rights for Workers, as well as the sentences of the European Court of Justice, are gaining acceptance among the Member States.

In September 2001 the creation of the European Fund for Refugees was approved, and through this organism, the EU offers immediate protection and temporary permits for stays to refugees arriving in massive inflows due to specific conflicts and it makes allowances for solidarity with the receiving State. This organism will be in force until the year 2004.

The recent European Council at Seville (June, 2002) dealt with the question of immigration. Prior to this Council, the governments of the United Kingdom, Italy and Spain were interested in adopting a common policy in this respect, focusing on the idea of an economic penalization for third countries that did not collaborate in the struggle against immigration. Again, however, the agreements were more modest than the initial aims of the Presidency. The evolution of these issues on the European agenda demonstrates the extraordinary weight of different national interests when adopting concrete decisions on these matters. The enlargement of the EU, also dealt with at the above-mentioned Council, makes even more difficult the *communitarization* of these issues, given that they do not affect all the Member States in the same way.

### Section 3: National policy responses to common challenges

#### Germany

Since World War II, Germany has been the main immigrant receiving country in the EU: its immigration policy began in 1954 and it made agreements with southern European countries, including Spain. In 1973 Germany closed its doors to immigration. Yet its immigrant population has grown significantly since the second half of the eighties, above all between 1989 and 1993. Currently it is the most populated EU country, with 82 million inhabitants and, in addition, it has the highest proportion of immigrants coming from outside the Community, mainly from Eastern European countries. It has 7.5 million foreigners, 9% of its population. Germany is currently undergoing a strong and increasing boundary pressure.

This country demonstrates a dynamic migratory behaviour, combining a high volume of entries and exits of foreigners; however, it has undergone very few changes in the composition of its foreign population. A fifth of its immigrants are asylum-seekers and there are also a high proportion of economic immigrants. Due to its geographic location, near a region with a high migratory potential, inflows from Yugoslavia, Russia, Rumania, Poland, as well as Turkey, were especially relevant. Therefore, a third of its immigrants come from East European countries, and a fourth come from countries where Germany had formerly recruited part of its labour force: there are 2 million Turkish citizens, representing 28% of its foreign population. Finally, 25% come from EU countries.

The percentage of foreigners in the domestic labour market is around 9% and between 1986 and 1996, foreign employment increased by 34%, in comparison with a 20% increase in the legally residing foreign population. The composition of the foreign labour force is similar to the legally residing population. In comparison with other EU countries, it should be pointed out that there is a high percentage of Asians included in its immigrant labour force.

Germany disposes of a wide and complete range of asylum and migratory policies, which have undergone reforms, mainly restrictive, in the last 10 years. The most outstanding changes have been carried out since 1993, when East European entries increased dramatically: the constitutional guarantee of asylum for political refugees became more restrictive and changes were brought about in the procedures for asylum in the naturalization laws. In 1997 and 1998, new changes were made in order to control public funds for immigration and reduce the desire of foreigners to come to Germany for economic reasons. Regularizations were carried out for a limited number of immigrants who had been living in Germany for many years with an insecure status or as non-registered residents.

Social integration of immigrants is a responsibility of the states (*Länder*), although its implementation is usually carried out by the municipalities. The first large-scale programs began in the sixties; however, they did not achieve the expected results since the immigrants' socio-economic conditions continued to be lower than those of German citizens. The *Aussiedler*, ethnic German immigrants, were the exception to the rule, since they enjoyed a privileged legal status and received considerably greater financial support for integration.

The debate concerning the reform of citizenship laws for family reasons (*ius sanguinis*) has drawn political attention both during Helmut Kohl's government, that was urged to introduce legal residency conditions in these laws, and since the Social Democratic/Green government came into power in October, 1998. In 1999, a new citizenship law was passed, less ambitious than the original project due to criticism from the right and, recently, the process, that began two years ago, to rationalize immigration policy to allow the entry of a select group of foreigners from outside the EU and with professional preparation (computer technicians from East Europe and India) has been concluded: the objective is to contract, in the next 5 years, 20,000 computer technicians. The Christian Democrat opposition (CDU and CSU), which will probably appeal to the Constitutional Court on account of the unorthodox passage of this law in the Bundesrat, and the populist newspaper *Bild* champion

the rejection of any new immigration policies. The reappearance of the extreme right in the present-day reunified Germany could result in an increase in popular support for philo-nazi parties.

The German government is concerned with the connections between immigration and terrorism: such considerations justify a reinforcement of entry controls.

## Spain

Spain has traditionally been a country of emigration, but since the middle eighties, it has become a country of immigration. In 1998 its population was 39,347,900 inhabitants. The percentage of foreigners, currently between 2% and 3%, is relatively low compared to other European countries. But this tendency is increasing, especially because of its geographical proximity to the African continent, with a high emigration potential. In 2001 Spain was the EU country that received more immigrants. According to Eurostat, 24% of the EU's net migration remained in Spanish territory. Spain is peculiar in that 47% of its legal foreign population comes from other EU countries, since it has traditionally been one of the destinies of permanent emigration from the Nordic countries, especially senior citizens; in relative terms, this group of Europeans is becoming less influential. The Moroccans are the most numerous group of non-EU foreigners in the country and the number of Latin Americans is increasing. The non-EU foreigners come from the following countries: Morocco, Ecuador, Colombia, China, Peru and Rumania.

Between 1986 and 1996, the legal resident population increased by 63%. Although 8% of the 1,244,000 residing foreigners in Spain in March 2002 were seeking employment, there were 126,000 unfilled vacancies. It is estimated that this proportion would have increased slightly, if the informal or "underground" sector of the Spanish economy had been included. In addition, important differences in relation to territorial imbalances in the Spanish labour market have been noted: in some provinces, there is a shortage of foreign labour; while in others there is a surplus.

In 1984, Spain enacted its first asylum law, which was modified ten years later in order to prevent its use for economic immigration objectives. In the context of the economic crisis that reached its peak in 1985, and facing its incorporation in the EU in 1986, the Spanish government was forced to introduce a law that restricted the entry of immigrants and that included the standards of other Member States. Fifteen years later, with the objective of adapting the legal framework to reality, a new law was formulated and finally passed in Parliament in the year 2000 with the opposition of the PP conservative minority government. After winning the general elections in March 2000 and with an absolute majority, the PP reformed the law, adding restrictions, and this brought about criticism from many social and political actors because it denied essential rights to undocumented foreigners. In April 2001, the government passed the Global Program for the Regulation and Coordination of Foreigners and Immigration, and a year later, it stated its intention of passing a new even more restrictive legal text concerning immigration.

The Spanish legal framework for regulating the entry of foreigners centers around the need to have a job in order to obtain the corresponding work and residence permits. A shortage in the domestic labour force for certain economic activities and the impossibility of strictly controlling borders has led to the formation of a pocket of undocumented foreigners in Spain's national territory, forcing the socialist as well as the popular governments to introduce seven documentation processes: one in 1985/86, another in 1991, then in 1996, and finally four in 2000/2001. The important regularization process in 2000/2001 has not yet been completed and to date, work and residence permits have been granted to almost 400,000 persons. It is estimated that, currently, there are around 200,000 undocumented foreigners. Since 1993, annual quotas of work permits have been approved, allowing for a partial channelling of the demand for labour and a reduction of the number of undocumented foreigners.

Spain's municipalities and Autonomous Communities are greatly responsible for this country's integration policy and, given that many municipalities lack financial means and sufficient infrastructures, they find themselves with many difficulties to confront this question. In the mid-nineties the National Plan for Social Integration of Immigrants was passed and a Forum for the Social Integration of Immigrants to advise on measures for planned integration was set up. Since the year 2000, social integration policy has clearly been invalidated, to the extent that administrative units in charge of this issue organically depend on the Department of the Interior.

In October 1999, the PP introduced the question of immigration into the political debate and since then, polarization around this issue has increased: the most outstanding controversy has to do with undocumented immigrants. Despite the tremendous efforts to reinforce border controls, our attention is constantly drawn almost daily to the death of immigrants crossing the Strait of Gibraltar or sailing to Fuerteventura in "pateras" (small, fragile boats) and this migratory pressure is increasingly affecting border regions: the massive entry of immigrants to the Canary Islands is concerning from many different points of view (the emergence of a xenophobic discourse, violations of human rights, etc.)

## France

France is a country of immigration since the end of the World War: the foreign population now represents 6.3% of the total population, 56,652,000 in 1998. A third of its immigrants are asylum-seekers and the percentage of economic immigrants is high. France is also the Member State with the highest percentage of North Africans, mainly Algerians (90% of the Algerian residents in the EU). Between 1986 and 1996, the proportion of Portuguese and Algerians decreased, while the number of Moroccans increased by one third, Tunisians by one fifth and the Turks almost doubled in number. It should be pointed out that, statistically, there has not been an increase in the number of foreigners since 1982, an indication that many have acquired French nationality.

The immigration pressure on the labour market does not appear to be strong, given that the proportion of foreign workers (6.3%) is exactly equal to foreign population, although xenophobic discourse draws upon the competition between nationals and foreigners for

employment. In addition, in November 2000, the unions highlighted the fact that in France there were 900,000 jobs to be filled. Towards the mid-seventies, France, like Germany, closed its doors to immigration. The growth of illegal immigration forced the Socialist governments to establish regularization campaigns, a controversial issue in national politics. The most important campaigns took place in 1981/82, benefiting 121,000 immigrants, and in 1997/98, benefiting 80,000. Citizenship laws have also been controversial in France's internal politics for years. The left-wing government that came to power in 1997 provided for the acquisition of citizenship and family reunification, and increased the motives for refugee protection. In 1995 the government also introduced a general plan to correct the problems in "foreign ghettos", evolving in housing projects in the last decade, but this package of reforms has produced few concrete results, and this may be partially due to administrative problems and inadequate financial support.

Political tension in relation to immigration is increasing: an extreme right-wing party, well within the political system, has an influence on the political strategies of other parties. The results of Le Pen's National Front in the last presidential elections, ousting Jospin and the Socialist Party and contending for the presidency against Chirac, is a demonstration of the progress made by the extreme right, whose discourse is progressively uninhibited. Political tension with the United Kingdom is also on the rise, because of the location of the Sangatte refugee camp near the English Channel and due to the fact that refugees can illegally enter the United Kingdom through the Eurotunnel.

## Finland

Of all the Member States included in this report, Finland is the least populated, with 5,147,300 inhabitants in 1998, and it also has the smallest proportion of foreigners: around 1.4%. It has traditionally been a country of emigration: the most outstanding massive migration was that of the Finnish to Sweden. Emigration is less than a third of immigration which, in the case of Finland, has hardly contributed to an increase in population. This country has not been affected by migratory flows until very recently: the arrival of Kurds in the last few months is concerning.

Despite the political importance given to asylum/refugee, the proportion of asylum-seekers is really minute. Finland stands out as one of the EU countries with a greater proportion of immigrants from outside the EU: only 19% of the legally residing foreign population comes from a Member State. Most of its immigrants come from neighbouring countries, above all from neighbouring territories of the former Soviet Union, producing 36% of the entries and a fourth of its legal residents. Between 1986 and 1996, the legally residing foreign population has increased by 250%: the proportion of EU immigrants decreased by two thirds; the number of immigrants from the former USSR tripled; and the proportion of Estonians as well as asylum applicants from the former Yugoslavia increased. Legal immigration between 1991 and 1996 fell by 60%.

Finland's small number of immigrants is integrated in its labour market: foreign workers represent 1.4% of the total number. Finland is provided with a generous state of well-being that facilitates the integration of immigrants. While the Ministry of the Interior is

responsible for immigration control, the Ministry of Labour carries out the formulation and implementation of integration policies, the identification and adaptation of asylum applicants, as well as the administration of the return of Finnish immigrants. All the Centers for Employment and Economic Development, operating in each district, are provided with a person in charge of migratory and refugee issues.

The integration of immigrants does not depend only on the actions of public powers. It should be pointed out that Finland has a group of social organizations, some composed of both nationals as well as immigrants, largely in favour of maintaining a course of action whose objective is far from a permanent confrontation with the governments. These are organizations committed to pacific cohabitation and cultural exchange in a multicultural society. Finland's Migrants Forum Support Group has as its objective support for cooperation and equal rights among foreigners and natives.

During the nineties, an extensive and generous regulation of foreigners was carried out: the 1991 Foreigners Act and the Foreigners Decree in 1994, both later reformed on several occasions, and the 1999 Act for the Integration of Immigrants and Reception of Asylum Applicants are examples of Finland's regulation policy. These legal reforms have not been accompanied by internal political and social debates worth mentioning. At the European level, the position of the Finnish government is outstanding in that it favours an asylum regulation that strictly abides by the Geneva Convention.

## Sweden

The foreign population residing in Sweden represents approximately 6% of a total population of 8,847,600 persons in 1998. From a migratory point of view, Sweden stands out because it has been the destiny of many asylum applicants, with several communities of refugees in some cities. There are many groups of Asians. The composition of the entries in Sweden corroborates this fact: a fifth of its immigrants are asylum-seekers. The country's state of well-being is an attraction, on the one hand, for the population of other Nordic countries that provide 20% of Sweden's immigrants, and on the other, for the EU countries, since 34% of its legal residents come from other Member States. Between 1986 and 1996, the legally residing foreign population increased by 28%, while the relative weight of some of this country's traditional immigrant categories (Danes, Finnish, Norwegians) decreased.

Foreign workers represent 5.1% of the total number of workers, and between 1986 and 1996, foreign employment increased by 4%, which supposes only a slight immigration pressure on the Swedish labour market.

Sweden demonstrates an extensive and complete range of asylum and immigration policies. From a political point of view, its governments and its society give much importance to asylum. In clear contrast with other countries, Sweden's 1997 Immigration Law increased the valid criteria for the recognition of the condition of refugee: they do not have to prove that they are persecuted by their State of origin; asylum can be granted if the State cannot avoid persecution by concrete social groups. In addition, residence for foreigners can be guaranteed for humanitarian reasons; and residence for two years can be guaranteed for

refugees from areas in conflict or in civil war. In any case, asylum procedure has become stricter and asylum applicants must undergo routine identity controls, including photographs and fingerprints.

For the last few years, cooperation with the Baltic States has increased in order to avoid illegal immigration from this region: complaints against the Danish government are especially relevant, accused of being the “springboard” for immigrants who want to enter Sweden. Police repression of illegal traffic of immigrants has also become tougher.

Sweden is the most experienced of all the Member States as far as integration policies are concerned. The 1997 Law was passed in order to reduce the rising unemployment of foreigners and attenuate the growing resentment of the Swedes towards foreigners. Additional socialization programs, including language classes, classes on Swedish culture and society, and opportunities to acquire practical work experience have been extended to the new immigrants. Steps have been taken to improve educational opportunities for children, revive the labour market and renew accommodations and underused housing. These integration measures fundamentally support the idea of multiculturalism, and they are focused more on individual necessities than the former measures.

Sweden is a country that has not, until recently, been affected by migratory inflows. The government is presently concerned with the unceasing arrival of Moldavians. General elections will be held in September and it does not seem that immigration will be an important question in the political debate.

## United Kingdom

The United Kingdom is another EU country with an important foreign population: of more than 58 million inhabitants in 1998, a little over two million were not nationals. In relative terms, the UK is in an intermediate position: 3.5% of the total population are foreigners. One fifth of its population are asylum-seekers; approximately half of its new immigrants come from English-speaking countries, and a fifth from its former colonies. 39% of its legal residents come from EU countries: the most important national group is of Irish origin (22%), a group which, in addition, makes up 90% of Irish emigrants living in the EU. The Asians also stand out: 75% of the immigrants in the EU coming from Bangladesh, Pakistan and India live in the United Kingdom. Between 1986 and 1996, the legally residing population increased by 6%; on the other hand, the proportion of traditional immigrant nationalities (Hindus, Irish, and North American) decreased. The growth of the number of foreign residents has been moderate due to the effect of nationalizations: in 1999 the possibility that 150,000 inhabitants of the former colonies gain citizenship, denied in 1962, was announced.

3.4% of the UK's workers are foreigners. Its legislation grants refugees the right to work as soon as they apply for asylum.

The United Kingdom has placed great importance on attempting to reduce the number of asylum applicants. In the year 2000, 98,900 applications for asylum were received, higher

than in Germany. After the enactment of the 1971 Immigration Law, Great Britain began to slowly increase visa requirements for certain immigrants: first, those coming from the Commonwealth, then those from traditionally emigrant countries like Turkey, and more recently, those from Yugoslavia and Slovakia. The 1996 Immigration and Asylum Law adapted traditional British asylum policies in order to satisfy the general EU regulations and established faster procedures to determine if an asylum application is groundless. In 1999 the new Immigration and Asylum Law was updated.

In 1997, after the European Court of Justice's sentence concerning the Special Immigration Appeals Bill, foreigners deported for economic reasons can appeal the deportation decision. Refugees are allowed to reside in Great Britain for humanitarian reasons with the status of Exceptional Leave to Remain, which was used, for example, by Bosnian refugees. Steps have been taken to accelerate asylum procedures, to limit the number of possible appeals against the refusal of applications, as well as to regularize those refugees who have been appealing asylum decisions for many years.

The priority of British integration policy is the establishment of a legal and institutional infrastructure to reduce discrimination towards foreigners. The Commission for Racial Equality, depending on the Ministry of Interior, is the authority in charge of information campaigns, of reclamations for individual discrimination and campaigns for equality policies. In 1999, the institutionalized racism of the British educational system and the intolerance of the London police force towards racial plurality was criticized (Macpherson Report).

In the year 2001, the government passed a legal framework to incorporate qualified foreign labour in some economic sectors and, currently, it is attempting to regulate the entry of less qualified workers in order to maintain the agricultural, building and hotel-restaurant sectors competitive.

For geographic reasons, the United Kingdom has controlled immigration mainly through its ports of entry, and for this reason, illegal entries have been unusual until recently. Though the Schengen Agreement has not yet been signed for fear of losing part of its sovereignty in such questions and that other governments do not follow the general rules to control their borders, after the Dover tragedy on July 19, 2000, the UK's Ministry of Interior requests aid from the EU in order to check the traffic of undocumented foreigners across the English Channel. In the last few months, the UK has objected to the opening of the Sangatte center for refugees, which is provisionally housing undocumented foreigners attempting to enter the United Kingdom through the Eurotunnel.

The current British government has stated that it is seriously concerned about illegal immigration and its political consequences, after what has happened in France and Holland. In the recent debate on asylum, a certain polarization in the political stance of conservatives and the Labour Party has been detected.<sup>3</sup>

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<sup>3</sup> In the latest local elections, the xenophobic National Front won more support from voters.

## Section 4: Conclusions

Immigration is a recurring issue in European political discourse. In addition, 80% of the Europeans consider that their government should make the struggle against clandestine immigration a priority, according to the Eurobarometer in February 2002. However, as to concrete decisions, there has been no significant parallel progress: five proposals have been blocked for several months. Each country encounters different migratory scenarios and adopts different political strategies to deal with them, making compromise a more difficult task than that which was set out in the Treaty of Amsterdam. Nevertheless, there are no political alternatives for European harmonization, given that the EU is progressively becoming a unified space of common social rights and open internal borders.

In the scope of immigration control, the harmonization of visa and asylum regulations have already been widely implemented through the Schengen and Dublin Agreements. As to immigrant integration, there are also definite tendencies towards the development of a common legal space, especially due to legal decisions of the European Court.

Pressures derived from an imminent European enlargement to harmonize regulations and procedures have had an impact, though they have not completely eliminated different national points of view. This has occurred especially in Southern and Eastern European countries. The existence of different legislations to confront the immigration issue is bringing about secondary migration phenomena in the Union itself.

In the European Council at Seville, some imprecise compromises were adopted and some objectives to deal with the development of a common policy for asylum and immigration were established. Its conclusions include the objective of carrying out a systematic evaluation of the relations with third countries that do not collaborate in the struggle against illegal immigration. Among the concrete measures to be adopted in the next six months, we should highlight the approval of repatriation programs, the implementation of joint operations on exterior borders, and the creation of a network of liaison civil servants for immigration in the Member States.

## Section 5: Switzerland

Compared with other European countries, the distinctive feature of Switzerland is the highest share of foreign residents: 19.4% of its 7 million inhabitants in 1998. This is partly because of its relative location, since Switzerland lies astride the guest-worker travel routes from South-Eastern Europe and Turkey to the industrial cities in West Germany and the Low Countries. The foreigners come from the following countries: Italy (25%), Yugoslavia (23%) and Portugal (10%).

In January 2000 Switzerland had 7,164,000 inhabitants. According to the UN, by the year 2010 its population will be 7,603,000 inhabitants, and ten years later it will be 7,624,000 inhabitants. The Swiss statistic institute foresees a more modest increase until 2010 (7,443,000) and a slightly bigger one in the following decade (7,553,000 inhabitants in

2020). Between 1989 and 1999 Switzerland has experienced a demographic increase much bigger than any of the EU countries: while the Fifteen's population has increased 3.7%, the Swiss population has increased 7.6%.

Immigration to Switzerland increased between 1989 and 1992, but it shows a decreasing tendency since then. In applications for asylum, there is a similar tendency from 1992 until 1996, when the number of applications for asylum began to increase again (see table 4). In 2000 there was an important decrease in the number of asylum seekers due to the end of the Kosovan crisis, which caused in 1999 the highest number of asylum claims ever registered.

Table 4. Immigration (entries) and applications for asylum in Switzerland between 1989 and 1999. In thousands of persons.

Year	Number of immigrants	Number of applications for asylum
1989	130	24
1990	154	36
1991	165	42
1992	157	18
1993	145	25
1994	130	16
1995	114	17
1996	74	18
1997	92	24
1998	96	41
1999	-	61

Source: Eurostat Yearbook 2001.

In 1998 Switzerland received 96,000 immigrants. Most of its entries came from other European countries (76%), among which there were 32,000 immigrants from the UE countries, representing 34% of the total immigration. The most relevant immigrant categories were Germans (9,000) and people from the former Yugoslavia (10,000).

Normally, the policies towards immigrants have been highly restrictive during most of the post-war period despite the dependence of certain key sectors of the Alpine economy on the use of foreign (often seasonal) labour.

Switzerland does not attempt to be a country of permanent immigration, and operates a highly efficient although not uncontroversial system of admission on the basis of temporary, rotation-based work and residence permits. The Swiss system of temporary work and residence permits is based on fixed annual quotas, which are rather unusual in Europe. Since 1970 the government has set quotas for yearly and seasonal work permits. The yearly decisions on entry quotas are based only on the interests of Switzerland. Since the rotation principle has worked well, there have never been serious debates about implementing measures to foster return migration.

Immigration regulation and control is based on the Federal Law of Abode and Settlement of Foreigners (ANAG), which was originally enacted in 1931 and has only marginally changed since then. At the beginning of the nineties, Switzerland amended its citizenship law so as to allow the retaining of a previous citizenship in naturalizations.

Switzerland has had a long tradition of anti-immigrant and anti-ethnic minority politics. In the second half of the 1970s this was reflected in the attempts (through the Schwarzenbach referenda) to keep Switzerland 'for the Swiss': a massive anti-foreigner movement gained ground, since some of its representatives were elected to Parliament, where they exerted political pressure by means of forcing plebiscites on issues that fanned xenophobic sentiments.

In a vote on September 24, 2000, a proposal introducing a fixed rate of 18% foreigners of Swiss population has been rejected. A very broad campaign against the proposal was led by the Government, governmental parties and Swiss economy representatives. Asylum played a less important role in the debates.

Switzerland is not party to the Dublin Convention, although it follows developments in the immigration policies of EU countries with increasing interest. According to the so-called compensation policy, parallel treaties to Schengen and Dublin will be implemented.

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