

Denis S. Ushakov¹

TESTING FOR MIGRATION REGIMES' ADEQUACY IN MODERNIZING THE REGULATION OF LABOUR INTERNATIONAL DISTRIBUTION

The paper theoretically justifies the adequacy of the EU migration regimes as a condition for effectiveness of national control over transboundary labour movements in Europe. The study proposes an original method for evaluation of migration regimes adequacy in Europe based on the assessment of 26 test issues. The results of the author's methodology application led to a number of practical recommendations on further modernization of European migration policy, as well as theoretical conclusions on the comparative analysis of the relationship between migration regimes adequacy and national macroeconomic indicators.

Keywords: international labor migration; migration regime; migration policy; the European Union.

Денис С. Ушаков

ОЦІНЮВАННЯ АДЕКВАТНОСТІ МІГРАЦІЙНИХ РЕЖИМІВ В ПРОЦЕСІ МОДЕРНІЗАЦІЇ РЕГУЛЮВАННЯ МІЖНАРОДНОГО ПОДІЛУ ПРАЦІ

У статті теоретично обґрунтовано адекватність міграційних режимів країн ЄС як умову ефективності національного управління транскордонним рухом робочої сили на європейському континенті. Запропоновано методіку оцінювання адекватності міграційних режимів країн Європи на основі оцінювання 26 тестових позицій. Розроблено практичні рекомендації стосовно подальшої модернізації міграційної політики у Старому Світі, а також зроблено теоретичні висновки щодо наукових перспектив порівняльного аналізу отриманих результатів тестування адекватності міграційних режимів та макроекономічних показників держав.

Ключові слова: міжнародна трудова міграція; міграційний режим; міграційна політика; Європейський Союз.

Рис. 1. Табл. 4. Літ. 14.

Денис С. Ушаков

ОЦЕНКА АДЕКВАТНОСТИ МИГРАЦИОННЫХ РЕЖИМОВ В ПРОЦЕССЕ МОДЕРНИЗАЦИИ РЕГУЛИРОВАНИЯ МЕЖДУНАРОДНОГО РАЗДЕЛЕНИЯ ТРУДА

В статье теоретически обоснована адекватность миграционного режима стран ЕС как условия эффективности национального управления трансграничным движением рабочей силы на европейском континенте. Предложена авторская методика оценки адекватности миграционных режимов стран Европы на основе оценки 26 тестовых позиций. Разработаны практические рекомендации относительно дальнейшей модернизации миграционной политики в Старом Свете, а также сделаны теоретические выводы о научной перспективности сравнительного анализа полученных результатов тестирования адекватности миграционных режимов и макроэкономических показателей государств.

Ключевые слова: международная трудовая миграция; миграционный режим; миграционная политика; Европейский Союз.

Introduction. Since the early 2000s migration policies in the countries of the Old World have changed fundamentally because previous strategic guidelines on regulating migration did not only lose their efficiency in the XXIth century, but also lead to

¹ International College at Suan Sunandha Rajabhat University, Bangkok, Thailand.

the growth of extremely negative economic, socio-cultural and political consequences (Papademetriou, 2008: 283).

Economic slowdown in Europe was typical for almost all European countries at the beginning of the XXI century, but did not reduce the labor immigration dynamics. Aggravation of social problems, failures of the multiculturalism principle in foreign workers' socialization (as well as socioeconomic destabilization in the countries of Africa and Middle East) have sharpened the labor migration problems, but till now did not lead to any significant correction in regional migration policy in the Old World.

Despite the widespread opinion that European migration policy is extremely rigid and restrictive, migrant workers' flows to the EU is constantly growing (even under economic recession and rise of domestic unemployment), both in legal and illegal sectors (Ruhs and Anderson, 2010: 119–126).

In Southern European countries, which are most strongly affected by the negative consequences of 2008 crisis foreign migrant workers' flows are growing first of all.

At the same time the unemployment rates at domestic European labor markets reach their critical levels. Forced to optimize own manufacturing (due to the falling demand, growth of competition with developing countries, higher taxes and reduced social programs etc.), local entrepreneurs seek to cut off wages and social insurance payments, taxes (Neugart and Schomann, 2002: 91–94). This necessarily increases the demand for migrant labor (for example, in the UK, Spain and Greece). The situation is complicated by non-predictable political processes in the countries surrounding the EU, for example, Egypt, Tunisia, Libya, Syria, where large population loses earnings and is always ready to move even to the poorest states of the EU (labor immigration is growing, for example in Bulgaria and Romania).

The purpose of this study is testing for contemporary migration regimes' adequacy and formation of scientific and methodological principles and directions for the EU migration policy modernization.

The objectives of the study are the following:

- to determine the effectiveness of European modern migration policy, factors and conditions for its growth;
- to define the adequacy of the contemporary migration regime as a condition for effective migration management in the EU;
- to propose an original method for assessing the adequacy of the EU contemporary migration regimes using the available statistical data and theoretical justification of the migration regimes' adequacy as a factor of migration policy effectiveness;
- to give recommendations on further use of the proposed method for testing the migration regimes' adequacy.

The hypotheses of the study:

H₁ – effectiveness of the migration policy is identified as the relationship between economic returns and possible damages and risks of the international labor migration development.

H₂ – adequacy of country's migration policy to priorities of its internal development and global markets' challenges is determined by differentiation and selectivity of national migration regime.

H₃ – despite the achievements in regional migration regulation (also at the supranational level) there are some migration regimes inadequate to the requirements of regional progress and socioeconomic development of the EU.

Literature review and theoretical basis of the study. The central issue of any migration policy is the maximization of foreign labor migration economic benefits and reducing potential damages (Papademetriou, 2008: 42–45) in both short and long term (Figure 1).

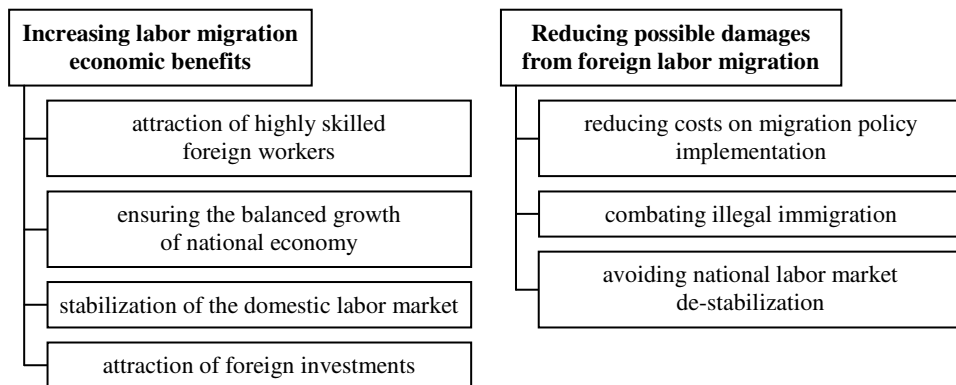


Figure 1. Efficiency of national migration policy implementation, author's

Taking into account the dynamics and the trends of labor migration, the analysis of the EU migration policy demonstrates the following trends of immigration policy modernization: stimulation of intellectual and highskilled migrant workers inflow to the EU (Kahanec and Zimmermann, 2011: 11–14), encouraging business investments and business migration, development of seasonal labor migration; migrant workers' families reunification; restrictions on asylum and combating illegal employment immigration.

Structural components and examples of the selected measures implementation are shown in Table 1.

Table 1. Main directions and tools in immigration policy modernization in the EU countries, author's

No	Directions of national migration policy modernization	Tools for implementation of modernization practices in the field of migration processes' state regulation	Countries actively applying these tools
1	Stimulating intellectual labor immigration	Quotas for highly qualified specialists	Italy, Germany, Ireland, Netherlands
		System of fair labor migrants evaluation	UK
		Government programs for intellectual labor migration promotion	Great Britain, Italy, Ireland
		Simplified procedure for obtaining permits, residence permits, citizenship for high skilled labor immigrants	France, Germany
		Introduction of special scientific visas for certain categories of migrant workers	EU as a whole
		Simplification of procedures for foreign high-skilled professionals recruitment	Denmark, Germany, Netherlands, UK

Continuation of Table 1

No	Directions of national migration policy modernization	Tools for implementation of modernization practices in the field of migration processes' state regulation	Countries actively applying these tools
		Increase the number of foreign students in the country, provision of rights to work for foreign graduates of national universities	Germany, Sweden, UK, France, Italy
		Creation of specialized areas for innovative development with tax benefits	Sweden, Denmark, Belgium, Ireland
		Programs for qualified migrants repatriation	Norway, Finland
		Preferential employment for foreign teachers	Finland, Norway
2	Encouraging of business immigration	Encouraging businessmen and investors who want to start up business	UK
3	Promotion of seasonal labor migration	Development of bilateral programs for cooperation between agricultural and tourism sectors in the countries of departure and arrival	Germany, UK
4	Rationalization of family members reunification	Limitation in the categories of relatives entitled for reunification	Italy
		Increasing requirements for personal sponsors' income	Netherlands, Denmark, France
		Identifying opportunities for family members' further employment and socialization	France, Italy
		Increasing the minimum residence period required for obtaining the right for further family reunification	France
5	Limitation of asylum	Prohibition to stay in the country for the persons awaiting the decision on asylum	Germany
		Reduction of pending asylum social supporting	Germany
		National policy of "closed doors" and collective responsibility for regulation of refugees flows	EU as a whole + Switzerland
		Resistance to multiple asylum pending, as well as simultaneous petitions' pending in several EU countries	EU as a whole + Switzerland
6	Countering illegal migration	Stricter requirements to work, business, student, and tourist visas applicants	EU as a whole
		Automation of cross-border migration control (fingerprinting, biometric passports and work permits)	EU as a whole + Iceland, Norway
		Strengthening state borders control, expanding "free inspection" zones	Germany
		Modernization of work permits issuing	EU as a whole
		Development of bilateral cooperation between neighboring countries	Germany, Italy, France

Based on the official data and legal infrastructure of migration policy implementation in the EU countries (Economist Intelligence Unit, 2009; International Labor

Organization. European Migration Network, 2013; International Migration Outlook, SOPEMI, 2013; International Organization for Migration, 2013; International Organization of Migration, 2013) we can assess the adequacy of European countries' national migration regimes to the requirements of the globalized world, and the main directions in migration policy modernization (highlighted in Figure 1).

Methodology of the study. Assessment of national migration regimes' adequacy in today's EU (in the format of the EU-28 + Turkey) was carried out by testing some principal issues of national migration regimes in each considered country (Table 2).

Table 2. Tested issues for the EU countries' migration regimes' evaluation, author's

No	Tested issues	Points for compliance (answer – YES)	Points for non-compliance (answer – NOT)
1.1.	Is there more than one type of residence permit and more than one type of work permit in the migration regime of the country?	3	0
1.2.	Does only residence permit give the right to access the national labor market for foreigners?	0	2
1.3.	Is access to the labor market only possible for foreigners' holding a residence and work permit?	5	0
1.4.	Does country officially offer visas for seasonal work?	5	0
1.5.	Is there a procedure for green card obtaining?	6	0
1.6.	Does residence permit allow foreigner to buy immovable property?	5	0
2.1.	Does only work permit give the right for family reunification (without additional wage claims to migrant)?	6	0
2.2.	Is there a minimum wage requirement for family reunification procedures?	0	5
3.1.	Is the work permit tied to a specified employer?	0	5
3.2.	Can work permit be issued for more than 1 year?	3	0
3.3.	Can work permit be extended (without issuing of new document)?	4	0
3.4.	Are there any requirements for minimum wage for a work permit obtaining?	0	5
3.5.	Is applicant qualification only a reason to obtain a work permit (not the scope of application's work)?	0	5
4.1.	Do students have any rights for further employment and transforming educational visa to a work permit?	3	0
4.2.	May students work on partial employment scheme (combining with studying)?	5	0
5.1.	Is there an official quota for foreign migrants in the migration policy?	0	2
5.2.	Are residents of other EU countries required to register and obtain a work permit for work?	0	3
5.3.	Is there an official quota of foreign workers - not citizens of the EU?	0	2
5.4.	Is there an official quota of foreigners arriving by family reunification programs?	0	5
5.5.	Is there an official quota of qualified labor migrants?	0	5

Continuation of Table 2

No	Tested issues	Points for compliance (answer – YES)	Points for non-compliance (answer – NOT)
6.1.	Does national migration policy officially declare a priority of migrant workers from the countries which have signed bilateral agreements on cooperation?	0	5
6.2.	Did country sign agreements on migration cooperation with not members of the EU?	5	0
6.3.	Does the problem of foreign workers discrimination officially exist in the country?	0	10
6.4.	Does ownership of business (self-employment) lead to work permit obtaining?	5	0

For national migration regime's compliance (non-compliance) with a particular issue the country receives a certain number of points. The total determines the adequacy of a particular national migration regime.

The first group of the tested issues describes the basics of foreign labor migration' documentalization in a country, estimates the number of documents for foreigners' legal employment, indirectly reflects the complexity of migration formalities in a country.

Thus, a country that officially issues visas for seasonal work (usually in certain sectors, such as agriculture, tourism, HoReCa), is originally liberal (Estruch-Puertas and Zupi, 2009: 19–24) with immigrants' employment, because additional documents (such as residence permit or work permit) are not necessary for providing migrants' legal access to the labor market.

Migrants obtain visas before physical border-crossing, and immediately start to work for up to 6 months with the obligation to return back home after visa expiration date.

Migration formalities for permanent foreign workers are stricter. They are normally required to obtain work visas (before their physical border crossing), work permits (issued by a public authority after migrant's employment) or even residence permits.

Depending on documents (only work visa; work visa and work permit; work visa, work permit and residence permit) required for migrants' access to national labor market, it is possible to determine the level of liberality/restrictiveness and adequacy of country's migration regime.

The second group of the tested issues characterizes the state migration policy in family reunification (required documents and any additional regulatory tools and quotas for family reunification).

The third group describes the process of work permits' issuing: requirements to obtain a work permit (including migrant's qualifications, age, health, potential wage), work permit connectivity with particular employer or industry, as well as the period of work permit validity and possibility of its extension.

The fourth group assesses national migration policies in relation to international students – potential qualified migrant workers (foreign students' abilities to be partially employed, foreign graduates' opportunities for further employment etc.).

The fifth group of the tested issues explores quota as an instrument of labor immigration regulation. We analyzed several types of quotas for foreign nationals' employment – total foreign workers quota, quota for citizens of other EU countries, quota for citizens of non-EU countries, quota for skilled labor migrants, and quota for migrants arriving for family reunification.

The presence of various types of quotas proves that national immigration policy is more restrictive, but also more selective (Jacoby, 2013: 37).

Finally, the last part of the tested issues evaluates the official priorities of the EU migration policy. For example, officially proclaimed principles of migrant workers discrimination depending on their origin, official priority of labor migrants from the countries with signed bilateral agreements on cooperation, and also the possibility of simplifying foreign investor legalization (development of commercial migration).

Main results of national migration policies' in the EU countries evaluation. For evaluation the statistical data and descriptive information of the expert groups of the European Union (+ Turkey) was used. The results of the study are presented in Table 3 and 4.

Thus, according to Table 4, the most adequate to the requirements of Europe economic dynamics are the migration policies in Germany, France and Poland. In Romania, Belgium and Cyprus migration policies are the least consistent with the requirements of economic progress, and, therefore, urgently need to be modernized.

Migration policies of 6 EU members (Germany, France, Poland, Czech Republic, Ireland and the United Kingdom) have much higher quality than the European average.

At the same time in 7 countries (Lithuania, Hungary, Croatia, Cyprus, Belgium and Romania) the reverse situation is obvious.

Discussion and limitations of the study. As factors limiting the accuracy of the results and practical significance of the study can be identified the lack of tested issues in the proposed author's methodology for assessing the migration regimes adequacy; as well as the quality of used secondary statistical and descriptive information.

Meanwhile, the proposed method for qualitative evaluation of contemporary migration regimes in the EU on the basis of testing issues and ranking is original and capable for modernization.

As a promising direction for further research we can identify, for example, a comparative analysis of migration regimes' adequacy and countries' macroeconomic achievements and their degree of international economic integration, role on the international labor market.

Conclusions. The effectiveness of contemporary migration policies implementation depends on two factors – the growth of economic return (due to the immigration flows reorientation in favor of qualified professionals, business development, investment and employment-based immigration, stabilization and balancing of the national labor market) and reducing possible damages (due to cuts in government spending for labor migration regulation, combating illegal migration and destabilization of the national labor market) of foreign labor migration.

National migration policy development in two directions at the same time ensures its effectiveness, primarily, due to adequacy of global economic dynamics both to international integration challenges and priorities of national economic security.

Table 3. Results of the evaluation of the EU-28 (+ Turkey) countries' migration policy in 2014, author's

	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxemburg	Malta	Netherlands	Norway	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Turkey	UK											
1.1.	0	1	0	0	0	1	1	1	0	1	1	0	0	1	1	1	0	0	0	0	1	0	1	1	0	0	1	0	1											
1.2.	0	0	1	0	0	1	1	1	1	1	1	1	0	0	1	0	0	0	1	0	1	0	1	0	0	1	1	1	1											
1.3.	1	1	0	0	1	1	0	0	0	0	0	0	1	1	0	1	1	1	0	1	0	1	0	1	0	0	0	0	0											
1.4.	0	0	1	1	0	0	1	1	1	1	1	1	1	1	1	0	0	0	1	1	1	1	1	1	0	1	1	1	1											
1.5.	1	0	1	0	0	1	1	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0										
1.6.	0	0	0	0	0	1	0	0	0	1	1	1	0	0	0	1	0	1	1	0	1	1	1	1	0	1	1	1	1	1										
2.1.	0	0	0	0	0	1	0	0	0	1	1	0	1	1	0	1	0	1	0	1	0	1	0	0	1	0	0	0	0	0										
2.2.	1	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	1	0	1	0	1	0	1									
3.1.	0	1	0	0	1	1	1	1	0	0	0	0	1	1	1	1	1	0	0	1	0	1	0	1	0	1	0	1	1	1	1									
3.2.	1	0	0	0	1	1	1	1	0	1	1	1	1	0	1	1	1	1	0	0	1	0	1	0	1	1	0	1	1	1	1	1								
3.3.	1	1	1	1	0	0	1	1	1	1	1	1	1	1	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1							
3.4.	1	1	0	0	0	1	1	0	0	0	0	0	1	1	0	1	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0						
3.5.	1	1	0	1	0	1	1	1	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1	0	1	0	1	0	1					
4.1.	1	1	0	0	0	1	1	1	0	1	1	0	0	0	1	1	0	0	1	1	1	1	0	0	0	0	0	1	1	1	1	1	1	1	1	1				
4.2.	1	0	0	0	1	1	1	0	0	1	1	0	0	1	1	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
5.1.	1	0	0	1	1	0	0	1	0	0	0	1	1	0	1	0	0	0	0	1	1	0	1	1	0	1	1	0	0	1	0	0	1	0	0	0	0			
5.2.	1	0	1	1	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	1	0	1	0	0	0	0	1	1	0	0	1	0	0	1	0	0	0	0		
5.3.	1	0	0	1	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	1	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	
5.4.	1	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5.5.	1	0	0	1	0	1	1	1	1	1	1	0	0	0	1	1	0	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6.1.	1	1	1	1	1	1	1	1	1	1	0	0	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
6.2.	0	0	0	1	0	1	0	1	0	0	0	1	0	1	0	0	1	0	0	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
6.3.	1	1	1	1	1	1	1	0	0	1	0	0	1	0	1	0	1	0	1	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.4.	1	0	1	0	1	1	1	0	0	1	1	0	0	1	1	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	41	29	55	32	32	66	52	40	56	80	92	46	33	66	51	59	37	56	49	56	52	67	58	28	43	46	46	46	51	62										

Note: 1 – means compliance to tested issue; 0 – means non-compliance to tested issue.

Table 4. Adequacy of national migration policy in the EU countries, author's

No	Countries	Index of national migration policy adequacy	No	Countries	Index of national migration policy adequacy
1	Germany	92	16	Turkey	51
2	France	80	17	Malta	49
3	Poland	67	18	Greece	46
4	Czech	66	19	Slovenia	46
5	Ireland	66	20	Spain	46
6	UK	62	21	Slovakia	43
7	Latvia	59	22	Austria	41
8	Portugal	58	23	Estonia	40
9	Finland	56	24	Lithuania	37
10	Luxemburg	56	25	Hungary	33
11	Netherland	56	26	Croatia	32
12	Bolgaria	55	27	Cyprus	32
13	Denmark	52	28	Belgium	29
14	Norway	52	29	Romania	28
15	Italy	47		Average EU-28 (+Turkey)	51

The most adequate to requirements of European migration policy modernization is the migration regime, that is maximum differential, selective with migrant workers, but still restrictive to illegal migration and foreigners' illegal employment.

To assess an adequacy of the EU migration regimes we propose a method of their testing by 26 issues, reflecting the national policy in the fields of increasing labor migration economic importance, and reducing the negative socioeconomic impact of migration.

The evaluation shows a high degree of differentiation in the level of adequacy of the EU-28 countries' migration regimes to the requirements of regional migration control effectivization and confirms the presence of at least 7 countries with inadequate migration policies requiring significant modernization.

The proposed author's assessment of the migration regime's adequacy also can be used for the determination of migration flows' national regulation effectiveness within regional integrations, as well as the effectiveness of migration flows management on the supranational level.

References:

Economist Intelligence Unit (2009). Estimating potential labor shortage and supply in the European Economic Area. A report for Home Office Advisory Committee.

Estruch-Puertas, E., Zupi, M. (2009). Assessment of data sources and methodology development for measuring foreign labor requirements.

International Labor Organization. European Migration Network (2013). Satisfying labor demand through migration. Synthesis report.

International Migration Outlook, SOPEMI (2006). Managing migration – are quotas and numerical limits the solution?

International Migration Outlook, SOPEMI (2013). Regional determinants of localization of recent immigrants across OECD regions.

International Organization for Migration (2013). Migration, employment and labor market integration policies in the European Union. IOM LINET.

International Organization of Migration (2013). Labor shortages and migration policy. Ed. by A. Platonova and G. Urso. Belgium.

Jacoby, T. (2013). Selecting for integration – What role for a point system? (Policy Brief). German Marshall Fund of the United States.

Kahanec, M., Zimmermann, K. (2011). High-skilled immigration policy in Europe. Institute for the Study of Labor, IZA.

Neugart, M., Schomann, K. (2002). Employment outlooks: Why forecast the labor market and for whom? Discussion paper FS I 02-206 Wissenschaftszentrum Berlin für Sozialforschung,

Organization for Economic Co-operation and Development (2003). Labor shortages and the need for immigrants: A review of recent studies. Washington, D.C.

Papademetriou, D.G. (2008). Hybrid immigrant-selection system: The next generation of economic migration schemes. Migration Policy Institute. Washington, D.C.

Papademetriou, D.G., Sumpston, M. (2011). Eight policies to boost the economic contribution of employment-based immigration. Migration Policy Institute. Washington, D.C.

Ruhs, M., Anderson, B. (eds.) (2010). Who needs migrant workers? Migration Policy Institute.

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