

Migration in the New Millennium

VAKAT

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Migration in the New Millennium

Recommendations of the Transatlantic Learning Community

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Foreword

The end of the cold war has dramatically changed the framework of transatlantic relations. The disappearance of the external threat to free societies has brought about a substantial shift of the political and societal focus towards issues of domestic interest such as migration, unemployment, rising crime, crises of the respective welfare systems, and so forth. Bringing about change and innovation *within* our societies has become the major topic of political and societal discourse in this age of global economic and political competition. In the future, wealth and political stability will be determined by the extent to which countries on both sides of the Atlantic manage to apply the best practices of organizing society. Furthermore, America and Europe are the most important guarantors of stability in the world. Both are unrivaled in their ability and willingness to create and nurture the conditions necessary to deal with external challenges in an increasingly unstable world order. Joint strategic action, however, has more often been the exception rather than the rule.

The Transatlantic Learning Community (TLC) is designed to respond to this change of agenda on both sides of the Atlantic. TLC is a project of the Bertelsmann Foundation, the Center for Applied Policy Research and the German Marshall Fund of the United States. It brings together those who work with pressing issues on a daily basis in order to help them learn from each other's approaches and experiences. Such transatlantic exchange enables policymakers and opinion leaders to improve their practices and to establish a network for continuing transatlantic cooperation. In establishing TLC, we envisioned that this network of contact would remain in place long after our project has been completed and would continue to contribute to the process of innovation in our respective societies.

Immigration policy has been one of the first issues on TLC's agenda. During the past two years, European and North American experts have met to review current immigra-

tion policies and procedures, discuss issues of common transatlantic concern and identify best practices that can be replicated on both sides of the Atlantic. They found many promising approaches for transatlantic exchange, but they also identified policy areas in which no best practices currently exist. Where no best practices could be found, the group proposes options they believe will improve policies and practices.

The group had its final discussions at a meeting in Munich at the end of September. Just a few weeks later, the European Union summit in Tampere came to many of the same conclusions about the need to harmonize immigration policies, work more effectively with source countries of immigration and provide greater opportunities for immigrants to integrate into European countries. The TLC-Workgroup applauds these proposals as a framework not only for European harmonization but also for transatlantic progress in managing international migration.

As the initiators of this project, we would like to thank the participants of the TLC-Migration Workgroup for their hard work and innovative thinking. In particular, we appreciate the efforts of the four co-chairs, Philip Martin, Susan Martin, Patrick Weil and Jonas Widgren, who prepared this report as well as briefing papers on each of the major issues considered by the group. Members of the TLC-Migration Workgroup reviewed the text of this report, which represents the group consensus although individual members do not necessarily subscribe to each recommendation. We also thank Heike MacKerron of the German Marshall Fund, Annette Heuser of the Bertelsmann Foundation, and Nicole Schley of the Bertelsmann Group for Policy Research at the Center for Applied Policy Research who guided the process on behalf of the initiators.

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Introduction

During the past two decades, the countries of Europe and North America have seen record levels of immigration. The experience has been near universal, and no receiving country has been fully prepared for the consequences. Some States, such as Germany, have emerged as new migration loci, drawing millions to their borders, first through labor recruitment policies and then family reunification and asylum programs. At the same time, traditional emigration countries, such as Italy and Ireland, have seen their own populations return in massive numbers as well as new immigrants arrive from distant lands. Even the traditional immigration countries, such as the United States and Canada, have been ill-prepared for the new immigration. They last experienced the current volume of movements in the early 1900s and have seen a shift from the heavily European migration of earlier generations to the mostly Latin American and Asian migration of today.

Despite the widespread prevalence of immigration today, it has not generally received sustained attention from policymakers and opinion leaders in Europe and North America. Rather, the response has been episodic and, too often, generated by the crisis of the moment. Moreover, since immigration deals with emotionally-charged issues that touch the core of who we are and what we believe as nations, the debate on immigration has tended to be polarized, with the extremes often dominating the discourse. The resulting policies too often proved themselves unable to deal with the realities of migration today. In short, episodic policy attention is too little, and generally occurs too late, for effective management of what has become the sustained phenomenon of international migration.

There are signs, however, that this situation may be changing. The recent European Union summit in Tampere addressed a wide range of migration issues, concluding that the European Union must:

develop common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organize it and commit related international crimes. These common policies must be based on principles which are both clear to our own citizens and also offer guarantees to those who seek protection in or access to the European Union.

The Tampere summit called for further harmonization of policies as well as improved management of migration flows. The European leaders also reiterated the need for their countries to work more effectively with source countries of immigration to reduce emigration pressures while, at the same time, attending to the integration of legal immigrants into European society.

Launched and supported by the Bertelsmann Foundation, the Bertelsmann Group for Policy Research at the Center for Applied Policy Research and the German Marshall Fund of the United States, the TLC-Migration Workgroup has sought to identify and promote the exchange of best practices in managing immigration and integration of immigrants in Europe and North America. Co-chaired by Philip Martin and Susan Martin (U.S.) and Patrick Weil and Jonas Widgren (Europe), the migration workgroup includes opinion leaders from academia, think tanks, government, business, community-based organizations, and the media (Appendix I includes a more detailed description of TLC and a full list of participants).

This report calls for greater harmonization of immigration policy in North America and Europe. Underlying the specific recommendations that follow are three principal conclusions about the nature of immigration and the responsibilities of states to manage population movements:

- *Immigration policies must be comprehensive and transparent, recognizing that international migration is a continuing phenomenon affecting all advanced industrial democracies.* Governments should clearly define who may be admitted to their territory, and immigration policies should then seek to facilitate the admission of those legally authorized to enter while deterring the entry of those without such authorization. States that continue to adhere to the premise that they are not immigration countries or seek zero immigration, despite strong evidence to the contrary, will inevitably fail to manage this process.
- *Countries cannot manage immigration through unilateral policies alone.* By definition, international migration affects at least two states, the source and destination countries, and often involves transit through other states. Effective management requires cooperation and coordination with other receiving states and with the source countries of migration.

- *Having admitted large numbers of immigrants during the past generation, the countries of Europe and North America have an obligation to promote the long-term economic, social and civic integration of their new residents.* Democracies cannot long function with significant populations who live in the marginal situations that characterize many immigrants.

The more specific recommendations that follow derive from two years of site visits and discussions. Members visited Miami, Amsterdam, El Paso, Juarez, Lyon, Casablanca, Rabat, Vienna and Munich to identify and discuss best practices in immigration and integration policy. The recommendations made in this report were discussed at length. This report represents the group consensus, although individual members of the TLC Migration Workgroup do not necessarily subscribe to each specific recommendation.

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Summary of Policy Recommendations

Immigration policies

There is an increasing convergence of migration issues to be addressed by Western States, and an increasing convergence of solutions adopted. Governments should continue to strive to harmonize immigration policies within Europe and across the Atlantic. Greater transparency in immigration policy will ensure greater consistency and credibility. Harmonization in collection of data about immigrants, using agreed upon definitions, will facilitate transparency and consistency.

Recommendations regarding admission policies include:

Family reunification. Governments should give priority to the reunification of nuclear families without setting specific numerical limits/quotas on these admissions. Eligibility should extend to the nuclear families of citizens and legal immigrants alike. Family reunification of minor children should take place as quickly as possible.

Asylum. Continued adherence to the principles of the 1951 Convention Relating to the Status of Refugees should be the cornerstone of refugee policy. European and North American governments should seek further harmonization of the substantive criteria for asylum. To protect bonafide refugees while deterring abuse of the asylum system, governments should:

- enhance exchange of information on conditions in countries of origin;
- ensure that asylum decisions are taken by competent authorities;
- increase the timeliness and efficiency of asylum procedures;
- reduce use of detention for asylum seekers who meet minimum criteria (e.g., manifestly unfounded or credible fear tests) and are not a threat to public safety;

- adopt procedures through which those with a well-founded fear of persecution may request admission to a country of destination while they are still within their countries of origin; and
- improve the capacity to repatriate asylum seekers whose claims to refugee or other humanitarian status are refused.

Others in need of protection. Harmonization of temporary protection policies during mass influxes is a high priority for policymakers in Europe and North America. Harmonization should include the following elements:

- Governments may (but have no obligation to) defer decisions on individual status for a short and reasonable period in the case of mass influx.
- If the emergency causing the mass influx continues beyond the short and reasonable period, an individual status determination procedure should be instituted. Asylum should be granted to persons meeting the Convention criteria, and a complementary status should be granted to those whose return would otherwise endanger them.

Governments should develop mechanisms through which the financial costs of providing temporary protection are shared. In addition, the credibility of temporary protection requires concerted efforts to repatriate those granted this status as soon as conditions in the country of origin permit safe and orderly return. Provisions should be made, however, for alternate solutions (permanent settlement in the host country or resettlement in a third country) if conditions preventing repatriation prevail for more than a determined period (e.g., five to seven years).

High-skilled migration. Policies regulating admission of high-skilled immigrants should provide incentives to foreign students and workers to invest in their home countries. For example, foreign workers from developing countries should be able to take assignments in their home country without jeopardizing the ability to return to their new country. Governments must enhance the benefits of high-skilled migration for both countries of origin and destination. In addition, admission policies should balance the interest of business in having access to a global labor market and the interest of domestic workers in gaining protection against unfair competition from foreign workers.

Lesser-skilled migration. Seasonal worker programs should be implemented only under certain conditions:

- there is an adequate level of control over unauthorized entry and work;
- incentives are in place for employers to hire domestic workers or take other actions, such as mechanization, to reduce dependence on foreign workers; and
- bilateral agreements enlist the cooperation of source countries in curbing illegal movements and readmitting their nationals.

A credible immigration policy necessitates controls over entry. The control mechanisms must be consistent, however, with the values embraced by liberal democracies.

Visa and border control policies. Governments should continue to give priority to visa and border control policies that facilitate legal admissions while deterring unauthorized entry. Policies needed to help ensure that visa requirements and border control balance the twin goals of facilitation and control include:

- formal, independent review of visa decisions, particularly when a citizen, resident legal immigrant, or domestic business is seriously affected by a negative decision;
- coordination and cooperation between the European and North American visa and border control information systems;
- appeals processes for persons whose names appear without due cause on information systems used to establish eligibility for admission (either in visa issuance or border controls); and
- harmonization of the rules implemented to sanction carriers who violate their immigration-related responsibilities (harmonization of the amount of the fines, of potential imprisonment and of the payment of the costs related to repatriation of those without permission to enter).

Anti-smuggling/Anti-trafficking activities. There is urgent need for enhanced cooperation of European and North American governments in combating alien smuggling and trafficking.

Sanctions against employers. Governments should assist *bona fide* employers to determine if applicants are authorized to work by: 1) specifying a limited number of counterfeit-resistant identification documents to be used to establish work authorization, and 2) facilitating employer access, under appropriate safeguards, to information systems that can be used to verify the authenticity of the specified documents. The most effective sanctions target enforcement against businesses that purposefully hire unauthorized migrants, with special attention to those who violate immigration as well as labor laws.

Detention policies. Governments should seek to harmonize administrative detention policies. Harmonization could include the following components: 1) prioritization of those to be detained, with top priority given to detaining those who are a threat to public safety, recidivists who have demonstrated that they are likely to abscond if released, and persons who have already been ordered deported and can be removed within a reasonably short time; and 2) imposition of reasonable time limits on detention.

Relations with sending countries

Governments should continue to foster bilateral and multilateral cooperation on the management of international migration. Because of the complex factors within both source and destination countries that motivate and sustain migration, cooperation in the management of international migration makes a great deal of sense.

Migration, trade and development. Governments should link trade and migration discussions explicitly, recognizing that closer cooperation on economic issues can also lay the basis for cooperation on migration. They should also use closer economic integration to create forums to discuss migration issues. Governments should target efforts to reduce emigration from particular geographic areas within source countries.

Governments should seek to maximize the development payoff of remittances and migrant returns, for example, by fostering investments in projects that will create jobs and make migration unnecessary.

Managing shared land borders. Managing migration across shared land borders must facilitate legal crossings (that is, for trade, investment, tourism, family visits and consumer activities) while deterring unauthorized entry. A number of practices can help facilitate legal, and prevent unauthorized, entries across shared borders:

- issuing border crossing cards that serve as multiple entry visas (for example, up to 25 miles and 72 hours inside the US) for residents of border areas who are most likely to commute;
- cooperating with neighboring countries to develop Dedicated Commuter Lanes for frequent border crossers;
- increasing staffing at border crossing points to reduce waits for entry;
- adding agents, fences, lights and other devices to deter unauthorized entries between ports of entry;
- promoting cooperative policing in border areas, as occurs with German and Polish Border Patrol agents volunteering to patrol jointly along the German-Polish border and
- permitting visa-free entry for border residents, linked to agreements that the country sharing the border will cooperate in preventing the entry of third-country nationals across the shared border.

Neighboring countries should institute regular consultations involving all levels of government as well as the private sector in border communities to discuss ways to foster cooperation and to make explicit any linkages between trade, aid, and migration.

Economic, civic and social integration

There is urgent need for North American and European countries to take action to address barriers to full economic, social and civic incorporation of legal immigrants residing in their communities. Although other barriers to full integration exist, discrimination against foreigners remains a major problem that must be addressed.

Economic integration. Governments and the private sector should take immediate action to improve the economic integration of immigrants in Europe and North America. The following strategies help immigrants overcome the barriers to economic integration. Examples of such approaches can be found on both sides of the Atlantic, attesting to their broad applicability.

- literacy, host country language acquisition, and basic skills upgrading for both new arrivals and immigrants already residing in host countries. Special attention should be given to the children of immigrants to help ensure that educational barriers do not persist into the second and third generation;
- programs to stimulate immigrant business development and help immigrant entrepreneurs to do more effective planning, comply with labor, tax, and other business requirements, identify sources of capital and otherwise take the steps needed to operate successful enterprises;
- efforts to combat racism and discrimination at the workplace and encourage businesses to make positive efforts to recruit immigrant workers; and
- eliminating unnecessary and inappropriate restrictions that limit certain jobs to citizens.

Civic incorporation. European and North American countries should take immediate steps to encourage naturalization by:

- reducing legal and administrative barriers to citizenship; and
- facilitating citizenship for children born to immigrants in host countries.

Beyond facilitating citizenship, countries should adopt programs to help empower new citizens to participate fully in the civic, social, and economic life of their host societies.

Social and community relations. National authorities should work closely with local communities to facilitate the social integration of immigrants and to reduce community tensions that may arise. Strategies used on both sides of the Atlantic to improve community relations include:

- educational programs to promote tolerance;
- programs to orient new immigrants to accepted ways of life in the host society;
- conflict mediation programs;

- vigorous prosecution of hate crimes and similar offenses committed against immigrants because of their race, nationality or religion;
- programs to build positive relations between immigrants and the police; and
- reduction in discrimination against immigrants.

Exchange of best integration practices. Governments should expand opportunities to share their experiences in facilitating the economic, civic and social integration of immigrants.

Immigration Policies

Despite significantly different histories and traditions, the countries of North America and Europe have experienced substantial levels of legal and unauthorized immigration in recent years. At the beginning of the 1970s, it was still relatively easy to characterize the transatlantic nations with regard to immigration: Canada and the United States were countries of immigrants. France has had a tradition of large-scale immigration since the end of the nineteenth century, while Belgium, Germany, the United Kingdom, and the Netherlands became countries of immigration after the Second World War. Greece, Italy, Portugal and Spain, on the other hand, were traditional countries of emigration. Today, however, all these countries are hosts to permanent immigrants, regardless of their past histories.

Governments should continue to strive to harmonize immigration policies within Europe and across the Atlantic. There is, indeed, an increasing convergence of migration issues to be addressed by Western States, and an increasing convergence of solutions adopted. This growing convergence may well form the basis for harmonization of policies and transfer of best practices although, given different national contexts and administrative approaches, there will likely continue to be variation in the specific approaches adopted by each country. The process of harmonization is well under way in Europe, and the Amsterdam Treaty mandates that the Council adopt measures to further harmonize policies regarding border controls, asylum and immigration policies, and the rights of nationals of third countries. Some harmonization of policies has occurred within North America as well, particularly in the context of the North American Free Trade Agreement (NAFTA) provisions regarding movements for business purposes. Far less attention has been given to harmonization of policies across the Atlantic. With greater harmonization of policies among all advanced industrial countries, though, governments

will send a clearer message to would-be migrants about the rules governing admission. Harmonization will also permit greater cooperation in tackling some of the global migration problems facing all developed countries: for example, trafficking in aliens.

Greater transparency in immigration policy will ensure greater consistency and credibility. When immigration policies are ill-defined or oblique, they are difficult to communicate to would-be migrants, hard to administer, and difficult to justify to the public in the receiving country. By contrast, with clearly articulated policies and procedures, governments are more likely to manage migration in ways that are supportive of national interests and consistent with international obligations.

Harmonization in collection of data about immigrants, using agreed upon definitions, will facilitate transparency and consistency. At present, it is impossible to compare immigration data across countries, impeding the capacity of governments to assess the effects of their policies.

Admission policies

Despite significantly different histories and traditions, the countries of North America and Europe have experienced substantial levels of legal immigration in recent years. Immigrants are admitted under different legal categories, each one subject to different conditions of admission and residence. Admission policies in most countries reflect three principal types of immigration: family reunification, labor migration, and humanitarian admissions.

A. Family reunification

Family reunification is the cornerstone of immigration to most countries in Europe and North America. While the respective share of the family category in total immigration varies among different countries, persons admitted on grounds of family reunification, including the families of those admitted for work purposes, account for at least thirty percent of total immigration numbers. Family reunification accounts for a majority of immigrants in such countries as the United States, France, and Canada.

Governments should give priority to the reunification of nuclear families without setting specific numerical limits/quotas on these admissions. Eligibility should extend to the nuclear families of citizens and legal immigrants alike. Reunification of nuclear family members touches fundamental human rights and freedoms. Future European harmonization should confer the individual right to admission to persons who meet the nuclear family eligibility criteria. By implication, it rejects proposals for quota systems, to the

extent that policies and procedures, such as those examined by TLC in Austria, place numerical limits on nuclear families. For the United States, this recommendation would represent a significant change in policy since the admission of the nuclear families of legal immigrants is currently subject to an annual ceiling.

Family reunification of minor children should take place as quickly as possible. Immigrants should be given incentives to have their children join them at as young an age as possible, in order to facilitate their integration into the society of the receiving country. Barriers to family reunification, such as rigid income requirements and lengthy waiting lists, should be removed. While policies should avoid arbitrary age cut-offs that cause hardship to families, approaches that encourage early reunification should be devised. Several European countries have experimented with such policies. In the Netherlands, the right to family reunification must be exercised within a period of three years from the moment all other requirements are met. After this period, the right to family reunification expires. With the same purpose, French law prohibits family reunification in stages unless it is in the best interest of the children.

B. Persons in need of protection

1. Convention refugees

All of the countries of Europe and North America are signatories to the 1951 UN Convention Relating to the Status of Refugees or its 1968 Protocol. The Convention and Protocol protect refugees – who are defined as persons who are unwilling or unable to return to their country owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion – from return to such persecution.

Continued adherence to the principles of the 1951 UN Convention Relating to the Status of Refugees should be the cornerstone of refugee policy. Withdrawal of European and North American States from the 1951 Convention system would be a very dangerous development. Disengagement from the Convention would undermine the international framework for protecting and assisting refugees worldwide. The vast majority of refugees obtain asylum in neighboring countries within developing regions. If Europe and North America renege on their commitments under the Convention, it will be extremely difficult to persuade these countries to continue to offer refuge.

European and North American governments should seek further harmonization of the substantive criteria for asylum. Harmonization should not, however, result in a lowering of standards for granting asylum. Further harmonization of the substantive criteria

for refugee determination would be desirable in order to ensure that asylum-seekers find equivalent protection in all European and North American States. States should also collaborate in training interviewers to use the criteria in a comparable manner. Areas in which harmonization will improve the capacity to protect *bona fide* refugees while deterring abuse of the asylum system include:

- *Enhancing exchange of information on conditions in countries of origin.* The EU countries, the United States and Canada should increase their exchange of country information so that both asylum adjudicators and persons assisting asylum applicants have access to the most comprehensive and up-to-date facts available. In the long run, governments should establish an independent body, which could provide a comprehensive assessment of the situation in the countries of origin, based on information provided by a wide variety of sources and institutions.
- *Ensuring that asylum decisions are taken by competent authorities.* Asylum decisions should be taken by an institution that is competent for questions of refugee determination. Whether in normal or in fast-track initial procedures, an in-depth interview by a specially qualified and experienced person is indispensable. Asylum-seekers should have access to legal assistance in order to prepare for the interview.
- *Increasing the timeliness and efficiency of asylum procedures.* Timely procedures benefit both the *bona fide* refugee who is otherwise kept in limbo as well as governments aiming to discourage abuse in the asylum system. First-instance adjudications should generally take no longer than six months, and second-instance determinations should generally be made within 12 months. To make these time lines meaningful, States should be prepared to give asylum-seekers the right to work if the procedures are still pending (through no fault of the asylum-seeker) at the end of the set adjudication period. The United States implemented such procedures, having had a lengthy backlog of pending asylum applications, and found its asylum applications reduced by half while the rate of approvals doubled.
- *Reducing use of detention for asylum-seekers* who meet minimum criteria (e.g., manifestly unfounded or credible fear tests) and are not a threat to public safety. These individuals should not be detained or forced to live in reception centers. Detaining such asylum seekers or requiring that they be housed in reception centers, even when they have family who could provide them accommodations, is not a good use of public funds.
- *Adopting procedures through which those with a well-founded fear of persecution may request admission to a country of destination while they are still within their countries of origin.* Strict visa requirements often serve as a barrier for *bona fide* refugees to seek and enjoy asylum. Providing opportunities for such persons to seek special entry visas at consular missions or other designated offices would allow genuine refugees to gain the country of destination without risking refusal by an air company

and without having recourse to fraud and smugglers. Caution must be exercised, however, in operating such programs. Genuine refugees may endanger themselves if the office at which they request admission is under the surveillance of local authorities, particularly if there is too long a delay between application and approval of the request. The opportunity to apply within the country of origin should not be used as a ground for denying asylum to those who leave through other means.

- *Improving the capacity to repatriate asylum-seekers whose claims to refugee or other humanitarian status are refused.* At present, States do not consistently remove persons who apply for asylum but are found without need of protection. While some of those whose asylum claims are rejected have other humanitarian reasons for remaining, many others are without any grounds for staying. There are many barriers to returning failed asylum seekers, including the inefficiency of asylum procedures, the unwillingness of certain countries to accept back their nationals, and the ability of many rejected asylum seekers to find alternative, sometimes unauthorized ways to remain. When large numbers of rejected applicants remain with impunity, the overall asylum system loses its credibility. Overcoming these barriers is a high priority for the advanced democracies.

2. *Other aliens in need of protection*

Repeatedly during the 1990s, governments have been faced with mass inflows of persons fleeing dangerous, even life-threatening situations. The United States faced mass movements of Central Americans, Cubans and Haitians, while Bosnians and Kosovars fled en masse to European countries. TLC participants interviewed Central American beneficiaries of temporary protection in Miami, Florida and Kosovars evacuated on a humanitarian basis to Lyon, France. Migration emergencies are generally dealt with on a case-by-case basis, with countries adopting policies that differ from group to group and from the responses of other similarly situated countries. It is highly likely that mass migration emergencies will occur in the 21st century, necessitating the development of more consistent policies for handling these population movements.

Harmonization of temporary protection policies during mass influxes is a high priority for policymakers in Europe and North America. Some of those seeking protection qualify for asylum, having a well-founded fear of persecution, while others have strong claims to protection based on other humanitarian needs. During the height of mass influxes, governments generally find it impossible to adjudicate each individual claim to protection, instead of giving temporary status on a group basis. At present, there is little consistency, however, in the criteria for granting or terminating temporary protection,

the duration of the status, the rights of the temporarily protected, the criteria for return, or the basis for adjusting to a more permanent status.

Harmonization should include the following elements:

- *Governments may (but have no obligation to) defer decisions on individual status for a short and reasonable period in the case of mass influx.* A temporary protection scheme that prevents applicants from lodging an asylum claim under the Convention should only be applied in cases of mass influx and, even in those cases, for a brief and reasonable period. Setting a specific time frame encourages States to cooperate in finding solutions that will permit safe return to take place in a timely manner. It also ensures that *bona fide* refugees who cannot return home are not left in limbo for unnecessarily long periods.
- *If the emergency causing the mass influx continues beyond the short and reasonable period, an individual status determination procedure should be instituted. Asylum should be granted to persons meeting the Convention criteria, and a complementary status should be granted to those whose return would otherwise endanger them.* If a solution of the crisis is not possible within a brief, reasonable period, States should proceed to a status determination procedure. Refugees in the sense of the Geneva Convention would be granted Convention refugee status. Other persons who would risk their lives and liberty in case of return would be granted a complementary status. Those granted asylum should have an indefinite residence permit whereas those granted the complementary status should have a renewable residence permit of at least one-year duration. Both groups would have the right to work and, subject to national law, reunification with nuclear family members.

Governments should develop mechanisms, such as the triggering process described below, through which the financial costs of providing temporary protection are shared. Mass influxes tend to have differential impacts. Depending on geographic proximity and the ties between source and destination countries, some States may experience a larger influx and higher costs than others. While solidarity in sharing costs is a well-defined concept when there is a mass influx from one developing country into another, and the international community is called upon to help with the financial costs, it is far less developed as a mechanism to share costs among developed countries. Such mechanisms should be developed within the European Union and between Europe and North America. For example, financial solidarity within the EU could be triggered by a decision of the Council that a particular situation requires temporary protection for a short and reasonable period before adjudication of a longer-term status.

Most often, countries contiguous to the states from which people are fleeing experience the greatest impacts from mass exoduses. Protection within the region is generally

preferable to more distant options, permitting victims of conflict and repression to return more easily when conditions permit. As the crisis in Kosovo demonstrated, however, nearby countries may not have the financial capacity or political will to shelter, feed and otherwise assist those coming across their borders. The mechanisms for sharing the costs of mass exoduses should therefore give particular attention to regional protection needs. While financial responsibility sharing is likely to be the foremost need, it may be necessary, as was the case in Kosovo, to relocate some number of forced migrants to reduce the strains on countries in the region.

The credibility of temporary protection requires concerted efforts to repatriate those granted this status as soon as conditions in the country of origin permit safe and orderly return. States will not continue to grant temporary protection if they see it as a back door to permanent settlement. Repatriation is, in effect, part of the deal. Once conditions in the home country permit safe return, it is perfectly reasonable for States to require repatriation to take place. To the extent possible, and in keeping with the humanitarian nature of temporary protection, assistance should be provided to those granted temporary protection to help them re-establish themselves in their home countries.

Provisions should be made for alternative solutions (permanent settlement in the host country or resettlement in a third country) if conditions preventing repatriation prevail for more than a determined period (e.g., five to seven years). If safe return proves impossible for an extended period, those granted temporary protection should be afforded the opportunity for other durable solutions. Leaving people in permanent limbo, unable to return but also unable to integrate, is beneficial to neither the individuals nor to the broader society. This option does not contradict the option above. It should be recognized that protracted conflicts may render it necessary to shift from a temporary to a permanent status.

C. Labor migration

1. *Highly skilled workers and students*

Highly skilled migrants include groups as diverse as academics and other scientists, students, business travelers, high-level managers and technicians, artists, and athletes. Their movements may be relatively short-term, for instance, in the case of business travelers, or in cases when a specialist is recruited for or assigned to a specific project. Some may arrive with no intention to settle in the receiving country, while others may seek an opportunity to gain permanent immigration status.

Policies regulating admission of highly skilled immigrants should provide incentives to foreign students and workers to invest in their home countries. Two schools of

thought have developed regarding high-skilled migration from developing to developed countries. One school argues that permanent admission of high-skilled migrants is desirable because it benefits migrants whose talents would not be used effectively at home, as well as receiving countries that gain access to skilled labor. The second school would restrict permanent admissions, seeing such migration as contributing to a brain drain that robs developing countries of their most productive citizens.

Both perspectives have merit but neither recognizes fully the realities of today's global economy. In a world dominated by internationalization of research and economic activities, many professionals in developing countries see employment abroad as an essential component of personal mobility and an important contribution to economic development in their countries of origin. While abroad, professionals may be able to tap expatriates for the investment and trade that can accelerate economic development. At the same time, it should be emphasized that developing countries may fail in their efforts to develop strong economies if they lose too many of their best-educated and most ambitious citizens.

Adjustment to permanent resident status should be possible for high-skilled immigrants who opt to remain in Europe or North America and otherwise qualify for admission. Rigid policies requiring repatriation can cause harm to individuals, particularly when foreign students and workers marry host country nationals, and disrupt economic activities in receiving countries.

The admission of high-skilled immigrants should not, however, come at the expense of their countries of origin. Moroccan leaders expressed deep concern that their best and brightest university graduates, seeking economic opportunities in Europe, would be lost forever to their home country. Changes in immigration policies could encourage more foreign professionals, scientists and engineers to contribute to the economic development of their home countries. At present, immigrants may lose their permanent residence in the receiving country if they return to their home countries for extended stays. Those high-skilled workers and students who receive permanent immigrant status should enjoy the right to return to their countries of origin for research and work without forfeiting the right to re-enter their new country. Similarly, those who re-establish residence in their home countries after study abroad should be able to re-enter European and North American countries for temporary visits.

Governments must enhance the benefits of high-skilled migration for both countries of origin and destination. Migration can be mutually beneficial for both countries, as professionals who migrate can become an important link between the capital available in wealthy countries and developing industries in home countries. Immigrants also can help open markets for home country goods and services abroad. For example, Indian computer programmers who migrated to the United States have served as intermediaries between

U.S. companies seeking programming assistance and Indian companies offering low-cost programming services, leading to a thriving information technology industry in India.

Categories of highly skilled immigrants who should enjoy special conditions for admission include foreign scientists, scholars, artists and cultural professionals. International movement of these individuals promotes scientific, economic and cultural progress, as well as improved international relations. Best practices to foster scientific and cultural exchange can be found in France and the United States. For example, the U.S. government provides Fulbright grants to foreign scholars to conduct research and/or lecture in the United States. Grantees are admitted under a special visa category, the “J” visa. The new French law of 1998 introduced a special temporary residence permit for scholars, in order to foster their stay for research and teaching purposes by simplifying and accelerating the admission process.

Admission policies should balance the interest of business in having access to a global labor market and the interest of domestic workers in gaining protection against unfair competition from foreign workers. Countries utilize a range of procedures to test the labor market impact of the admission of foreign workers. These practices include requirements to recruit domestic workers before hiring foreign workers and pay foreign workers at or above the prevailing wage paid to domestic workers. The U.S. has introduced a new mechanism, charging companies hiring foreign professionals a fee that is then used to support training programs for domestic workers.

2. *Seasonal and lesser skilled workers*

Many of the countries of Europe and North America permit admission of agricultural and other lesser skilled workers, particularly for employment in seasonal jobs. The programs vary greatly in size. In the United States, about 10,000 seasonal agricultural worker permits are issued annually, although a far larger number of unauthorized foreign workers are engaged in agriculture. By contrast, Germany admits more than 200,000 seasonal workers each year, generally under bilateral agreements.

Seasonal worker programs should be implemented only under certain conditions:

- there is an adequate level of control over unauthorized entry and work;
- incentives are in place for employers to hire domestic workers or take other actions, such as mechanization, to reduce dependence on foreign workers; and
- bilateral agreements enlist the cooperation of source countries in curbing illegal movements and readmitting their nationals.

Seasonal worker programs without these provisions are likely to have adverse effects. In the absence of effective controls on unauthorized work, those admitted as seasonal work-

ers can remain beyond their authorized stay and find full-time employment. Without incentives to hire domestic workers or otherwise reduce dependence on foreign labor, the need for seasonal workers will persist. Since many of the seasonal workers come from countries with improving economies, over time they will lose interest in seasonal work and employers will have to recruit from new countries. This process will create new networks creating still further migration pressures. Finally, without the cooperation of source countries, return of seasonal workers who violate the terms of their admission is very difficult, thus hampering efforts to obtain an adequate level of immigration control. Moroccan officials expressed their interest in negotiating such agreements with European countries.

Control policies

Uncontrolled unauthorized migration undermines respect for the rule of law and serves as a barrier to adoption of credible legal immigration policies. Nations cannot regulate immigration if migrants can circumvent policies at will. A credible immigration policy hence necessitates controls over entry. The control mechanisms must be consistent, however, with the values embraced by liberal democracies.

A. Visa and border control policies

Visa requirements and enhanced border controls can be effective mechanisms for control of unauthorized migration by preventing entry of persons who are likely to abuse the terms of their admission. These policies can cause hardship, however, to persons, including refugees as discussed above, who are denied or find it extremely difficult to obtain visas even though they have legitimate reasons to seek admission. Also causing hardship are policies that preclude immigrants from re-entering the host country, regardless of the length of time they resided there.

Governments should continue to give priority to visa and border control policies that facilitate legal admissions while deterring unauthorized entry. Preventing illegal entry is generally more effective than attempting to remove migrants who enter without authorization. Among the actions governments have taken to deter unauthorized entries are: visa requirements, expedited procedures at ports of entry for barring admission to those without valid documents, and patrolling of land borders. As discussed above, support for these policies is contingent on the adoption of policies designed to protect refugees. These policies must also permit legal border crossings to occur with minimal disruption.

Policies needed to help ensure that visa requirements and border control balance the twin goals of facilitation and control include:

- *Formal, independent review of visa decisions, particularly when a citizen, resident legal immigrant, or domestic business is seriously affected by a negative decision.* Countries such as the United States that do not have formal mechanisms through which certain visa denials can be appealed should institute such procedures. The review process could involve either administrative or judicial procedure. It must be emphasized that the reason for review is the serious harm caused to a person or business within the country to which admission is sought. Countries need not establish independent review processes, for example, for tourists denied visas and for obvious non-*bona fide* cases.
- *Coordination and cooperation between the European and North American visa and border control information systems.* At present, European governments, through the Schengen Information System, and the United States and Canada, through their various look-out systems (for example, the IDENT and Computer Consular Lookout and Support System), collect information on persons inadmissible because of criminal backgrounds, prior immigration violations, and other reasons. These data systems are not linked, however, and information cannot be shared readily across data systems.
- *Appeals processes for persons whose names appear without due cause on information systems used to establish eligibility for admission (either in visa issuance or border controls).* As governments become more reliant on computerized data systems, mistakes in these databases can have far-reaching consequences. A person refused admission as a result of having been listed in such a database should be made aware of the listing and have the right to lodge an appeal. Appeal processes occur in other systems in which entry into a computerized database has potentially adverse consequences for individuals. Persons listed as having adverse credit histories, for example, may request a formal review in order to have their records corrected.
- *Harmonization of the rules implemented to sanction carriers who violate their immigration-related responsibilities* (harmonization of the amount of the fines, of potential imprisonment and of the payment of the costs related to repatriation of those without permission to enter). Cooperation with carriers is implemented in most countries, but there is no coherence in the content of the sanctions imposed on carriers. As we learned in meetings in Washington and Munich, this creates needless problems for carriers that operate in many countries and reduces their capacity and willingness to cooperate.

B. Anti-smuggling and anti-trafficking activities

The continued strengthening of border controls has led to deeper reliance by unauthorized migrants on the existence of smugglers whose operations seek to facilitate unlawful entry. Smugglers now work in networks, with the help of very sophisticated techniques for avoiding governmental controls. Smuggling and trafficking in aliens has become a multi-billion dollar industry that impedes control over unauthorized entry, leads to exploitation of migrants and endangers their lives and safety.

There is urgent need for enhanced cooperation of European and North American governments in combating alien smuggling and trafficking. Cooperation is certainly the most efficient way to fight against smugglers who very often act in networks and operate in several countries. Actions by individual countries will not disrupt these operations over the long term. Specific areas requiring increased North American and European cooperation include: penal law harmonization and law enforcement activities involving police and immigration authorities of multiple countries; intelligence gathering about smuggling and counterfeiting operations; public education campaigns to warn migrants of the risks incurred in smuggling and trafficking; and protection of the rights and safety of smuggled and trafficked migrants, particularly those whose lives would be endangered if they gave testimony against the smugglers and traffickers. Such issues should be dealt with efficiently in EU-transatlantic cooperation and in such forums as the Budapest and Puebla processes for addressing illegal migration issues.

C. Sanctions against employers

Jobs continue to be a magnet for unauthorized migration to many North American and European countries. Some employers inadvertently hire unauthorized migrants because they do not have the information needed to determine if an applicant is legally authorized to work. Other employers purposefully hire unauthorized migrants.

Governments should assist bona fide employers to determine if applicants are authorized to work by: 1) specifying a limited number of counterfeit-resistant identification documents to be used to establish work authorization, and 2) facilitating employer access, under appropriate safeguards, to information systems that can be used to verify the authenticity of the specified documents. Systems designed to deter employment of unauthorized migrants must screen out those who are not eligible to work while protecting the rights of those who are authorized to hold employment. A proliferation of fraudulent documents undermines both goals because employers may inadvertently hire an unauthorized alien or overreact and screen out all applicants who appear foreign.

The most effective sanctions target enforcement against businesses that purposefully hire unauthorized migrants, with special attention to those who violate immigration as well as labor laws. While the vast majority of businesses have no intent to hire unauthorized migrants, some companies seek unauthorized migrants because they will work at lower wages and do not complain about poor working conditions. Resources spent on enforcing sanctions against illegal hire of migrants should target such companies.

D. Detention policies

Governments faced with the apprehension of unauthorized migrants often detain them pending removal from the country. Detention may range from a few days to many months or even years, depending on the length of procedures to obtain removal orders, the willingness of the country of origin to readmit the migrant, the likelihood the migrant will be a threat to public safety or will abscond, the availability of detention space, and other factors.

Governments should seek to harmonize administrative detention policies. Harmonization could include the following components: 1) prioritization of those to be detained, with top priority given to detaining those who are a threat to public safety, recidivists who have demonstrated that they are likely to abscond if released, and persons who have already been ordered deported and can be removed within a reasonably short time; and 2) imposition of reasonable time limits on detention.

Countries now follow vastly different policies in terms of the length of detention as well as the categories of persons subject to detention. In France, for example, migrants cannot be held for more than 12 days. In the U.S., by contrast, detention is mandatory for migrants who commit certain crimes, and there are no time limits on such detention. Some migrants in custody are referred to as ‘lifers’ because their countries of origin will not accept them back and they are ineligible for release from detention. Asylum-seekers still in adjudication proceedings are mixed with criminal aliens awaiting removal. The TLC visit to the Krome detention facility in Miami, where some migrants had been detained for years with little prospect of return to their home countries, highlighted the inadequacies in current detention policies.

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Relations with Sending Countries

In 1999, the number of migrants worldwide approached 150 million, the highest level ever. About 2.5 percent of the world's 6 billion people lived outside their country of birth or citizenship; one in 40 persons is an international migrant, defined as a person outside her country of birth or citizenship for one year or more. Most of the world's 190+ countries participate in the international migration system as countries of emigration, transit, or immigration; many nations participate in all three ways. Given the scale and pervasiveness of international migration, its management requires the cooperation of both source and destination countries. Unilateral approaches will provide only partial answers to the complex questions raised by large-scale movements of people.

Cooperation in managing migration

Governments should continue to foster bilateral and multilateral cooperation on the management of international migration. Because of the complex factors within both source and destination countries that motivate and sustain migration, cooperation in the management of international migration makes a great deal of sense. In the United States and Western Europe, guest worker recruitment set south to north migration flows in motion. However, migration flows have expanded from narrow labor recruitment channels to far more complex relationships. Family unification and business-related movements have joined labor migration as major forms of migration. Economic and political instability produces large numbers of asylum seekers. Trafficking and smuggling rings also fuel migration, linking would-be migrants to destinations around the globe. The evolution of migration relationships is analogous to a river that creates a delta en route

to the ocean. Guest workers reflect the period when the river is in one narrow channel, and potentially stoppable with a dam, while the rivulets of the delta reflect today's reality of many migration relationships.

Unilateral policies that aim to block movement via one migration channel – whether labor, family or asylum – are likely to fail. Indeed, the optimal management of migration flows through the many channels that have been opened requires bilateral and multilateral cooperation. Both source and destination countries can benefit from such cooperation. Destination countries need the help of source countries to:

- improve the quality of passports to deter forgeries;
- ensure that migrants exit their countries through regular channels;
- combat smuggling operations at the source;
- repatriate migrants who have no basis to remain in the destination country;
- reduce corruption and human rights abuses; and
- undertake the myriad other tasks needed to manage migration.

Source countries need the help of destination countries to:

- ensure that the rights of their nationals are protected (e.g., that labor standards are not violated);
- obtain the investment, trade concessions and aid necessary for the development of their economies;
- grant visas to business persons and family members seeking admission;
- offer education and training opportunities to their nationals; and
- facilitate the flow of remittances.

Continued development of bilateral and regional forums will help sustain discussion of migration issues of mutual concern and promote the development of migration management strategies that serve mutual interests.

There are several such venues in North America:

- since 1987, the U.S. and Mexico have met annually in the Working Group on Migration and Consular Affairs of the U.S.-Mexico Binational Commission,
- since 1996, the Regional Migration Conference or Puebla Group has met annually to discuss migration issues in North America, Central America and the Caribbean.

Both of these groups have made significant progress, reaching agreement on the need to guarantee the human rights of all migrants and to work cooperatively to reduce smuggling, exploitation, and crime and deaths in border areas. The statements and memoranda derived from these meetings are the building blocks of an emerging North American migration regime.

The 15-nation European Union, as well as individual EU nations, hold regular consultations with the major source countries of migration to Europe.

- EuroMed conferences bring together EU representatives and representatives of 12 Mediterranean basin countries to discuss trade, migration, drugs, and other concerns, with the goal of having a free trade area by 2010.
- France and Spain are working with Morocco to prevent unauthorized emigration and drug smuggling, linking trade preferences and aid to cooperation.
- The EU High Level Group has concentrated on cooperation with Albania and the neighboring region, Morocco, Somalia, Sri Lanka and Afghanistan/Pakistan, an approach encouraged at the October 1999 EU summit in Tampere.

Regular meetings in ongoing forums permit information to be exchanged, common problems to be discussed, and relationships to be formed that can facilitate cooperation to head off and manage migration crises. Such forums include the EU-transatlantic dialogue on migration, the Geneva-based Intergovernmental Consultations and the Vienna-based Budapest process that is both pan-European and transatlantic.

Migration, trade and development

Governments should recognize that closer cooperation on economic issues can also lay the basis for cooperation on migration, and that closer economic integration can also provide forums to discuss migration issues. Most international migrants move from poorer to richer areas, from areas of less opportunity to areas that offer more. The surest way to reduce unwanted international migration is to reduce the economic incentives to migrate. When income or wage gaps are reduced to about four or five to one, and an emigration country is growing fast and offering hope and opportunity, economically motivated migration falls sharply. However, the change in economic policies that lays the basis for faster economic and job growth – including privatization and freer trade – sometimes encourages temporarily more migration, what can be thought of as a migration hump.

Immigration and emigration countries should cooperate to manage migration humps that accompany economic integration by fully understanding the reasons for them – demand-pull factors in the immigration country, supply-push factors in the emigration country, and network factors that bridge the border. There are several ways to deal cooperatively with the migration hump, but all require regular consultation between sending and receiving countries during the transition to stay-at-home development.

The North American approach, exemplified in NAFTA, frees up trade and investment, but makes no explicit linkages between trade and migration except for provisions

regarding executives, managers and some professional workers. Nevertheless, the leaders of Canada, Mexico, and the US cooperated to win approval for NAFTA, despite considerable domestic opposition, and this cooperation set the stage for joint activity in many other areas, including migration. NAFTA's migration provisions, although limited, provided the impetus for the creation of forums to discuss migration issues on an ongoing basis, which has further increased understanding and cooperation.

The EU approach begins from the core principle of freedom of movement – once a country is a full EU member, its nationals have the right to migrate and be treated as equals anywhere in the EU. Freedom of movement affects both candidates for admission and the process of admission. Countries likely to be sources of large numbers of migrants may only be considered for membership in the long term. The EU works closely with candidate countries for admission, helping them to develop their economies so that there is likely to be relatively little migration after freedom of movement, and assisting candidates to develop immigration and asylum laws and institutions and agencies to implement them. Once admitted as an EU member, there may be a wait for full freedom of movement, for example, there was a seven-year wait for Greece, Spain, Portugal and a ten-year wait for Italy before nationals had full freedom of movement rights.

Governments should target efforts to reduce emigration from particular areas, such as from southern Mexico to the US or from Morocco to Europe. Migrants typically move along established networks or pathways in which established residents from an area settled. They provide information, funds, and often temporary housing and advice to newcomers in emigration areas. If a network links a destination area that offers jobs or benefits and a sending area that is stagnant or suffering political turbulence, migration can continue or even expand over time, as processes termed “cumulative causation” make the destination ever more attractive and the origin area ever less attractive.

Immigration and emigration countries should be encouraged to cooperate to target efforts to reduce unwanted and unauthorized migration from particular areas before networks are well-established. In some cases, it may be possible to “target” migration prevention assistance in newly emerging migration areas, so that a migration infrastructure does not develop:

Governments should seek to maximize the development payoff of remittances and migrant returns, for example, by fostering investments in projects that will create jobs and make migration unnecessary. Remittances of about \$75 billion annually are a major source of foreign currency in countries from Algeria to Yugoslavia. Unlike earnings from trade and government-to-government aid, remittances typically flow directly to emigration areas. There are two best practice issues: how to maximize the flow of remittances and their development payoff.

Remittance flows can be increased by making it easy to transfer earnings, i.e., having branches of home country banks near places where migrants work and live, and ensuring competition so that transfer fees are low. In Europe, where banks from source countries often have branches near concentrations of migrants abroad and electronic transfers are the norm, transfer costs are relatively low. In North America, where banking rules limit foreign branches and paper checks are the norm, transfer costs tend to be much higher, as much as 10 percent on the typical \$300 US-Mexico transfer. New banking rules and more transfer options should increase the ease and decrease the costs of remittance transfers in North America, and should be encouraged.

The second issue is how to maximize the development payoff of remittances, or how to ensure that at least some remittances are funneled into job-creating investments in the migrants' areas of origin. There are several potential best practices: Many Mexican states have launched programs to match remittance savings that are invested in job-creating activities in the migrants' areas of origin. The State governments provide technical and marketing help in rural areas that may be receiving their first jobs subject to minimum wages and other labor laws. The Dutch government matched remittance savings of Turkish migrants in the 1960s and 1970s, helping to create Turkish Workers Companies (TWCs) that contributed to the economic development and diversification of many migrant areas of origin. In a period of economic uncertainty and devaluation, TWCs were an effective policy for persuading migrants to invest their savings in Turkey.

Managing shared land borders

Managing migration across shared land borders must facilitate legal crossings (that is, for trade, investment, tourism, family visits and consumer activities) while deterring unauthorized entry. Both parties in border areas need to develop a common understanding that controlling illegal immigration can facilitate legitimate border crossings – in other words, providing channels for legitimate border crossings can help curb unlawful entry. However, curbing unauthorized entries and facilitating legal entries requires cooperation between sending and receiving countries.

Many industrial democracies share land borders with emigration and transit neighbors: the US with Mexico, Germany and Austria with Poland, the Czech Republic, and Hungary. Best practices to facilitate legal, and prevent unauthorized, entries across such shared land borders include:

- *Not requiring visas for entry or issuing border-crossing cards that serve as multiple entry visas.* For example, Germany does not require visas from Poles or Czechs, and

the U.S. issues border-crossing cards that permit multiple entries for up to 25 miles and 72 hours inside the U.S.

- *Cooperating to develop Dedicated Commuter Lanes for frequent border crossers, establishing truck lanes to speed trade, and fully staffing these entry points to minimize delays.* These special entry points allow travelers who have been pre-screened to avoid queues, and pre-screening satisfies concerns that expediting their crossing might lead to unauthorized entries.
- *Working unilaterally and cooperatively to deter unauthorized entries* between ports of entry. Along the US-Mexican border, the US has added agents, fences, and lights to deter unauthorized entries, and Mexico has developed several police units dedicated to reducing border-area crime. Along the German-Polish border, joint patrols help to promote understanding and to minimize tensions.

Regular consultations involving government agencies as well as the private sector can foster cooperation in border areas and foster local solutions to border-area problems. For example, in the El Paso-Juarez area, the respect and cooperation expressed by Mexican and U.S. officials in the Border Mechanism Liaison has greatly improved migration management. German and Polish border patrol agencies meet regularly to share information on smugglers and routes.

Economic, Civic and Social Integration

All European and North American countries have sizeable foreign-born populations who are likely to remain permanently in their midst. While many immigrants are doing well economically, have become citizens and are socially integrated into their new societies, far too many immigrants have not been integrated in any of these senses. Unemployment and underemployment is endemic, many immigrants who want to naturalize find barriers to citizenship, and residential and social segregation continues unabated in many communities.

There is urgent need for North American and European countries to take action to address barriers to full economic, social and civic incorporation of legal immigrants residing in their communities. Neither the immigrants nor the broader society benefit when a large number of permanent residents live in marginal situations. Regardless of future immigration trends, the countries of Europe and North America must address barriers to the full integration of immigrants into society. This report focuses on three types of integration: economic incorporation, social and community relations among groups, and naturalization and civic incorporation. Underlying the recommendations is the assumption that integration is a two-way street. While immigrants are expected to make the greatest adjustment to their new country, particularly in adopting the civic values of liberal democracies, the host society inevitably will change as well because of the presence of newcomers.

Although other barriers to full integration exist, discrimination against foreigners remains a major problem that must be addressed. Discrimination takes many forms, ranging from overt racism and xenophobia to more subtle distinctions made between citizens and legal immigrants in access to employment, assistance programs and educational opportunities. Many of these problems persist into the second and third generations. As

the more specific recommendations below indicate, addressing discrimination requires vigilance in preventing and prosecuting violations of civil and human rights as well as positive actions to promote equal opportunities.

Economic integration

Economic integration is not the only benchmark of success, but it is the core measure of equity and opportunity that characterizes success for immigrants. Without jobs, immigrants place a burden on governments and on their own communities. Without equitable pay, immigrants become a drag on the earnings of similarly-skilled natives and foster undesirable underground or black economies within the post-industrial economy.

The situation for immigrants is troubling on both continents, although for different reasons. Most immigrants in the US find jobs, but many have low earnings, making poverty an issue: the proportion of immigrants in poverty is twice the proportion of the U.S.-born. A large portion of immigrants in Europe, on the other hand, is unemployed: the unemployment rate for foreigners is typically twice the rate for nationals – although generous social welfare benefits keep many foreigners out of poverty.

Governments and the private sector should take immediate action to improve the economic integration of immigrants in Europe and North America. Democratic societies cannot survive with a large and growing underclass of people who do not share in the economic opportunities. The optimal solutions for these problems, which affect immigrants and natives alike, is to reduce inequality in the U.S. by accelerating the upward mobility of employed persons with low earnings, and to reduce unemployment in Europe by opening up job opportunities. As a general rule, immigrants should be treated as other residents, which means they should participate equally in programs designed to increase employment and reduce poverty.

Immigrants have special needs, however, which warrant special attention from their new countries. Immigrants who do not speak the language of the country in which they are living are at a disadvantage in finding a job, improving their earnings, or creating a successful business. Language acquisition should not be hampered by the limited availability of courses, high costs and other factors. Lack of knowledge about the host country's laws and regulations may also impede economic integration, particularly for immigrants starting small businesses. Discrimination in the labor market can be a major barrier for immigrants, reflecting their different race, ethnicity and religion. Even when education and other skills are taken into account, immigrants often experience higher unemployment and lower earnings than natives.

The following strategies help immigrants overcome the barriers to economic integration. Examples of such approaches can be found on both sides of the Atlantic, attesting to their broad applicability.

- *Literacy, host country language acquisition, and basic skills upgrading for both new arrivals and immigrants already residing in host countries. Special attention should be given to the children of immigrants to help ensure that educational barriers do not persist into the second and third generations.* Language training and literacy programs help give unskilled immigrants greater potential to succeed in advanced economies. Formal education and training programs play an important role in this regard. There are numerous ways to teach the host country language, ranging from immersion in the new language to extended bilingual instruction. TLC participants visited examples of both. Immigrant teenagers at a school in Lyon, France, who had been immersed in French language instruction, impressed us with their serious commitment to learning. In an elementary school in Miami, half the day's instruction is in English and the other half is in Spanish. We heard native Spanish speakers describe their experiences in English, native English speakers describe theirs in Spanish, and children whose native language was neither English nor Spanish speak both of these languages. Since Miami is the gateway to commerce with Latin America, community leaders heralded this true bilingualism. All too often, however, insufficient attention is given to the effective and timely acquisition of host country language skills or the other skills needed to survive in today's economy. Clearly, improvements are needed when immigrants are denied the opportunity to converse in the language of their new country or build skills needed in today's economy.

Classroom instruction is not the only way to teach language. Businesses have a vested interest in improving the skills of their workers. On-the-job language courses in work places can be very effective. New modes of communication, including the Internet, can also be powerful tools for language education. This is an area where public-private partnerships make sense. For example, businesses can work in cooperation with educational institutions and community-based organizations to expand opportunities for instruction.

There is substantial variation in the types of companies that support training programs for immigrant workers, ranging from small apparel companies to such large multinational corporations as Boeing, Marriott and Tysons Corporations. The impetus for business is not altruism. One company launched its language and skills training programs to give its best workers an opportunity to compete for supervisory jobs. Another began training programs to help reduce worker turnover, having calculated that each new hire cost about U.S. \$7,000 in recruitment, training and lost productivity costs.

- *Programs to stimulate immigrant business development and help immigrant entrepreneurs to engage in more effective planning, comply with labor, tax, and other business requirements, identify sources of capital and otherwise take the steps needed to operate successful enterprises.* Immigrant entrepreneurs can help revitalize the economies of immigrant communities. Immigrant businesses can provide needed products and services: groceries, laundries, clothing shops, various professional services, etc. Immigrant entrepreneurs also fill niches, including import and export of products to their home countries.

Immigrant businesses need careful nurturing, however. They may otherwise violate tax, labor standards and immigration laws in conducting their operations. High levels of bankruptcies among immigrant businesses are also troubling. Immigrants may know little of their host country's banking and credit processes, legal requirements, or business practices. In rapidly changing neighborhoods, they may overestimate the market for their goods. Immigrant entrepreneurs also may face discrimination from lending institutions and government regulators. They need assistance in understanding their rights and knowing what recourse they have to protest such discrimination.

A model program in Amsterdam helps immigrants develop business plans, provides training and technical assistance on contract compliance, regulations, financing and other necessary information, and helps obtain financing from banks and other lending institutions. Successful businesses (meaning that they continue to operate) have been established to do catering, self-defense training, candy making, banana-chip making, computer repair, and cleaning services.

The United States also has special programs to help minority small businesses. For example, the Small Business Administration's Hispanic initiative is aimed at increasing SBA lending to Hispanic businesses by \$2.5 billion by the year 2000. In partnership with private groups, such as Hispanic Chambers of Commerce, the SBA will also run programs to educate the Hispanic business community on the many other programs and services the SBA offers to help Hispanic entrepreneurs start and build successful businesses.

- *Efforts to combat racism and discrimination at the workplace and encourage businesses to make positive efforts to recruit immigrant workers.* Many of today's immigrants differ from the majority population in terms of race, religion and ethnicity. Overt and more subtle discrimination can limit their access to employment or keep them tied to low-wage jobs. Strategies to combat discrimination include: identifying more precisely and acknowledging the varieties of discrimination that exist in the economy; enacting legislation guaranteeing equal opportunity; establishing mechanisms for enforcement of these guarantees; and developing measures of the extent of discrimination, so that policies can be adjusted if necessary. Business can also take

positive actions to recruit applicants from among the immigrant population, to provide staff with anti-discrimination training, and to assess barriers to hiring immigrants and take corrective actions.

Examples of programs to combat discrimination may be found on both sides of the Atlantic. For example, U.S. law prohibits employment discrimination based on race, color, religion, sex, national origin or, with some exceptions, citizenship. It is illegal to discriminate in any aspect of employment, including: hiring and firing; compensation; recruitment; training and apprenticeship programs; fringe benefits; or other terms and conditions of employment. Complaints are heard by the Equal Employment Opportunity Commission (EEOC) and the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC). These agencies can fine businesses for discriminating and require them to take compensatory actions (for example, pay back wages). The employer also may be required to take corrective or preventive actions to cure the source of the identified discrimination and minimize the chance of its recurrence, as well as discontinue the specific discriminatory practices involved in the case.

The anti-discrimination agencies also engage in training to prevent future discrimination, sometimes in partnerships with others. For example, in 1998, the OSC signed an agreement with the City of Denver's Agency for Human Rights and Community Relations (HR/CR) to fight workplace discrimination on the basis of national origin, citizenship, and/or accent. This collaboration includes joint training seminars for employers and workers in the Denver area.

The U.K. Race Relations Act punishes any distinction, exclusion, restriction or preference based on race, color, ancestry or national or ethnic origin that constitutes unfavorable treatment or treatment that puts a person at a disadvantage. The Commission for Racial Equality monitors its implementation. It is responsible for overseeing the elimination of racial discrimination, promoting equal opportunities and good race relations between the different ethnic groups within the British population, and providing legal assistance to individuals who feel they have been the victims of illegal discriminatory measures and wish to apply to the courts. The Commission further advises employers, trade unions and the police on the implementation of equal opportunity legislation. Local communities cooperate in these activities. For example, municipalities fund non-governmental organizations to help ethnic minorities deal with problems resulting from racial discrimination.

- *Eliminating unnecessary and inappropriate restrictions that limit certain jobs to citizens.* Government regulations often impede immigrant integration. Some jobs, particularly within the public sector, are restricted to citizens even when there are no compelling reasons for such requirements. Licensing requirements and problems in evaluating credentials from the home country can prevent immigrants from practicing

their professions or establishing businesses. The requirements to obtain such licenses may make it hard for qualified immigrants to enter many occupations, even though they can satisfy the market test of providing a good or service that consumers want.

Some immigrant-specific reforms may be needed to overcome barriers in highly regulated economies that make it difficult for newcomers to enter the job market. Strategies to reduce the negative effects of these regulations include: re-examining licensing and occupational systems to determine which regulations are truly necessary to protect health and safety; encouraging immigrants to learn about and satisfy *bone fide* requirements; and developing systems to provide immigrants with credit for credentials acquired in their countries of origin or via experience.

A European Union directive regarding access to public sector jobs specifies that countries cannot put up barriers to employment of other EU nationals, except for those positions wherein citizenship is relevant to the required job activities. A similar policy is not in place, however, for nationals of non-EU countries. U.S. law explicitly prohibits employers from discriminating in hiring on the basis of citizenship, although if two equally qualified persons apply for a position, the employer may give preference to the citizen. During the past decades, state governments in the United States have eliminated citizenship requirements for dozens of job classifications and professional licenses because the demands of the positions do not necessitate that those occupying them have U.S. citizenship.

Civic incorporation

Citizenship is a necessary though not sufficient prelude to full participation in the civic life of an immigrant's new country. In most countries, only citizens have the right to vote in elections at all levels of government. Many immigrants never become citizens, however. In some cases, they choose this course of action voluntarily. In other cases, they are dissuaded from applying for citizenship. Hence, an important component of a strategy to integrate immigrants is to reduce barriers to citizenship and to encourage full civic participation.

European and North American countries should take immediate steps to encourage naturalization by reducing legal and administrative barriers to citizenship. Many barriers to naturalization continue to exist, including legal provisions that require extremely lengthy periods of residence prior to eligibility for naturalization. Others are administrative, including lengthy backlogs and waiting times for processing applications and inconsistent and inappropriate use of discretion in determining if applicants meet the criteria for naturalization. Further, immigrants may face barriers because they are unable to

meet certain criteria (for example, language ability) but do not have sufficient access to services to overcome the barrier.

Governments should commit sufficient resources and streamline administrative procedures to ensure the timely and efficient delivery of naturalization and other immigrant services. In many countries, the time between application and granting of naturalization and other benefits is excessive. In the U.S., for example, it takes two years to adjudicate naturalization applications in many locations. There is an even longer wait for foreign workers, students and family members adjusting from a temporary (or illegal) status to permanent residence. Although applicants pay fees for the adjudication, sufficient resources have not been allocated to ensuring prompt, customer-friendly services. Moreover, immigrants are often asked to go through unnecessary bureaucratic hoops before their applications are approved. These financial and administrative barriers to effective service delivery hamper integration and give the wrong message to immigrants who want to become citizens.

Facilitating citizenship for children born to immigrants in host countries is a particularly important mechanism for integration. A number of European countries have recently adopted provisions granting citizenship to children born of legal immigrants living within their borders. The trend towards granting citizenship on a *jus solis* basis is encouraging because it ensures that multiple generations of “foreigners” do not grow up within these countries.

Beyond facilitating citizenship, countries should adopt programs to help empower new citizens to participate fully in the civic, social, and economic life of their host societies. All citizens should have the opportunity to voice their interests and concerns through a variety of public forums. New citizens should also be aware of the rights and benefits available to them. Empowerment speeds up the process of integration, improving migrants’ standing and rendering them less vulnerable to hostility and resentment by their native-born neighbors.

Social and community relations

Social integration generally takes place within local communities, in schools, businesses, religious institutions, community-based organizations and other such institutions. In its absence, community tensions may arise, at times erupting into violence between natives and immigrants or among different immigrant groups.

In the United States, community tensions primarily take place within urban centers that host large concentrations of immigrants and native-born minority residents. In Europe, in contrast, community tensions take place between a large native majority and

a small immigrant minority. In addition, conflicts in Europe are often associated with xenophobic activity by right-wing political groups. Despite these differences, however, community tensions in Europe and North America share a number of important characteristics, including cross-cultural misunderstandings, problematic police-community relations, neighborhood and school violence, and allegations of media bias.

Some tensions arise because of inter-group misunderstandings concerning cultural, social, and economic practices, which are often viewed as offensive or upsetting by natives. For example, from the perspective of established residents, the presence of large, extended families in immigrant households resembles urban overcrowding. In some cases, immigrant social and cultural practices such as child abuse, domestic violence, underage marriages, and female genital mutilation are in violation of the laws of the host country.

National authorities should work closely with local communities to facilitate the social integration of immigrants and to reduce community tensions that may arise. Immigration places challenges on local communities in which newcomers settle. Often, community-level tensions are exacerbated by the sense that national authorities make decisions that lead to immigration but do not take responsibility for the local effects of their decisions. While communities may reap benefits from immigration, including revitalization of neighborhoods, economic development, and introduction of new cuisines, arts and other cultural enrichment, they often must cope with problems, including tensions between natives and immigrants and among immigrant groups, increased crime, inadequate capacity in school systems and crowded housing.

Strategies used on both sides of the Atlantic to improve community relations include:

- *Educational programs to promote tolerance.* Such programs have proven effective towards establishing a proactive foundation against the buildup of inter-group hostilities. Programs have ranged from attempts to mobilize an entire nation to engage in constructive dialogue to ongoing exhibits and cooperative networks of public servants. In addition to government-sponsored initiatives, non-governmental organizations on both sides of the Atlantic have actively taught understanding through a variety of media, including plays, festivals, films and discussion forums.

Germany, for example, utilizes an extensive network of Commissioners for Foreigners' Affairs to promote tolerance for migrant communities. In Berlin, the Commissioner for Foreigners' Affairs develops brochures on issues such as naturalization, vocational training, residence regulations, and foreign cultures, music and history for the benefit of both German and non-German readers. In the Nordic countries, a traveling educational exhibit seeks to inoculate youth against the lure of xenophobia, particularly in the form of "white power" music. The project exposes students to music with racist undertones, encouraging them to engage in self-reflection concerning their own susceptibility to the music's overt and hidden messages.

In the United States, several groups have worked to promote information exchange and to foster dialogue between racial and ethnic groups. For example, the National Council of the Churches of Christ in the U.S.A. sponsored an interactive satellite teleconference, titled “Building a Hospitable Community for Immigrants,” which involved local groups from Hawaii to Florida. In response to a racially charged beating in Detroit, Arab storeowners, the NAACP, and other local community and religious groups convened a peace summit to stop inner-city violence.

- *Programs to orient new immigrants to accepted ways of life in the host society.* North American and European countries have sought to ease immigrants’ integration within the host society through orientation programs. Through brochures, information bureaus, and classes, immigrants learn about accepted patterns of social, cultural, and economic behavior in their new homes. In this way, orientation programs, no matter what form they assume, can substantially reduce inter-group misunderstandings that often lead to community tensions.

State advisory councils assist with the orientation of immigrants arriving in the United States. The Maryland Office for New Americans helps immigrants gain information on basic life skills, including shopping, banking, managing a budget, registering with Selective Service, and reacting to emergency situations. Non-governmental organizations have augmented the breadth of information available to immigrants. For instance, the Chicago-based World Relief Corporation developed and translated into numerous languages a 200-page book titled “Immigrants and Refugees: Create Your New Life in America,” which provides advice on financial institutions, government agencies, English language, and computer services.

The United Kingdom offers a short leaflet concerning the rights and privileges of migrants remaining in the country for more than six months. Topics include finding employment, access to health care, public benefits, housing, education, and motor vehicle laws. Germany provides new arrivals with a two-page leaflet on German citizenship and naturalization. Berlin’s Commissioner for Foreigners Affairs offers an advisory and counseling service for all Berlin residents. Concerned individuals can appeal to the Commissioner for advice on all aspects of integration and foreigners’ law, including residence status, housing, and assistance in cases of discrimination.

- *Conflict mediation programs.* When conflicts do erupt between groups, conflict mediation constitutes one method of successfully controlling community disturbances. Mediation takes place in a variety of settings, such as neighborhoods, community centers and schools, and involves a multitude of actors, including community leaders, students, law enforcement agents and local businesses.

The U.S. Community Relations Service (CRS) is a specialized “peacemaking” branch of the Department of Justice. Originally conceived as a means of mediating racial con-

flict, the service's field of activity has expanded over the last three decades to encompass incidents involving Native Americans and immigrant groups. Most requests for CRS intervention originate with community leaders, such as governors, mayors, police chiefs, and school superintendents.

Dispute mediation is a principal task of each German Commissioner for Foreigners' Affairs, from the federal to the local level. In the city-state of Hamburg, for instance, the legislature has specifically empowered the Office of the Commissioner for Foreigners' Affairs to intervene in disputes involving natives and foreigners, organizations representing ethnic and racial communities, and public servants.

- *Vigorous prosecution of hate crimes and similar offenses committed against immigrants because of their race, nationality or religion.* Another reaction consists of prosecuting offenses that result from inter-group hostility. Countries on both sides of the Atlantic have enacted laws that strengthen penalties for those who commit hate crimes and acts of anti-foreigner violence. In addition, governments at the national and subnational levels have established special agencies to observe and punish such crimes.

In Germany, the Federal Office for Constitutional Protection (*Bundesamt für Verfassungsschutz*, BfV), gathers intelligence and reports on extremist, right-wing organizations and xenophobic incidents. In order to more effectively investigate and prosecute anti-foreign crimes, state governments throughout Germany have established special police task forces. For example, the eastern German states of Saxony and Brandenburg created a Special Commission Against Right-Wing Extremism and a Mobile Intervention Force Against Violence and Anti-Foreign Hostility, respectively.

The United Kingdom has called on non-governmental organizations to assist in prosecuting anti-foreign crimes. The House of Commons Home Affairs Committee solicited evidence from Searchlight, an independent, non-sectarian organization that works to end racism and xenophobia, to assist a government inquiry into racial harassment and anti-foreign attacks in Britain. The information submitted was instrumental in drawing government attention to the activities of Combat 18, a xenophobic organization known for inciting racist violence.

In accordance with federal legislation, the U.S. Department of Justice assembles and reports statistics on the level of hate crimes in the United States. In addition, U.S. law authorizes the Attorney General to establish guidelines for determining which offenses constitute hate crimes. Federal law also mandates that each state include the combating of hate crimes in its juvenile justice program. The Hate Crimes Sentencing Enhancement Act of 1994 augments the federal government's power to prosecute hate crimes (which it derives from existing civil rights laws). The 1994 law requires that judges toughen sentences (by about one-third) for offenses determined to be hate crimes.

- *Programs to build positive relations between immigrants and the police.* Successfully reducing community tensions also requires the establishment of positive, reinforcing relations between police and the communities they serve. Mutual trust allows police and community members to work together to identify and eliminate potential danger. Approaches have included special training for civilians and police, the acquisition and training of bicultural police staff, and civilian oversight of and involvement in police activities.

In Canada and the United States, immigrant families are often reluctant to report crimes and, as a consequence, are exceedingly vulnerable to crimes such as home invasions. Public officials in British Columbia responded with the establishment of “Neighbors Together,” a program that seeks to inform newcomers about national and provincial law enforcement agencies, the history of law enforcement in British Columbia, and available policing and safety programs. The initiative also gives immigrants the opportunity to voice their needs and concerns. U.S. police departments have opened storefront offices in immigrant neighborhoods and have hired bilingual staff to work with police to ensure better communications with non-English speaking immigrants.

The Belgian Royal Commission for Immigrant Policy currently organizes an information program, entitled “Building awareness of immigrant issues,” for officers in the nation’s police and gendarmerie. The 25-hour course provides training in immigration history, foreign cultures, and conflict resolution. Participants must also spend at least one day performing fieldwork in immigrant communities. In order to facilitate understanding and cooperation, the program enlists the services of foreign nationals who educate law enforcement officials about conditions in immigrant neighborhoods. These aides later act as a contact point between police and minority communities.

- *Reduction in discrimination against immigrants.* Reducing discrimination against foreign populations, particularly in the areas of housing, employment, and education, removes another potential source of community tensions. Successful measures have included the implementation of anti-discrimination laws backed by extensive systems for monitoring abuses and educational and training programs to promote awareness of discrimination among immigrants and natives. Projects that focus on the workplace are particularly important in ensuring the access of minorities to employment (see above).

Exchange of best integration practices

Governments should expand opportunities to share their experiences in facilitating the economic, civic and social integration of immigrants. Multilateral coordination and cooperation enhances measures undertaken at the national and subnational levels. The

United Nations Commission on Human Rights has conducted a number of studies on contemporary forms of racial discrimination, xenophobia, and other sources of anti-foreigner intolerance. In Europe, both the Council of Europe and the European Union have been active in the fight against anti-foreign hostility and discrimination. In the Americas, two regional groups have placed the promotion of migrants' rights on their agendas, the Regional Migration Conference (referred to as the Puebla Group) and the Summit of the Americas. The Organization for Economic and Community Development (OECD) publishes an annual report on immigration into its member countries and includes measures of integration.

At present, however, there is no mechanism for regular transatlantic sharing of information on best practices. Both governments and the private sector need information on programs that work to foster immigrant integration. The Transatlantic Learning Community Migration Workgroup has demonstrated that countries on both sides of the Atlantic face similar issues. Although no one program will work in all North American and European countries, the models identified herein are readily adaptable to the specific circumstances found in each country. The regular and consistent sharing of information would permit countries to present examples of successful strategies for improving immigrant integration.

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