2 Which factors influence states' migration policies?

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Introduction

Looking at migration policies in Europe today, one cannot help but see chaos. It seems that, in many respects, they have gone from labour-market-based decisions to decisions which are highly politicised and not based on solid rational premises.

This is obvious when we look at Western Europe. In the 1950s to 1970s, the subject of immigration did not seem highly controversial, and decisions were made based on the needs of the labour market. In the 1980s and, especially, the 1990s, the issue became more politicised in many countries, and decision-makers started balancing between the needs of labour markets and public fears. This was the situation, for example, during subsequent enlargements of the European Union, when countries of the 'West' had to decide when to grant new EU members access to their labour markets and did so in part based on economic arguments and in part due to public fears of a wave of 'Polish plumbers' inundating Western Europe. Later, especially during the so-called 'migration crisis' of 2015–2016, decisions seem to have been made almost entirely on emotion (first on humanitarian grounds and then in acknowledgement of public fears) or politics (how to gain more voters using these fears).

Central and Eastern Europe, which were just becoming a region of immigration, went through a similar transformation at accelerated speed. Labour migrants had been quietly welcomed over the previous two decades without much public debate, but the so-called migration crisis brought a sudden politicisation of the subject and a fierce anti-refugee reaction from the governments and society – this in spite of the fact that the region (with the exception of Hungary) was not directly affected (Klaus *et al.* 2018).

Part of this politicisation seems to be a reaction to the lack or failures of integration policies (in the case of Central and Eastern Europe, the perceived failures of integration policies in other countries, as presented by politicians and the media). A thorough discussion on how we create and how we *should* be creating migration policies is thus very urgent. This book aims to be part of that debate. In this chapter, to provide a context for the more practical discussions in subsequent ones, we summarise the main theoretical thinking on migration and integration policies and the links between them. We argue strongly in favour of treating the issues of

integration and integration policy as equally important as or even more important than immigration policy. We also demonstrate that, in contradiction to what has been happening in Europe in recent decades, policies in both domains have to be created in tandem as their effects will be felt far beyond the field which a policy is meant to influence.

In this text, migration policy is understood broadly as a reaction of the state to migration processes – both immigration and emigration. It covers:

- admission policy, which is understood as allowing foreigners onto the territory of a given state and permitting them to stay and especially to access the labour market (immigration policy);
- actions directed at emigrants from the state – especially with the aim of attracting them back – as well as diaspora policies;
- actions aimed at stemming illegal immigration, including human trafficking and human smuggling; and
- issues related to the inclusion of foreigners in the host society, including their social, political and other rights – in other words, integration policy (Duszcz-zyk 2012; Hammar 1992; Natter 2018; Peters 2015).

In most of the literature, immigration and integration policies are analysed separately, although they are often included in a broadly understood migration policy. It is also often assumed that actions taken within integration policy – and their results – influence regulations regarding the inflow of foreigners into a given state only in a very limited way – policies intended to control and manage the arrival of potential immigrants also have a limited impact (Crawley and Hagen-Zanker 2019). Integration policy is thus considered as reactive: it is reacting to situations brought about by immigration policy. Such an approach can be found in the canonical works of Tomas Hammar (1985b, 1985c, 2010): migration policy is treated as built of two components – the regulation of the inflow of foreigners to a given state (immigration policy) and actions taken by that state in relation to immigrants (integration policy). Anthony Messina (2007), who analysed the relations between migration and politics in Europe, takes a similar approach.

Such a view appears to be a simplification. It should be assumed that there are important relations between immigration and integration policies and that these relations may determine, to a large degree, how a state approaches the inflow of foreigners. This would mean that the degree of openness towards foreigners may significantly depend on the level of integration of those immigrants who are already living in the state. Obviously, migration is a phenomenon which cannot be fully controlled, except in extreme circumstances. This means that every state should have both an immigration and an integration policy. It is key that the two be tied, so that actions within one policy are coordinated with and result from the other. If an integration policy proves ineffective and social cohesion on a given territory is under threat, this should lead to a change of policies: either the limiting of immigration, a change in the direction of migration flows or a reform of existing integration policies which have proved ineffective in the case of particular groups.

The success of integration policy should lead to the liberalisation of migration policy and the opening up of a country to a larger number of foreigners.

The experiences of recent years, especially the so-called 'migration crisis' in Europe and the USA's policies under President Donald Trump, demonstrate clearly that it is impossible to have an open immigration policy without an effective integration policy. We should expect that political decisions on the opening or closing of borders and labour markets to foreigners will increasingly be made depending on the degrees of integration of the foreigners who are already in the country – although it should be underlined that frequently other political processes altogether, not the integration of foreigners, determine policies. A good example is the deporting of some undocumented but well-integrated and long-established migrants from the USA, done clearly for political reasons (see Welch 2003). Public opinion will force politicians to make decisions regarding foreigners based on their own experiences or those of others, as pictured in the media. Objective factors, such as the needs of the labour market or demographic processes, can be expected to play a much smaller role. It is hard to imagine many societies agreeing to an open immigration policy if integration policies are not successful. Governments which realise the benefits of immigration will have to devote more resources and attention to integration policies.

Ideally, migration policy formulation should follow that of a general migration doctrine and should take the form of a document accepted by the government or parliament. This helps to present it to society and – perhaps even more importantly – helps government and local government officials to act in accordance with its spirit when implementing not only migration policy but also other regulations which impact on the presence and rights of foreigners. In Hammar's (1992: 256) opinion, a migration policy is not necessary when the inflow of foreigners is small and thus usually not of interest to politicians. However, such a lack of policy is also a kind of policy by omission. A migration policy is necessary and is usually created when the inflow of foreigners becomes large. Usually the goal is to halt it and gain a sense of control (which is frequently just a sense – cf. Castles *et al.* 2014). It can also be created to steer the inflow of migrants who have been deemed necessary in the labour market or for other reasons.

It is difficult to measure the effectiveness of migration policy, especially in the long term. If we measure against goals set out in laws or other documents, we will find that many have failed. As an example, we can cite the policies of Germany (which, in the years 1950–1970, wanted to import labour, not people – see Chapter 5, this book) or Australia (which wanted to keep its 'White Australia Policy' in the years after World War II – see Chapter 11, this book). In both cases, reality proved far removed from what was planned. However, we certainly cannot say that these countries or societies failed. Both have managed to develop relatively cohesively. It is often the case that officially stated goals of policy are different to their unofficial, forecasted or even welcomed effects (cf. Castles 2004). Although it is difficult to measure the success or failure of migration policies, certain elements are worth looking at: maintaining external and internal security; economic development, especially the situation in the labour market; maintaining

an optimal demographic balance in society; and social cohesion. If success in these fields is to be achieved, an intense integration policy is a necessary part of migration policy (as well as a selective immigration policy). This – again – demonstrates that both policies should be analysed and conducted together.

Factors influencing migration policies – theoretical perspectives

As a part of social policy, migration policy should be aimed at solving particular social problems and facilitating socio-economic development. This is the perspective we should keep in mind when looking at the factors which influence (or should influence) migration policies. Such factors are often underlined in the very definitions of these policies (Chałupczak 2013; Duszczyk 2008). Many authors point to the objective factors which should be taken into consideration by policy-makers: the existent and forecasted demographic structure of the society, economic development and the situation on the labour market, including the needs of employers. Many definitions place labour market and related economic issues as the central points of reference of migration policies (Castles 2004; Duszczyk 2012; Hammar 1985b).

From an economic perspective, the flow of labour is frequently considered jointly with the flow of capital. If there is a free flow of capital, there is no need for immigration, because workplaces can be created in the countries of origin of potential migrants. The relation between migrations (migration policy) and type of economy (economic policy) was studied, among others, by Margaret Peters (2015), who argues that closed economies, which limit the free market and the inflow of merchandise from abroad, will be more open to immigrants (and should have a liberal immigration policy) because, as they develop economically, they will need more cheap labour, which they can only find abroad. Of course, in times of crisis, migrant labour becomes unnecessary (Welch 2003). It also becomes less necessary when a country opens up to the world market and globalises. Companies then change strategies – they export work abroad by moving their factories and then import products. In such situations, access to the labour market is closed to workers, because they can do their work in the countries of origin. This theory concerns low-skilled workers, although jobs requiring low qualifications are the ones most often filled by migrants (Peters 2015). As James Hollifield (2004) points out, governments face a ‘liberal paradox’: because of economic factors, they should be interested in an inflow of migrants – thus, they should have an open migration policy; however, issues of security or social cohesion push them to control borders and limit the inflow of migrants. It seems this paradox could be solved through a better coordination of decisions within immigration and integration policies.

Factors resulting from foreign policy and the international obligations which states take upon themselves can also not be omitted. The global, regional and bilateral agreements into which states enter and their membership in international organisations all influence governments’ actions. The scope of the decisions taken

by states is limited, for example, by the obligations they have taken upon themselves through signing the 1951 Geneva Convention Relating to the Status of Refugees or through membership of the European Union. The free movement of people is one of the fundamentals of the EU. Additionally, since the mid-1980s, member states have been tightening their cooperation regarding immigration both from outside the EU and from asylum. In 1997, these issues were moved into the first pillar, which means EU institutions gained the competencies to influence the shape of legislation. As Scholten and Penninx (2016: 96, italics in the original) write:

Europeanization clearly involves *loss of control* for nation states, given the supremacy and direct effect of EU directives. (...) EU institutions [are] exerting top-down control over immigration policies throughout Europe.

In the context of the functioning of the EU, the Schengen Agreement should also be mentioned. Members of the Schengen Zone limit their sovereignty regarding border control and visa policy. This reduces the freedom of individual states in creating migration policy.

The foreign policy of a given state is also important. Underlining the close relations with a given region (such as the Commonwealth or the Eastern Partnership between the EU and its neighbours) is often accompanied by regulations concerning migration from those states – usually giving their citizens certain privileges. Thus, migration policy also depends on alliances, neighbourhood policies, the aspirations of a given state and its economic and military power (Hammar 1992). Opening the doors to citizens of a particular state may also be a form of gratitude for the ‘services’ of the governments of that state. In recent years we have frequently witnessed this form of ‘return favours’ for not letting through other inhabitants of a region. This concerns, for example, Mexico, whose citizens benefit from certain facilitations of entry to the US in exchange for a greater securitisation of the southern border, or Morocco, which has a similar agreement with the EU (see Del Sarto 2010; Walker 2018).

Migration policy may also result from national traditions and sentiments. This frequently manifests itself in citizenship policy – the granting or repealing of citizenship to encourage both persons living outside the state to repatriate, as in the case of Germany or Poland (Harpaz 2015), and inhabitants ‘on the historical territory’ of that state, as is the case, for example, in Hungary. Interestingly, the Hungarian case also demonstrates how such policies can be counterproductive: many inhabitants of bordering regions apply for Hungarian citizenship to gain freedom of work and travel elsewhere in the EU – for example in Czechia or the UK (Józwiak 2017). Another variant of such a policy is to grant other types of instrument facilitating entry and residence to people who have national, historic or family links with the state. Poland is one such example, having created the Polish Card (*Karta Polaka*) for people with Polish roots who, for historical reasons, have found themselves outside the borders of the state (Szulecka 2016). Germany drew up a similar policy in the 1990s, which allowed numerous inhabitants of the

Commonwealth of Independent States, including Russia and Uzbekistan, who had German ancestry, to go to and reside in Germany.

Katharina Natter (2018: 7, 9) sums up factors influencing migration policy as follows:

Existing reviews of immigration policy theories [. . .] suggest four primary determinants of immigration policy: (1) the role of socioeconomic interests at the domestic level, operating via interest groups and public opinion; (2) the importance of foreign policy and diplomatic interests; (3) the role of state institutions' potentially conflicting interests; and (4) the impact of international norms on national policy-making. [. . .] Ultimately, most immigration policies – regardless of the political system in place – are likely determined by the dialectic between interests, institutions and ideas evolving at the intersection of domestic and international spheres.

When naming the determinants of migration policy, Natter draws attention to a very important element – the persons or interest groups who influence the choice of solutions and policies. Such groups lobbying in favour of particular solutions are especially important in democratic states. Gary Freeman (1995) calls this process 'client politics'. He argues that, up to the present, most migration policies were created in line with the preferences of business, which can influence parliamentarians. It is employers who gain the most from particular regulations regarding the access of migrants to the labour market. At the same time, Freeman believes that the costs of immigration are borne mostly by society and the state coffers, whereas business participates to a relatively small degree. The influence of employers is also visible at the level of definitions, since – as we have already mentioned – labour-market policies often influence migration policy the most. Historically, in most liberal economies, migration policies were created in response to the needs of the economy and employers. In many countries, business and politics are close to each other and, in the interest of guaranteeing economic growth, politicians pay close attention to the voices of employers, who tend to be well organised and have the resources to effectively lobby in favour of their interests.

Another important group which influences migration policies is NGOs (Duszczyk 2012). The nongovernmental sector also tends to be quite well organised and to know how to find resources for its activities, has particular goals – usually in the field of human rights and protection of the rights of migrants – and is increasingly effective in what is called 'advocacy' (which is, in fact, similar to classic lobbying). NGOs are particularly active in the fields of humanitarian protection and asylum-related issues. What sets them apart from other lobbyists is that they act to protect certain values, not particular interests. In many countries with a limited experience of immigration (such as Poland or other countries of Central and Eastern Europe), NGOs are among the few with expert knowledge in the field of migration. As long as their subject matter is not of interest to politicians, NGOs are frequently the main partners of the government or officials in shaping

migration policies – either *de facto* through practical work or by participating in various ways in the creation of official documents (Lesińska and Stefańska 2015).

Here we come to the question of who creates and who should create migration policy. Since these are political documents, it should be politicians in public office or high-level bureaucrats. Other groups also participate in the decision-making processes in democratic societies. This process of influencing politicians and the solutions they create by various groups in society ('clients') is thus completely normal and useful, especially if we assume that these groups present the factual arguments behind their positions and that the process is transparent. The debate is thus enriched with data and knowledge rather than relying on emotions and imaginings. This clashing (or even battle) of views helps rational decision-making and improves the quality of the documents created (cf. Castles 2004).

As mentioned earlier, politicians are not always interested in the subject of migration. The lack of a 'migration policy', however, does not mean that such a policy is not being created or does not exist. In such a situation, it is simply being created by other actors – most often officials: '[T]he decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out' (Lipsky 2010: xiii). Policy, in such a case, is being created by practical actions, settlements and decisions. It is necessary for bureaucrats because it creates a basis (also a legal one) for actions in the fields of migration and the integration of foreigners. Such a policy, however, is often incoherent, created *ad hoc* and case by case through trial and error, which leads to its being fragmentary at best. Many officials look at so-called best practices from other countries. However, these are not always adequate due to different legal or structural circumstances; sometimes, their implementation results in quite unintended results. NGOs and local governments also play their part in the creation of such migration policies (Hammar 1985c).

In recent years, especially, migration policies have become the subject of public disputes and arguments between political parties. The subject has become highly politicised and parties exploit it to win or retain power. This is an unfortunate situation which does not favour rational decision-making.

It is also important to note that the role of local authorities at different levels has been increasing. They are involved not only in implementing integration policy – for which they frequently are legally responsible – but also in formulating policy, sometimes even in opposition to the central government (Scholten and Penninx 2016). This is so in big hyper-diverse cities like Berlin, London or Amsterdam, whole regions like Scotland or Catalonia and also smaller cities in states where strongly anti-immigrant forces are in power (in Central and Eastern Europe, the cities of Warsaw, Poznań, Lublin or Gdańsk are good examples in Poland; in Hungary, the capital, Budapest). In Poland, which has not created an integration policy, local governments make their own efforts to integrate immigrants, realising that if they do not do so they face a higher risk of social conflict (Duszczyk *et al.* 2018).

It is worth underlining that even the mere fact of whether a country formulates a written migration policy or not is an element and a demonstration of a political decision in itself. A state has no choice but to control its borders and set rules regarding the entry of foreigners. In the case of integration policy, however, inactivity is an option. As Hammar (1985a) points out, when a state wants to have ‘guestworkers’ – that is, migrants who are temporary and whose presence is dependent on economic trends – it will not develop an integration policy, since this may encourage migrants to stay (even though many experiences demonstrate that such an approach is not enough to discourage migrants from remaining).

Even some of those states which assumed their immigrants would settle believed and claimed in their migration policies that no instruments to facilitate integration were necessary. They believed that the instruments of general social policy, open to all inhabitants, including immigrants, were sufficient. Such an assumption was frequent, particularly among post-colonial states, when immigrants had a (better or worse) grasp of the host country’s language (although Sweden, which had no colonies, followed a similar logic).

Such a non-integration policy became problematic when the number of immigrants increased and when immigrants came from a wider spectrum of countries. The receiving countries were caught unprepared, with no policies to determine how to include the newcomers into society. It was too late to create an integration policy only when migration had started to be perceived as a social (and frequently political) problem; such a policy could not bring the expected results. That is why, in many cases, the only reaction consisted of limiting the inflow or organising deportations. Some states, notably Spain and Italy, took a different route by conducting the regularisation of undocumented migrants (De Bruycker *et al.* 2000). However, only a coherent immigration and integration policy could have limited the problems resulting from migration.

To be effective, an integration policy needs to be a coherent set of actions aimed at including migrants in various dimensions of the functioning of the receiving society. Decisions made in all fields of migration policy should be interrelated. It is a mistake to consider decisions in immigration policy as primary and those regarding integration policy as secondary.

It is worth pondering, then, both on what influences the restrictiveness of migration policies and on the role of integration policy and its effectiveness. When we look from a global, long-term perspective, most basic parameters do not seem to influence migration policies. The level of democratisation does not play a role; neither does the level of GDP or GDP growth – that is, a country’s level of either crisis or prosperity does not determine the openness or restrictiveness of migration policies (Peters 2015). It is also not clear how the positions and values of traditionally present political parties influence the approach to migration. Some researchers underline that right-wing parties are more prone to restrictive migration policies (Freeman 1995), whereas others see left-wing parties as displaying such tendencies more often (Peters 2015). Much depends not only on the given state but also on the period when a given party is in power. Since all politicians, irrespective of alignment, must heed to the wishes of their voters, it is the

voters – who are currently more and more in favour of limiting immigration – who may have the last word.

This seems to have been the case since the 1990s, when immigration policy became highly politicised and was included in the programmes of extreme parties (on both sides of the political spectrum) which are highly anti-immigrant and populist. Migration became part of the game of power. Mainstream parties also introduced this question into their rhetoric and programmes, not wanting to leave the terrain to the extremists. They softened the message only somewhat, remaining within the border-closing trend (Lesińska 2010). At the same time, societies of the Global North increasingly perceived migration as unwelcome and believed that it should be stopped because it threatened the security of states and social cohesion (Castles 2004). It is worth noticing, though, that a certain political dualism has developed. In some countries, politicians publicly use anti-immigrant language but, at the same time, have a sort of hidden agenda, quietly implementing policies open to immigrants because employers demand they do so (Castles 2004). The behaviour of the Polish government since 2016 is a prime example of such duality (Klaus 2020, forthcoming).

This is undoubtedly a kind of circle. Politicians influence public opinion. They are the ones who create 'the figure of the migrant' – a politically useful portrait with the characteristics they ascribe to it (Nail 2015). Studies demonstrate, for example, that the more open and equality-focused the migration policy, the less endangered by migrants the locals feel. It is difficult, however, to pinpoint which is the cause and which the effect, Does a more open migration policy influence the openness of societies, or do more tolerant societies choose politicians who implement their views (Wysieńska-Di Carlo 2018)?

We also cannot underestimate the role of the media in discouraging societies of the Global North about migrants, who are often presented as the dangerous 'other'. As Teun van Dijk (2009: 199) notices, '[T]he press continues to be a part of the problem of racism, rather than its solution'. In his text, he presents the various techniques and procedures used by traditional media, which give rise to or reinforce xenophobic positions in society instead of doing the opposite. This situation is long in the making. Already in the 1990s, refugees were presented in the British or Austrian media as persons who need to be controlled, who commit crimes and who 'abuse' the asylum system (most readers do not differentiate between the various categories of foreigners and direct their negative feelings towards immigrants in general). They were presented as waves or hordes of invaders and thus became the subject of a 'moral panic'. Stan Cohen (1972: 1), who coined the term, described it as follows:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people. [...] Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the

limelight. Sometimes the panic passes over and is forgotten [. . .] at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself.

As a result, the ‘moral panic’ linked with migration and migrants was transferred into the political field, and a phenomenon called ‘governmental xenophobia’ started. Such a xenophobia exists when there is a combination of public discourse and concrete actions by the authorities aimed at stigmatising migrants and presenting them as a source of problems, evil or danger (Valluy 2011). Maggie Ibrahim (2005: 165–166) gives this process a different name: ‘new racism’. In other words, foreigners are presented as ‘other’, as a threat to the security of society – a physical, a cultural, an economic or any other kind of threat made up to fit the moment, such as a threat to ‘national identity’. As a consequence, there appears a demand for the government to ‘solve the problem’ – that is, to act to increase security. The only way of eliminating the threat in such a situation is by eliminating the migrants from social life. The government attempts to do so by legal and political means, including migration policy. Borders are closed and securitised, the rights of migrants are curtailed and new types of offences are created which can be committed only by immigrants. As a result, they are punished as criminals. The law and its agents start viewing all migrants stereotypically as dangerous breakers of the law who should be kept under control (Gliszczyńska-Grabias and Klaus 2018). All this is done to reduce the scale of migration and remove at least some of the foreigners from the territory of the states of the Global North. Fears of migration and migrants increase, especially in times of a migration crisis. In recent years, over a dozen such crises took place in the world, which were caused both by wars, such as the Balkan wars or the war in Syria, and by dramatically worsening living conditions, such as those in Venezuela or Myanmar. In such moments, which cause much emotion, decisions are frequently irrational and destroy the existing order; at times they even lead to the breaking of basic human rights.

At the same time, countries undertake what can be termed ‘nonimmigration policies’ (Castles 2004: 864–865) – they attempt to support the development of the Global South through instruments of a liberal economy. As an effect, it is mostly wealthy corporations from the Global North who benefit from free trade. The economic situation and related migration pressure from countries of the South do not change as a result or change only to a very small degree.

Some of the solutions to the problems described in this introduction could be found through an effective integration policy, which would be an element of decision-making in the whole migration policy. This would have to be based on an inclusive model which would assume that immigrants will eventually become full members of the destination society. An inclusive approach is also necessary in the case of short-term (seasonal) migrants or guestworkers. From the very first days of their residence in the state, they should be offered basic integration mechanisms such as language courses and instruction in local rules and customs. This would limit their ‘otherness’ and would prevent the creation of ethnic enclaves. The fear

of others in the receiving society would decrease, and the pressure on government to limit the inflow of foreigners would be smaller.

The experiences of integrating various groups of immigrants could influence decisions regarding the size of inflows from particular countries or regions of the world. Such an integration policy would allow for the adaptation of immigrants in the economic, social and legal spheres, as well as in many aspects of the cultural sphere. Integration policy, or rather its effects, would become an important argument in deciding how restrictive migration policy should be and what kinds of foreigners a country prefers to let in. We do not mean preferences in terms of ethnic groups or nationalities; rather, we mean particular features of migrants which may favour their integration. This would not mean closing the borders to forced migrants, who must be accepted, or to those who integrate slowly. In the latter case, we can simplify by saying that their number should be limited depending on the integration capacity of the receiving state. The existence of an integration policy should increase this capacity. We should also never forget that integration is a two-way process between immigrants and the receiving society. Efforts should be made to increase the acceptance of migrants' differences and to fight racism and xenophobia.

State sovereignty and the freedom to create migration policies

The body of international law regarding migrations is somewhat limited if we compare it, for example, with trade law or environmental protection law. No state is legally obliged to let in immigrants, but it should formulate rules according to which it intends to do so. Hammar (1992) promotes such an approach, stating that human rights, such as those formulated in the Universal Declaration of Human Rights of 1948, declare humans free to leave any country, including their own, but that this freedom does not extend to entering another country (Art. 13, Point 2 of the Declaration). Is it then the case that states and governments can exert almost unlimited control over their territory and the people living there? Can they – in the name of 'sovereignty' – formulate their migration policies as they wish and decide who can enter their territory and when they have to leave? Giorgio Agamben (2000) links the notion of sovereignty with nation states, which tie the rights of a certain group of people with their place of birth and the resulting status of citizen. He also points out that, for centuries, sovereignty was linked with the 'justification of violence' or 'the threshold on which violence passes into law and law passes over into violence' (Agamben 1998: 31–32).

Most researchers believe that the principle of sovereignty in migration issues is very broad (Kicinger and Saczuk 2004). In accordance with such a view, states and governments have a full right to regulate admissions and the question is excluded from under the protective umbrella of human rights, which usually limit the discretion of those in power. The full right of deciding who can enter the territory is correlated with the right to decide how long and under what conditions an individual can remain. If a state refuses someone the right to remain, it is entitled

to deport a foreigner and this concerns all persons, irrespective of whether they entered the territory illegally or legally and were later refused permission to stay.

Hammar believes states are entitled to conduct selective immigration policies, a selectiveness which can even concern such features of migrants as their ethnicity, religion or culture, as doing so may be in the interest of avoiding conflict or disrupting 'ethnic or religious balance' (Hammar 1992: 256). He argues that limits are a result of the limited integration capacity of states and the need to guarantee migrants appropriate access to the welfare systems. A large inflow of migrants could lead to financial problems in the state or endanger social cohesion. However, he puts into question his own argument by pointing out that most migrants, at the moment of arrival, do not obtain privileges comparable to those of locals. Their rights are much more limited, especially concerning access to the welfare system and, generally, the support of the state. They gain this access only after many years of residence and after fulfilling additional conditions (Hammar 1992). This brings us back to the integration offer for migrants from the first days of their stay. A selective immigration policy seems to make sense only if it is accompanied by a developed model of integration policy, which would allow for the effective and relatively speedy integration of foreigners in the receiving state.

Joseph Carens (1987) stands at the other extreme of the spectrum of views regarding immigration policies. Having analysed liberal political theories and their assumptions, he argues that it is difficult to find a rational and philosophical justification for closing borders. Interestingly, open-door policies are advocated by scholars on two sides of the philosophical spectrum: neoclassical economists on the one hand and left-wing scholars on the other, of course for different reasons (Castles 2004). Carens believes that, if humanity decided that the freedom of movement is a basic human right and if states guarantee it within their borders, it is hard to justify why it should be restricted between countries. As he wrote:

Our social institutions and public policies must respect all human beings as moral persons and this respect entails recognition, in some form, of the freedom and equality of every human being.

(Carens 1987: 265)

This corresponds with the words of Hannah Arendt, who wrote about refugees, although it seems that her thoughts can be extended to all migrants. She feels that they are in a situation, 'not [of] the loss of specific rights, [...] but the loss of a community willing and able to guarantee any rights whatsoever' (Arendt 1951: 297). From this perspective, integration policy is also key because of the potential multiculturalism of society. It would have to be quite different to the approach known today and would have to focus on building the society's adaptability to a constant inflow and outflow of both foreigners and its own citizens. It should also be based on the idea of society as a community which does not exclude any of its members.

Michael Walzer's views lie between the two extremes described earlier. He believes that states should generally be allowed to decide who and under what conditions they wish to allow on their territory. However, humanitarian reasons

provide an exception to this general rule. States are thus obliged to let in refugees and offer them protection 'because its denial would require us to use force against helpless and desperate people' (Walzer 1983: 51). This is in line with the limitations resulting from international human-rights law. The *non-refoulement* rule resulting from the Geneva Convention (Art. 33) forbids countries from sending people back to a place where their life, health or freedom could be in danger, especially if the person is in danger of being tortured (DeBono 2016). The second important rule stipulated by Walzer is that persons who have permission to enter and remain should quickly be integrated and subsequently naturalised. The point is that, if they are living in a society, they should become full legal members of that society. This is, again, an inclusive integration model. In other words, while governments can, to a large degree, decide who to let in, their decision-making power becomes more limited at later stages. Carens develops his thinking by proposing the theory of social membership. He believes that migrants who have spent some time living in the country are, from a moral perspective, members of that society and should be treated as such. This kind of belonging is more important than other, legal kinds. According to Carens (2013: 159):

it is not citizenship but social membership that provides the basis for moral claims to most legal rights because social membership is what citizens and residents have in common and what distinguishes them from visitors.

Integration and naturalisation also mean that states are obliged to give migrants political rights which guarantee their participation in society and in the system of power, instead of treating them as guests (or guestworkers) whose status is unsure. The abuse of migrants in society and oppression on the part of the authorities are the result of a lack of political rights. Without such rights, the economic position of migrants is also unable to improve. Politicians only listen to people who can vote for them and fight for their rights. When certain groups in society are not voters, nobody fights for their rights. Because of this, Walzer (1983: 62) believes:

Immigration, then, is both a matter of political choice and moral constraint. Naturalization, by contrast, is entirely constrained: every new immigrant, every refugee taken in, every resident and worker must be offered the opportunities of citizenship. [. . .] No community can be half-metic, half-citizen and claim that its admissions policies are acts of self-determination or that its politics is democratic.

In practice, however, such an approach often fails. As Lewicki (2017) points out, even naturalised migrants are treated by parts of society and its elites as foreign, not as equal members who fully belong to the society. Theoretically they have full civic rights but, in practice, these rights are often limited. The main barrier is structural or institutional racism, directed the most often at people of a different skin colour or at Muslims, which makes their full economic and political integration difficult (Lewicki 2017; Williams 1985).

Conclusions

States formulate or attempt to formulate their migration policies, which have diverse aims. On the one hand, they try to increase migration flows and encourage certain groups to come (for example, highly qualified workers or those whose professions are in short supply on the market); on the other, they try to limit inflows. These policies do not necessarily influence the behaviour of migrants. Like all other people, they have their plans and life strategies and navigate between states and their policies, using those which fit their aims and trying to circumvent the inconvenient ones (Hammar and Lithman 1987).

If policies are created only to satisfy the wants and needs of the host state, while ignoring reality and the expectations of migrants, they may well remain void. Castles (2004: 852) even claims ‘that states always, or even mostly, fail to influence migration through their policies’, especially if we look at the policies in the long term. This is because policies created by states are usually short-sighted and aimed at answering current challenges; their creators do not understand or do not take into consideration the logic of migration movements. Quoting Castles (2004: 864) again: ‘State migration control efforts still follow a national logic, while many of the forces driving migration follow a transnational logic’; this discrepancy leads to the ineffectiveness of state policies. State policies can be made more effective if they involve the full spectrum of the state’s areas of intervention in migration: immigration, emigration, preventing irregular migration and – most importantly – integration. This is the main argument both of this chapter and of the whole book. All partial policies must interact with each other, and in fact, they do, so decisions made in one field must (and do) cause effects in the others.

Immigration and integration policy cannot thus be treated as separate, as many states up to now have done. The experiences of recent years and the so-called migration crisis demonstrate that it is impossible to have an open immigration policy without a developed and effective integration policy. We must thus focus on integration policy more than in the past, and decisions in immigration policy must be made based on the effects of previous integration policies. We thus assume that we would have a selective immigration policy; however, this selection would be based on rational and nondiscriminatory criteria and would result from our knowledge, not from social fears and stereotypes.

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