

**Laura Zanfrini, *The Challenge of Migration in a Janus-Faced Europe*,  
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The first chapter is *Introduction: the unexpected legacy of the Post-World War II Migratory Regime*. The book suggests that the idea of a Janus-faced image is more adequate for describing European migration policies and the stances towards them.

The migratory regime established in the postwar period has influenced the current one. It was heavily defined by economic interests. The author defines the traditional European model as the *economicistic* approach.

European countries, such as Germany, exemplify the *Temporary Labor Model*, where foreign workers are assigned specific positions in firms, sectors or activities, in a process supervised by national agencies, labor mobility is severely restricted and the employees need residence permits, with frequent renewal.

This model is in contradiction with the European model of rights and solidarities, so it was intended to be modified. However, it was, and it still is, the existing model of many European countries, where it is an import of foreign workers, in order to meet the demand of that national labor market. After the World War II, the labor market could be characterized by the *Guest Worker* paradigm, characterized as an economic phenomenon, legitimizing a differential treatment of the migrant workers and promoting the temporary nature of the migration.

The current status as immigration countries of several European countries results from rather unwanted social processes that occurred in the last decades, such as decolonization, the transformation of temporary migrants into permanent ones, or even citizens, that eventually reunited with their families, the fall of the communist regime and the large movements it provoked, EU enlargement, the humanitarian migrants or the demographic changes. These processes took place in a context of embedded liberalism, that restricted the ability of the states to control

migration.

The European countries have to solve the tensions between several key factors: the inclusionary versus the exclusionary processes, discriminatory versus equalitarian treatment of labor migrants and recognizing diversity versus promoting uniformity.

Chapter 2 is entitled *The (Un)Ethical Foundations of the Borders of Membership: Inclusion versus Exclusion*. In the tradition of the European Nation-States, citizenship is the institution that defines membership in the political community and guarantees access to citizenship rights—that is, civic, social and political rights. European democracies tried to realize what is called the principle of universal human dignity and equality, despite its particularistic nature, as they excluded from these rights the people who were not citizens residing in their countries, such as the migrants. This shows the artificial and arbitrary nature of the borders, that have been imposed, as states have formed their national identity. The borders defined the possibility of entering and living in a country. This was even more important when the Social State was created, that provided benefits only to its members. The problem is what means these to the concepts of belonging, solidarity and social justice in a global world, as there is a tension between the citizenship rights, reserved for citizens and the human rights, for people such as the migrants.

The introduction of the European citizenship created a form of apartheid, segregating EU and non-EU citizens. This has also assumed the invention of a European culture different from the one in the rest of the world. EU policies of integration of migrants, target only non-EU ones, considering the EU migrants as integrated. EU citizens are viewed as having the right to free movement across the borders, while non-EU ones do not have this right, and EU states are required to have the ability to control their borders. There is a debate about the right to migrate, crossing the borders and obtaining a certain citizenship.

Other countries in the world select their migrants, truly applying the Temporary Labor Model, while EU have pursued an integration of the migrants in the system of citizenship; even if the EU model promoted the temporary migration, there were processes that transformed this into a permanent move. One of these was the family reunion procedure, that received most of the migrants; another one was the definition of new typologies of asylum seekers.

Countries have begun to question their model of citizenship, adopting a civic conception of membership, adopted even by countries that traditionally followed

the *jus sanguinis* concept. The most known case is that of Germany, who have adopted an ethnic-based model of citizenship, but who changed it partially, having now a mix of *jus sanguinis* and *jus soli* elements in the citizenship law. These changes in legislation led to an increase in the number of migrants, as many reached the seniority of their stay or because of the facilities for the children of migrants. In 2016, almost one million people became citizens of a EU state, the largest groups being from Morocco, Albania, India, Turkey, Romania and Ukraine.

The process of inclusion entails another important modification, namely the introduction of the *European citizenship*, that give millions of migrants, that became citizens of an EU state, the right to free movement. Less known, was the establishment of the status of long term resident, that give the migrants, who resided legally and continuously in a EU country more than 5 years, most of the citizenship rights; it has appeared even a concept - *denizenship* - to name this situation. Temporary migrants have received many rights also in the social field. There have been taken measures to protect even some categories of illegal migrants, based on the fact of being a person, hence moving into the direction of a post-national citizenship. The inclusion process of the illegal migrants has been encouraged by local authorities and civic groups advocates.

However, inclusion processes are imperfect and have limitations. There are three main limits to inclusion in the citizenship rights. First, not all systems are homogeneous, being civically stratified, the most emblematic case being the distinction between EU and non-EU foreign residents. Also there are fine lines being drawn amongst the economic and humanitarian migrants. Second, non-naturalized migrants have limited rights, mostly civil and social, but not political ones. Even more, nationals claim that only they are entitled to rights as they belong to *the nation* and the citizenship received by migrants is a *concessionary* form. They are still viewed as aliens, a menace to the identity of Europe. Thirdly, following the liberal reconfiguration of citizenship, came a neo-national reinterpretation of it, having different arguments and sometimes a supranational identity.

For migrants, citizenship is not a real border separating them into included or excluded, as they have advantages, but also disadvantages, the best case being the educational and professional trajectories of second-generation migrants. Even if official statistics report that they do not have problems in finding a job, they feel discriminated, being unequally treated in their access to jobs, based on being a foreign or coming from a disadvantaged area.

Italy is the EU major receiving country and is now confronting with the challenge of integrating the second-generation migrants offspring. Their poor economic conditions affect the chances of their educational results as well as getting a good quality job. They are more likely to have jobs beneath their educational attainment, the so called *migrant jobs*, such as waiter, porter, domestic worker. Also, in this regard, their ethnic background seems to be a *penalty*, driven by cultural factors.

Migrants offspring suffer from the *paradox of integration*: it is more probable that the role of ethnic division is visible for those who are more *integrated*; if first-generation migrants remained somehow invisible to the rest of the society, their offspring who try to integrate, are more *visible*, and suffer more from discrimination in places where they try to integrate.

The next chapter, *the „Schizophrenia“ of the European Approach: Equality Versus Discrimination*, starts with a reminder of the Temporary Labor paradigm that dominated the postwar period. However, after the 1970 crisis there have been developments, as a new wave of migration began, a so called *unwanted* one, and also, millions of workers who were supposed to be temporary, choose to remain permanently, eventually becoming full citizens. Even more, the crisis put millions of migrants in unemployment, so the *cushioning* role of the temporary labour has been invalidated. These phenomena brought along with them the resentment against the migrants.

Even if countries tried to close their borders to the migrants, they did not succeed, as another type came, those that arrive for family and humanitarian reasons. Furthermore, there was a pressure to integrate them, into the labor market and into the welfare system. Also, legal measures have been taken to combat the discrimination of the migrants. However, the author argues that the European approach reflects a sort of schizophrenia that reflects discrimination: while measures have been taken to integrate migrants and encourage their equal chances, states still use regulations for labor markets inspired by the old Temporary Labor Model.

The European legislation stipulates *the right to the family reunion*, so they have been transformed into countries of permanent settlement. The support for the migrants and their offspring gave rise to several models of integration: from *the differential inclusion* in Germany, to the *assimilationist model* in France, and from the perspective of *racial equality* in Great Britain to the Dutch *policy of minorities*. There were direct and indirect policies aimed at improving migrants access to health

and education services, but often through the implication of civil society actors. Initiatives promoted at the local level have a high level of visibility and there is a tendency to promote transnational partnerships. Of the most significant field of intervention is the one aimed at protecting undocumented migrants.

The integration goals have also been assumed at the European level, such as the Tampere program (1999-2004), Hague program (2004-2009), Stockholm program (2009-2014) or the *European Agenda for the Integration of Third-Country Nationals* (2005). The Agenda sets as goals, acquiring language knowledge, participating in the labor market, improving education and standard of living. Also, the EU *Common Basic Principles on Immigrant Integration* (2004), is a non-mandatory source for the definition of integration. It puts an emphasis on knowledge of host institution culture, on the interaction between citizens and migrants and on respect for the diverse cultures and religions. These measures have been supported by programs such as the *European Fund for the Integration of Third-Country Nationals*, the *European Refugee Fund* and the *European Social Fund*.

Efforts to integrate migrants have included encouraging their civic and even political participation, so that now non-EU nationals, in certain conditions, can participate as candidates, vote locally, regionally or nationally. EU has adopted a strong anti-discrimination law, imposed by the Directives 2000/78 and 2000/43, that beside enumerating different kinds of discrimination, include also affirmative actions, in order to ensure full equality. Another route to combat discrimination against migrants is to promote equal opportunities in the workplace.

Since the turn of the century, economic migration has been highly relevant on European public agenda and states started to manage it proactively and selectively. In 2000, European Commission started to encourage more economic migration. However, this did not translate into a common European policy; states such as Germany or Netherlands, started attracting highly qualified workers. These schemes are insufficient to cope with the labor demand. On the background of the economic crisis, many states closed their borders, or admit only seasonal or selected migrants.

Even if there are different schemes, there can be noted a persistent economicism of the European approach. The entry and work permits are issued only if no native or resident worker is available for the same type of job. These ways permitted the recruitment of labor with a low level of qualification, that are neglected by recruitment schemes; the family and humanitarian migrations have

been more selective, reducing the possibility of entries. So, the way in which these entries are managed produce new lines of division and exclusion at the societal level.

Regarding the family migration, some states permit family members to have unrestricted access to the labor market, while others, with limitations based on the nature of the activity; there are only a few cases where they do require a work permit. Access to self-employment is not restricted in most of EU, while for members from refugee family there are no restrictions. Even more, in the context of the refugee crisis, they put an accent on their quick integration in the labor market.

The nearly zeroing of the recruitment schemes would attract a very cheap labor force, very malleable because of its clandestine situation, and even the policies of border enforcement are viewed as part of this strategy. These people enter the labor market under the worst conditions, being part of a *differential inclusion*.

Between equality and discrimination

A corollary of the European approach is represented by the labor market segregation in the *3D jobs* (dirty, dangerous, demanding), that contradicts the principles of universalism and meritocracy. Migrants are typically over-represented in these kind of jobs. Pro-migrant organizations support these kind of jobs, so they endorse an economicistic approach and ignore their consequences. One of the most known consequences is the social dumping phenomenon, exacerbated during crises, when migrants are even more willing to accept these jobs, hence, putting a pressure on local workers as they increase competition for jobs. The main victims of the "unfair" competition are the local workers, hence it is them that them to perceive the most the negative aspect of the migration and that are attracted by the rhetoric of the populist parties. Migrants are affected by irregular employment, either in the informal, or formal economy. Illegal unemployment is present especially in the 3D type of jobs.

Migrants are overrepresented in the shadow economy, and beside tax evading, their situation is also a cause for wage dumping. Some measures have been taken in this regard, but it seems that the problem is underestimated. Another consequence is that it worsens the overall labor conditions on a long-term basis, and even erect symbolic barriers in front of employment of local workers.

These type of migrant jobs have exposed migrants themselves to the risks of the economic crises, when the rate of unemployment for them was significantly higher than that for the natives. Their jobs are more exposed to unemployment due to the automation progress, as almost half are employed in occupations that

primarily require routine tasks.

This model of migration management has generated a sort of imbalanced integration, where the focus is on their occupational situation, neglecting to invest in their human capital or trying to recognize their diplomas, and where sometimes they are self-segregating, not taking part in the life of the community. This model has produced a structurally disadvantaged population, where also the second-generation migrants are affected.

This structural disadvantage is related with the reluctance of the governments to provide official entry channels for the migrants; however, it will lead to a vicious circle where is attracted a poor migration, that will generate economic and social problems on a long term. A consequence of these types of migrants is the increase in the inactive migrant population; during the period 2008-2016, the non-EU born migrants had lower activity rates than EU-born migrants or the native-born population. The problem is bigger for the women born outside EU, who had 63,1% activity rate, compared to men with 84,2%.

Third-country nationals' unemployment rate, especially for family members and refugees, is caused by their difficult access to the labor market, due to their low employability, such as lack of linguistic competences, and also poor opportunity structure, because of the stereotype that they are suited for the *migrant jobs*.

When we consider employment there are gaps between the natives and the migrants, especially for those born outside EU. Again we see there is a gender gap, that may be a reflection of different work opportunities or cultural differences regarding the balance work-life. Even more dramatic is the situation of young first and second generation migrants, that are more likely not to be in employment, or education, or training (NEET), especially in some countries, such as in Italy; there, a high incidence of NEET is amongst females, many married with children, reflecting a patriarchal pattern of gender roles.

Even if discrimination seems to be in the advantage of the majority, as they seem to maintain access to privileges, in the end, there are other costs, such as the social ones, that makes the society less competitive. This explains why there are many initiatives to promote equality of chances and to combat discrimination.

The discrimination issue has been put on the political agenda by the second-generation migrants, that have reconceptualized its distributional issues. Today, the discrimination issue is viewed as a consequence of the "normal" functioning of the social and political system. As an example, in many European countries the

proportion of students born in another country has rapidly grown, reinforcing the process of educational segregation based on a socio-economic criterion. However, the early insertion in the educational system breaks the cycle of disadvantage; the dispersion of immigrant children in different classes is beneficial for the whole community.

There are arguments in favor of migration and also against it, but the author states that what is problematic is the economicism implied in the immigration process that is contradictory - discriminating and equalizing - in its consequences. The migrants are viewed as people who do our jobs that we do not want, so they are regarded somewhat as inferior, and also as an alien part of society. They are considered very adaptable on labor market, so they are accused of social dumping, but this contrast with their vulnerable economic situation. It is important to reframe social expectations, to consider diversity as a structural attribute of Europe, not merely a conjectural phenomenon.

Chapter four, *The Identity Challenge: Diversity versus Uniformity*, begins showing that as many migrants acquired the citizenship of the member state where they reside in, their condition of structural disadvantage is a matter that undermines of the social cohesion and economic competitiveness of the Europe. Even if they have acquired most of the rights guaranteed to the citizens, they still remain at risk of exclusion, at least partially. The insertion models have created an unbalanced integration model, according to Zanfrini, inhibiting migrants' professional mobility, their civic involvement and sense of belonging to the society. Also, spatial segregation, political discourse and daily interactions have reinforced this model. The condition of the structural disadvantage of the migrants has heightened their visibility in the public sphere; religious affiliations, also, played a role in positioning them as being different from the national identity. All these produced the feeling of cultural incompatibility, of not being fully integrated, and even the risk of radicalization.

The reinforcement of the *jus soli* and *jus domicilii* in the legislation of the member states marked the transition from the ethnic to the civic concept of citizenship, making possible to the recognition of the *diversity* in society. Going even further, in recognizing the diversity, was defined the concept of *transmigrant*, by recognition of migrants „dual belonging”, where they enjoy rights in more than one country. One example in this regard is the *dual citizenship*, where migrants are allowed to maintain their citizenship after naturalization. The same approach - the



dual belonging - is contained in the new approach to integration proposed by the European Agenda. The establishment of intercultural education programs and intercultural dialogue is an effort from the part of European actors to recognize the diversity.

The diversity is becoming an asset in many private firms, supported at European level, by the 2004 Diversity Charter initiative. The diversity management at the organization level can promote a truly *intercultural* society, not based on ethnic traits, but rather on individual ones. Another important step was taken by the recognition of the skills and competences, of the qualifications received abroad such as the *European Credit System for Vocational Education and Training* and new methodological approaches were developed for people who lack the necessary documents such as the refugees. More difficult is the recognition of non-formal and informal learning, as national systems are very different.

Diversity is also encouraged by promoting the political participation, such as the right to vote at the local level or involvement in *active citizenship* programs, supported for example by religious organizations. However, these actions produced different reactions from the society.

Recent trends in migration management tend to reproduce the idea of temporariness, of the *circular migration*, and this is visible in programs such as *Action Plan for Legal Migration*. Another policies try to contain the „unwanted” migration, trying to select new migrants according to their level of education or other filters that favor their integration. This approach is underlined by the Hague program, adopted in 2004 by the European Council. European Commission adopted the *Blue Card* scheme that tries to attract highly qualified migrants, that will be integrated easily economically and culturally.

Civic stratification systems represent a selective system, as they favor some categories of migrants, with legislation on family reunion being an example. It has a normative content, mirroring the European idea of family. The right to reunion is based mostly on the relation of dependency between the applicants and their family; also, on the socio-economic status of the applicant. But these criteria violate the principles of equality and also fundamental freedoms and rights.

Nowadays, there are policies that focus on the notion on *cultural integration*, viewed more as a duty, than as a right. The integration is a kind of filter, that will select those individuals able to adopt the values of the receiving society. An example is the conditioning of the residence permit renewal on the signing of an

*integration agreement*. The turn in the integrationist movement has inspired legal developments such as the naturalization process, where the applicant has to prove the knowledge of language and culture. This tendency has occurred also in countries that were viewed in the past as liberal toward the migrants. Some scholars appreciated that even the position of the EU institutions favored this tendency - to view integration more as a duty than as a right. These developments have been criticized by appealing to the human rights and been attacked in courts. Even the management of humanitarian migration or the approach of business organization toward diversity management have been affected by this selective tendency. The call for conformity is probably related to the surge in the terrorist attacks done by the citizens born and raised inside the EU, that shows problems related to their real integration in their society.

The most controversial issues, such as family reunification, have political support to prevent discrimination and segregation, especially for vulnerable categories, such as women coming from *patriarchal cultures*. This happens in a context of *ethnicization of sexism*, that for example, associates Islam with gender violence and female subordination.

Migrants are the target of measures in the framework of active labor market policies, to reduce their burden on the social assistance system. But, as these are standardized measures, they rather exclude migrants, as they do not possess the required skills. There were studies that show that the offspring of European migrants do not assimilate the national culture in the same measure as their American counterparts. Also, the migratory history of Europe has an influence in this regard. Trying to understand this phenomenon, the author presents several factors.

The first is the migration regimes, that continue to influence the relationship from the majority and the minorities. While countries from the Settlement model have seen immigrants as a permanent constituent of the country, European countries viewed immigration more as a „historical incident“. Immigrants children who arrived in America received a strong push to integrate, while in Europe, they were raised with the myth of the return. Many of them experimented with a continued commuting between the origin and the destination country, up to the point of viewing their integration progress as a conflict of loyalty.

The second factor concerns *citizenship regimes*, as for example in US and Canada, the second generation automatically receive citizenship at birth, while in Europe, the right can be claimed at the third generation at birth or at the second

generation, in certain conditions. Even if the resident foreigners receive many rights, the lack of citizenship impacts on their identification process. Also, where there was an ethnic conception of nation, not even an inclusive legislation could develop the sense of belonging.

The third factor is the presence of minority communities and their prevailing identity choices. In USA, the historical presence of minorities made viable the coexistence of a strong belonging to the nation and the strong identification with the ethnic group, forming so-called *panaethnic identities*, such as Italian-American. In Europe, this type of identity is harder to accept.

Next, it is necessary to consider the role of religious affiliations; for example, in America it helped immigrants find a place in the society, while in Europe, it rather leads to exclusion, as the society is secularized and it affects negatively the inter-ethnic relations. In the wake of the recent terrorist attacks, the attention focused on the *reactive religiosity* (particularly Islamic) that involves second generation migrants. Lastly, the condition of being a migrant - indicated by ethnic or racial markers - can produce a different treatment towards them.

Chapter five, *The (Un)Ethical Boundaries of the European Fortress: Openness versus Closure*, begins by presenting the fact that the peak flow of the refugee crisis seems nowadays to have past, as indicated by the 2017 OECD yearly report, and now we should consider how is best to integrate them into the society. The refugee status is defined by the *Declaration on the Status of Refugee*, but the current refugees resemble less with the ideal type proposed in the 1951 Geneva Convention. This situation contributed very much to the crisis of the international protection system, and the oscillation between the „closure” and the „openness” of the European countries.

Forced migration usually have a collective configuration that happens in situations where a person flees from a crisis situation that have unpredictable consequences. The threat may be represented by an agent of civil society and the person fear for a wide range of human rights. The Convention does not adequately protect people who cross international borders in a context of war and civil unrest. Also, this is the case for women and especially minors. The mixed flows - composed of people with different origins and conditions - put a strain on the states response, raising criticism both from people who say there is not enough protection for refugees, and from the ones that say the state is too indulgent with people that try to cross the borders. The failure to manage the migration show the limits of the

states in their response to the demands of justice and belonging. It is also evident a paradox - while opening borders to the flow of capital, goods, services and desired migrants, states filter the access of unskilled workers and refugees.

The progressive abolishment of internal borders has gone hand in hand with the reinforcement of the external frontiers. However, we see currently a tendency to reintroduce the internal borders, popularized by extremist, and now gone mainstream.

After the end of the Cold War, European democracies were faced with the arrival of many immigrants from the former communist countries, including those that do not fulfill the requirements to obtain the refugee status. After the jurisprudence of the European Court of Human Rights, European law introduced a form of *subsidiary protection* and a type of *humanitarian protection*. As a consequence, many persons receive a status that is different from that of the refugee, but that entails a reduced degree of protection. Migrants arriving through mixed channels have been partly escaping the registration system.

The phenomenon of unaccompanied minors (UAMs) recently reached dramatic figures calling for measures to be taken. The European Commission issued *The Action Plan on Unaccompanied Minors 2014 - 2020*, aimed at guaranteeing their protection. The process of openness has been supported not only by public agencies, but also by the mobilization of civil society actors.

There is a tendency in nowadays Europe to adopt the position of „defending from the migrants”, that questions the right to asylum. This outcome is related to the European migration history. The current refugee system was put in place to support people displaced from the war, political refugees and economic migrants. The end of Cold War marked a decline of the political reasons for the refugees and also various attempts of closure, part of a *securitization strategy* to limit the number of migrants. The Third Pillar on Justice and Home Affairs, the Schengen Agreements and the Dublin Convention (the so-called „Dublin system”), indicate a European restrictive migration policy and transforming it into a matter of security. The Dublin system reduce border management to a *technocratic task*, measured in terms of economic terms and efficiency, symbolized by the establishment of Frontex. *The militarization of borders* completed this strategy of protection from migrants.

A questionable practice implemented is the *externalization of border controls* preceded by the agreements signed in the 1990s with the CEE candidate countries to EU accession. Further measures are represented by the introduction of

visa requirements for citizens of countries previously exempted from this obligation and by the introduction of sanction for the carriers of these migrants. Other measures intended to reduce the flow of migrants were: the asylum procedure examination made more difficult or diminishing welfare benefits to refugee and asylum seekers.

In the last years, the call for safeguarding the external borders, put into question the idea of a common European space and reintroduce internal controls and boundaries. Some countries have even erected physical barriers to prevent border crossing.

The EU common strategy on asylum provoked different responses from the states, showing their interests and strategies. Many countries have shown their reluctance in receiving the migrants, especially Central-Eastern European countries. The intensification of mixed fluxes of migration negatively influenced public opinion. There was a limited success in the awareness raising campaigns conducted by the international organizations and pro-migrant civil society actors. When an individual make improper use of entry procedures in a country makes a contribution to the degradation of the sense of legality, helping to delegitimize the system of international protection. Those who claim a „natural” right to migrate say that every person has the right to dignity, which include the right to go abroad and look for better opportunities, usually expressed by non-governmental actors. The final part, *Conclusions: The Refugee Crisis - A Prophetic Challenge for European Societies*, reiterates the main conclusions of the book in a more concise manner.