IMMIGRATION POLICYMAKING IN THE GLOBAL ERA

Natasha T. Duncan
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LIBERAL STATES AND THE FREEDOM OF MOVEMENT

Steffen Mau, Heike Brabandt, Lena Laube and Christof Roos
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Human beings have been moving across the globe for thousands of years. But they have not always been free to go where the grass is greener and the climate warmer, nor are they now. With the creation of strong states about two thousand years ago, obstacles began to be placed in the way of strangers. These varied in their effectiveness. But since the First World War they have become almost universal and increasingly complex. Every new state – and there have been about one hundred formed since the end of the Second World War – erects passport controls, visas, physical barriers, and checkpoints. Under the now ended Soviet system these were not only erected against newcomers, but were raised against local inhabitants to prevent them from leaving. As the old saying (attributed to Madariaga) goes, ‘in 1914 you could move from Dublin to Moscow without a passport – now you need one to move from Dublin to Belfast’. However this is no longer true. The European Union has begun the process of reducing controls between its members but strengthening them towards the outside world.

These two interesting studies look at the obstacles and incentives facing the minority who wish to change residence or are forced by wars, revolutions, and repression to do so. For it is only a minority, although one numbering many millions over the past fifty years.
These important books concentrate on Europe, which has replaced North America as the focus of immigration and refugee studies in recent years. Natasha Duncan studied in the United States but gives considerable prominence to policymaking in Britain and Germany. Steffen Mau’s team is drawn from the University of Bremen in Germany. Between them they provide a valuable picture of the trend to move away from refugees and towards skilled workers, and from inter-European movement to attracting such workers from much less prosperous and developed states on a temporary basis.

In the comfortable and affluent world which draws many immigrants, policy is made by politicians, public servants, lawyers, and economists, against a background of public opinion. Policy responds to supply and demand and to quantity and quality. There is always a potential demand, as most of the world is poorer and politically less stable than the nations of the European Community, the English-speaking societies, and East Asia. Demand varies in size, determined by economic and political conditions and warfare or revolutions. In recent years it has been greatest in former colonial systems in Africa and Asia, in the former Soviet bloc, and in Latin America. Much of the movement within this vast area is internal, from rural to urban relocations.

There is a qualitative and a quantitative dimension to demand. The focus on quantity of potential and actual migrants is mainly a response to national or international urbanization and industrial demand for labour and skills. The quality of migrants is often subjective and can be controlled more effectively than their quantity or origins. The assessment of quality may be based on such issues as ethnicity, religion, language, historic ties, race, and public opinion. While economists, accountants, and lawyers may measure and advise on quantity, it is often politicians and journalists who have most say in influencing quality. The disciplines of economics and demography may be less important than sociology, history, and political science, when quality is in question.

While immigration policy is dominated by states and may appear rational, it has become quite controversial from time to time and place to place, especially when economic conditions deteriorate or warfare breaks out. Humanitarian considerations are particularly relevant to the second of these influences. They are regulated uncertainly by the UN Convention and Protocol Relating to the Status of Refugees. This has operated for sixty years and arose from the mass displacements caused by the Second World War. Many states do not subscribe to the Convention. Many which do are actively engaged in evading its provisions while ‘meeting their international obligations’. Its main rationale was to distribute the millions not wishing to live under Communism. For many years the United States adopted the policy of limiting refugee admissions to such migrants. But history and Communism have moved on. Most asylum seekers now come from former colonies or from revolutions and warfare in Africa and Asia. In the words of Michael Marrus’s pioneering study, refugees are the ‘Unwanted’ (Marrus 1985).

In a relatively short book of 176 pages, Natasha Duncan is able to bring out the complexities of immigration policy, provide sketches of two major recipients (Germany and Britain), and especially to concentrate on the trend towards mobilizing ‘quality’ by selective principles pioneered in Canada and Australia from the 1970s. These ‘points systems’ sought to control immigration in the interests of advanced economies, while still allowing an element of humanitarian rescue and family reunion which did not undermine such an eminently rational aim. Canada adopted its system in 1967 and Australia in 1979. Britain was still ‘looking at’ such systems in 2013 after one of its many crises of integrating its rapidly changing minority populations. In settler societies, which had previously operated racially exclusive systems, the ‘points systems’ were largely
indifferent to origins or ethnicity, although both gave advantages to those familiar with the official languages of English (and also French for Canada). The result in both systems was a large increase in Chinese and Indian immigration. However Canada remained more accepting of refugees than Australia. Both countries developed official multicultural policies to assist settlement.

Germany and Britain started from quite different premises in the post-1945 period and got into rather more trouble in doing so. Both needed labour to repair the damage of war, Germany more so than Britain. Germany also faced the added millions caused by forced repatriation of ethnic Germans from Eastern Europe and of escapees from the Communist East.

Two official policies were adopted by West Germany. One reverted to the recruitment of ‘guest workers’, who were expected to stay for a limited period and then to return home, without acquiring citizenship or permanent residence. A high proportion before the war had come from Poland, but this source was closed. Turks were substituted along with Italians and Yugoslavs. The second policy was to extend entry rights to all those of German origin who were being deported from or fleeing from the East. These included many from the Soviet Union who had been settled along the Volga as long ago as the reign of Catherine the Great and many from Romania and Yugoslavia who had been settled in the late Middle Ages. German citizenship policy under the law of 1911 favoured those of ‘German blood’ and discriminated against those who had none.

This created two distinct ethnic entities – the guest workers and their children who could not acquire citizenship without very great difficulty, and the Aussiedler, many of whom could not speak German but had a right to citizenship by descent. These distinctions lasted into the late 1990s as did the rejection of a points system. Until then Germany officially and repeatedly declared that it was not a country of immigration, which was manifestly absurd, if officially sanctioned. Until the twenty-first century Germany maintained an open door to refugees seeking asylum, a policy which eventually ended as numbers and variety escalated.

Britain and Germany are both members of the European Union, which has developed policies relating to migration, languages, and ethnic rights. Yet, as with many other EU policy domains, different national traditions persisted. Britain approached immigration from the opposite position to Germany until the 1960s. In 1948 British citizenship was extended to all subjects of the British Commonwealth, numbering about one-quarter of the human race. British employers began recruiting staff from the empire in 1948: West Indians in transport and Indians and Pakistanis in textiles. Until legislative changes in 1962 and 1968, all Commonwealth citizens could enter Britain and enjoy all the rights and privileges of the native born. This rapidly increased the numbers from India, Pakistan and the West Indies, with a resultant rise in racist hostility. As in Germany, an undercurrent of racist violence remains. While the rights of Commonwealth citizens were gradually withdrawn, numbers of refugees from Africa increased, as did numbers of East European workers, especially from Poland, who enjoyed rights of abode under European Union regulations. These two contrasting major recipients of immigrants, Germany and Britain, are well summarized. Duncan favours points systems as both fair and reasonable and free of racist implications.

Steffen Mau, Heike Brabandt, Lena Laube, and Christof Roos of Bremen University look at broader administrative and legal developments. They present the results of a wide-ranging research process. This included a series of interviews in Austria, Finland, and the United States, most of them at government level. Tables include visa waiver
arrangements and border cooperation. All forms of controlled border crossing are discussed, not only immigrant movement for permanent residence. Their basic argument is that while globalization has greatly increased the number of border crossings, it has not necessarily universalized rights of entry. Visa waiver systems distinguish those who can enter freely from those who cannot. Since the events of 11 September 2001, the US waiver system has been qualified by the need to obtain prior security clearance. Border control has made a comeback.

The central argument of the Bremen study is that those seeking entry, even for temporary purposes, are increasingly divided between those who have easy access and those who might find it hard to get access at all. Ownership of a specific passport (or preferably two) opens up opportunities unavailable to others. ‘Countries at risk’ are discerned, the risk being that their citizens may seek asylum or breach their visa conditions by working or remaining.

Mau et al. provide us with a specialist study, based on official responses and administrative practices. Yet it is important to realize that rich and powerful governments control access to prevent or inhibit entry from the poorer states. The authors conclude that while Western liberal states have made international movement much easier for themselves, they may be much less liberal towards the less affluent and reliable. This has particular relevance for asylum seekers and refugees.

Both these books are valuable and up-to-date contributions to understanding the complexities of immigration policy. They are free of emotion, which often obscures the difficulties inherent in the excess of refuge demand over the availability of recipient acceptance. Immigration is presented as essentially beneficial to receiving economies as they diversify and face increasing ageing and welfare requirements. The Bremen study ranges more widely into the Americas and is detailed on visa requirements and other legal developments. This makes it more acceptable as an academic text, while Duncan is an excellent guide for those engaged in immigrant affairs or willing to learn more about them. Both have useful bibliographies and the Bremen study has much detailed information.

Neither says much about the rising opposition to immigration and multiculturalism in Europe, but there is already a growing literature on that. With the economic decline of once prospering economies, racial hostility needs to be factored into any account of migration politics. But this influence is usually irrational, whereas these two studies succeed in showing the rationale behind selecting and even excluding those anxious to escape from poor and often dangerous homelands. Immigration and ethnic relations have moved towards the centre of many democratic systems and these studies are both very useful for understanding why.

REFERENCE

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