



FEPS

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**The right to live, learn and work in Europe:
Migration policy as an opportunity for civic
inclusion**

WG on migration and asylum

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FEPS YOUNG ACADEMICS NETWORK

The Young Academics Network (YAN) was established in March 2009 by the Foundation of European Progressive Studies (FEPS) with the support of the Renner Institut to gather progressive PhD candidates and young PhD researchers, who are ready to use their academic experience in a debate about the Next Europe. The founding group was composed of awardees of the “Call for Paper” entitled “Next Europe, Next Left” – whose articles also help initiating the FEPS Scientific Magazine “Queries”. Quickly after, with the help of the FEPS member foundations, the group enlarged – presently incorporating around 30 outstanding and promising young academics.

FEPS YAN meets in the Viennese premises of Renner Institute, which offers great facilities for both reflections on the content and also on the process of building the network as such. Both elements constitute mutually enhancing factors, which due to innovative methods applied make this Network also a very unique project. Additionally, the groups work has been supervised by the Chair of the Next Left Research Programme, Dr. Alfred Gusenbauer – who at multiple occasions joined the sessions of the FEPS YAN, offering his feedback and guidance.

This paper is one of the results of the third cycle of FEPS YAN, (the first one ended with three papers in June 2011, while the second one led to five papers in spring 2013), in which six key themes were identified and were researched by FEPS YAN working groups. These topics encompass: “*Precarious employment in Europe*”; “*Full employment: A progressive vision for Europe*”; “*Get the party started: Modernizing progressive politics*”; “*The 2014 European elections*”; “*Enhancing EU enlargement*” and “*Young and easily allured? A comparative analysis on the relationship between populism and youth in Europe*”. Each of the meetings is an opportunity for the FEPS YAN to discuss the current state of their research, presenting their findings and questions both in the plenary, as also in the respective working groups. The added value of their work is the pan-European, innovative, interdisciplinary character – not to mention, that it is by principle that FEPS wishes to offer a prominent place to this generation of academics, seeing in it a potential to construct alternative that can attract young people to progressivism again. Though the process is very advanced already, the FEPS YAN remains a Network – and hence is ready to welcome new participants.

FEPS YAN plays also an important role within FEPS structure as a whole. The FEPS YAN members are asked to join different events (from large Conferences, such as FEPS “Call to Europe” or “Renaissance for Europe” and PES Convention to smaller High Level Seminars and Focus Group Meetings) and encouraged to provide inputs for publications (i.e. for FEPS Scientific Magazine “Queries”). Enhanced participation of the FEPS YAN Members in the overall FEPS life and increase of its visibility remains one of the strategic goals of the Network for 2014.

AUTHORS



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Executive Summary

This paper suggests that European migration policy needs to be reconsidered to reflect the opportunities that work and education present for the civic inclusion of migrants. Traditionally, the left has led the way in finding progressive solutions to the political issues arising as a result of migratory movements. The right to opportunities, such as access to decent work and education for migrants, were at the heart of these solutions. Currently, not all migrant children have access to education at the point of arrival, and adult migrants are often excluded from education and employment for long periods. Furthermore, the increasing casualization of work creates new patterns of social exclusion that is detrimental to basic living conditions for migrants, and fuels anti-immigrant sentiments. Progressive immigration policy should recognise the dangers stemming from the deregulation of labour markets and migrants' lack of access to education, and see the current debate as an opportunity to advance a coordinated approach to education and work as the route to the civic integration and inclusion of migrant populations.

Our paper draws on the historical context of migration in modern Europe, beginning with an exploration of a case study, the Polish Resettlement Act of 1947. This Act was introduced at a time when half a million Polish war refugees had landed on British shores, wildly exceeding the estimate of 60,000 that the UK government expected to receive. The social democrat administration of Clement Attlee focused on how to resettle them so that they were included in the civic life of post-war Britain. The resulting Polish Resettlement Bill focused on refugee's access to education and employment, and enabled their lasting contribution to Britain's life, but also to Poland's, as London hosted a democratic government in exile and other groups that campaigned for democratisation behind the iron curtain. From this case study we develop our argument to show how current policy has departed from being able to effectively include migrant populations in civic life, particularly those who seek safety in Europe for humanitarian reasons; and why we therefore need to reinvigorate support for opportunities to live, learn and work in the EU. Finally, we apply the lessons of history to the contemporary context in order to identify a set of policy recommendations, and practical ways that these recommendations can be implemented.

Key Terms: Asylum Policy, Migration, Civic Integration and Inclusion, Opportunity, Work, Education

Glossary

Asylum seeker: According to the 1951 Convention relating to the Status of Refugees (United Nations) asylum seeker is a person who has applied for protection as a refugee and is awaiting the determination of his or her status. Definition may vary from country to country depending on the laws of each country, but EU member states follow the Qualification Directive, a central legislative instrument in the establishment of a Common European Asylum System, which is in line with the 1951 Convention.

Refugee: a person who has already been granted protection, when local immigration authority deems him or her as fitting the international definition of refugee.

EU citizen: a person who is a citizen of an EU Member State.

Third-country national: a person residing in the EU whose country of origin is not an EU Member State, and who is not a citizen of an EU Member State. We use this term to refer to people who may be applying to enter the EU, are in transit between countries, or who are long-term residents within the EU.

Migrant: a general term that refers to anyone who has relocated to live in a state that is not their country of origin, whether on a temporary or permanent basis.

Regular migrant: a person who has legal permission to enter the EU or move between Member States, based on their citizenship or visa documents. This may refer to people who move with the intention of settling temporarily or permanently in the new location.

Irregular migration: a broad term to refer to the movement of people who enter the EU or move between Member States without the legal permission to do so. "Undocumented migration" or "illegal migration" are sometimes used to refer to irregular migration, but in line with the Council of Europe, International Labour Organization (ILO), the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE) and the United Nations High Commissioner for Refugees (UNHCR), we use irregular migration. This reflects the fact that the types of movement often referred to as irregular may overlap with other categories, such as people who have crossed borders without legal documents in order to claim asylum.

Introduction

At a time when humanitarian emergencies in neighbouring regions are being framed as a migration 'crisis' for Europe, we wish to challenge the negative discourse being constructed around the issue of migration—particularly inasmuch as it influences the way European States and the Union respond to heightening refugee flows in their policymaking. Whatever the complex reasons people have for relocating to Europe—whether economic, social or humanitarian—we wish to re-frame the debate in the context of understanding Europe as a political entity that has been built on a history of movement across borders. Rather than viewing the people who seek settlement in Europe as a burden on Member States, we wish to emphasize the opportunities that they present for economic and social stability. Furthermore, we suggest how EU policy could be amended to reflect the important contributions that migrants make to European community life, as well as to better foster a sense of inclusion for the migrants who come here.

This paper adopts an interdisciplinary approach to focus on the question of why the EU should harmonize asylum policy to coordinate the civic inclusion of asylum seekers and irregular migrants from outside the EU. It recognizes that work and education are key opportunities for fostering a sense of belonging among migrant populations, but are also crucial for allowing individuals to fulfill their potential and make significant contributions to the wider community. Our approach starts from the issue of admission, which is usually placed at the forefront of policy debates, but extends beyond the exclusionary approach that comes from attempts to limit migration. We then discuss the current policy trends governing migrants' rights to work and education, suggesting that a more inclusive approach which provides opportunities to migrants is preferable. Clearly, there is a need for critical discussion of how incoming refugee flows can be included in European society in a way that is fair and mutually beneficial. Thus, we argue that policy at the European and national levels should be more thoroughly integrated to include opportunities for work and education, which can in turn promote a sustainable form of belonging for incoming migrants. To support this policy recommendation we consider the historical and contemporary context of the civic inclusion of migrants in Europe.

Background: Migration and exclusion in the EU

The birth of the European project marked an important milestone which has forged contemporary understandings of inclusion within the European Union. Initially aimed at establishing a common market,¹ the pursuit of this objective soon entailed for the European Community the establishment of “an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured”.² The erasure of internal borders among EU Member States, however, redirected attention to the external borders of the Union: if persons were to benefit from free movement within the EU, a strengthening of its external frontiers was in order.

This strengthening of the external borders of the EU has led Member States to confront the question of who is admissible; that is, who can justifiably claim to belong to the Union (inclusion), and who should be left out (exclusion). Caught within this inclusion/exclusion dichotomy, the topic of migration and the ongoing dialogues surrounding it have materialized into what now constitutes the Schengen system. Established in 1985 as a necessary corollary of the EU common market,³ the idea of the Schengen Area has since been integrated within the institutional framework of the EU⁴ to achieve three main objectives:

1. To establish and maintain uniform control of external borders⁵ and of entries into the Schengen area.

This is achieved through comprehensive EU policies which work to harmonise the requirements for short-term visas in Member States.⁶ The process though which third-country nationals are determined as admissible within a specific EU Member State has been expanded further by the

¹ Treaty establishing the European Economic Community (Treaty of Rome), 298 UNTS 3, 25 March 1957 (entry into force: 1 January 1958).

² Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders (Schengen Agreement), 30 ILM 68, 14 June 1985 (entry into force: 1 September 1993) and Single European Act of 28 February 1986, OJ L 169, 29 June 1987 (entry into force: 1 July 1987).

³ 1985 Schengen Agreement, supra note 2.

⁴ 1985 Schengen Agreement, supra note 2.

⁵ Although not all States participating to the Schengen system are EU Member States, namely Iceland, Liechtenstein, Norway and Switzerland. Amsterdam Treaty, OJ C 340/1, 10 November 1997 (entry into force: 1 May 1999).

⁶ See most notably the Schengen Borders Code (Regulation (EC) No 562/2006, OJ L 105/1, 13 April 2006).

⁶ See most notably the Visa Code (Regulation (EC) No 810/2009, OJ L 243/1, 15 September 2009).

establishment of diverse categories within EU migration and asylum policy. This framework of categorisation covers refugees and other persons in need of protection,⁷ as well as family members,⁸ students, pupils, trainees, volunteers, researchers,⁹ seasonal workers,¹⁰ intra-corporate transferees¹¹ and highly qualified workers.¹² While these categories have been shaped foremost by EU law, the standards set out as to who qualifies as a “refugee” is influenced primarily by international refugee law, namely the United Nations Geneva Convention, and later clarified in EU Qualification Directive.

2. To limit access to the Schengen area through the surveillance and policing of external borders. This is illustrated most notably by the activities of Frontex, the European agency mandated to manage operational cooperation at the external borders,¹³ as well as those of Eurosur, a platform established for the exchange of border management intelligence among Member States.¹⁴ While the body was created to ensure operational cooperation among national governments, Frontex and its joint operations have been widely criticised for failing to respect the human rights of migrants intercepted in the high seas while failing to rescue those in distress. Despite these criticisms, however, in December 2015 the EU announced a proposal to replace Frontex with a new European Border and Coast Guard which would have even greater powers to intervene in areas known to be common migratory routes.¹⁵ Others have pointed out the limited reach of Frontex’s mandate in search and rescue operations¹⁶, as illustrated by the deaths of over 3600 migrants at sea in 2015.¹⁷ This figure

⁷ See Directive 2011/95/EU concerning refugees and subsidiary protection beneficiaries (OJ L 337/9, 20 December 2011), Directive 2011/55/EC on temporary protection (OJ L 212/12, 7 August 2001) and Directive 2004/81/EC for victims of human trafficking (OJ L 261/19, 6 August 2004).

⁸ Council Directive 2003/86/EC on the right to family reunification (OJ L 241/12, 3 October 2003) and Directive 2004/38/EC for third-country nationals being family members of EU citizens (OJ L 258/77, 30 April 2004).

⁹ See Directive 2004/114/EC for students, pupils, trainees and volunteers (OJ L 375/12, 23 December 2004) and Directive 2005/71/EC for researchers (OJ L 289/15, 3 November 2005).

¹⁰ Directive 2014/36/EU (OJ L 94/375, 28 March 2014).

¹¹ Directive 2014/66/EU (OJ L 157/1, 27 May 2014).

¹² Directive 2009/50/EC (OJ L 155/17, 18 June 2009).

¹³ See most notably Regulation No 2007/2004 (OJ L 349/1, 25 November 2004).

¹⁴ Regulation No 1052/2013 (OJ L 295/11, 6 November 2013).

¹⁵ See European Commission- Press Release “A European Border and Coast Guard to protect Europe’s External Borders” (IP/15/6327, 15 December 2015)

¹⁶ See <http://www.bbc.com/news/world-europe-32399433>.

¹⁷ See <https://www.iom.int/news/irregular-migrant-refugee-arrivals-europe-top-one-million-2015-iom>

includes large numbers of children, as increasing numbers of families attempt to flee the worsening political situations in the Middle East and North Africa.

3. The third objective is to combat abuses of the migration system committed by “irregular migrants”, through criminalizing “irregular” entries and stays and transporting such persons back to their country of origin or to the country through which they transited. By virtue of the Return Directive, irregular migrants who await removal can be detained within identification and expulsion centres or immigration removal centres.¹⁸ Facilitation of the unauthorized entry, transit and residence of third-country nationals is also criminalized by EU law,¹⁹ as is the employment of such individuals.²⁰ In the same vein, readmission agreements with countries of origin or transit have come into force at both the national and European levels. The most notable illustration of this was perhaps the 2008 agreement between Italy and Libya. Although this concordance did not constitute a readmission agreement per se, it aimed to combat clandestine migration by strengthening the effectuality of cooperation between the two countries. The resulting collaboration resulted in a push-back of migrants to Libyan shores after being intercepted by Italy in the Mediterranean Sea.²¹ In 2012, the European Court of Human Rights subsequently judged such removals as violations of the principle of *non-refoulement*. Collective expulsions were thereafter prohibited under the European Convention on Human Rights.²²

Amid these measures, inclusion of migrants in the EU is threatened first and foremost by the exclusionary rationales of the Schengen system, and secondly by the resulting EU migration and asylum policy. This is a consequence of the duality of inclusion/exclusion inscribed in the core logics of European

¹⁸ Directive 2008/115/EC (OJ L 348/98, 24 December 2008). Detention is nevertheless limited by Article 15 of the Directive to a last resort measure in order to prepare the removal when there is a risk of absconding or if the ‘third-country national concerned avoids or hampers the preparation of return or the removal process’. For an overview of detention centers worldwide, see: Global Detention Project. [Online]. Available at:

<http://www.globaldetentionproject.org/home.html>

¹⁹ Directive 2002/90/EC (OJ L 328/17, 5 December 2002).

²⁰ Directive 2009/52/EC (OJ L 168/24, 30 June 2009),

²¹ See for instance the concerns raised by the UN Special Rapporteur on the Human Rights of Migrants, Prof. F. Crépeau, following his third country visit in his regional study on the human rights of migrants at the borders of the European Union, and in its case Italy, available at:

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12640&LangID=E>.

²² *Hirsi Jamaa and Others v. Italy*, Grand Chamber, Application No. 27765/09, 23 February 2012.

integration. By reinforcing a concept of the right to free movement for “EU citizens”, EU policymakers create simultaneously the oppositional category of “non-EU citizens”, commonly referred to as “third-country nationals”. Such individuals are defined in accordance with their legal identity as external residents, rather than as those members of the community who belong. The mechanics of exclusion inherent to the policies of the EU and its member states have wide-ranging impacts on the lives of migrants, one of which is that they are left unable to access paying work and further education until they have been granted the right to reside in Europe, or recognised as refugees. This lack of opportunity to work and access education arguably increases the extent of migrant exclusion, by denying them the ability to achieve economic autonomy, access the opportunities that come with further education or training, and participate in European society.

The history of regularization programmes in Europe

The current exclusionary approach of restricting migration from outside of the EU has not always been the one taken by Member States in facing humanitarian crises. Amongst European countries, the United Kingdom, Belgium, France and the Netherlands were the first to introduce regularization programs. Historically, these countries experienced a dramatic rise in immigration after World War II, receiving immigrants from their former colonies.²³ We now turn to a case study from this significant time in history by taking an example of legislation in the UK, the Polish Resettlement Act, which focused directly on supporting newly arrived refugees. Never before had a major group of migrants been formally welcomed, and provided with assistance in such a broad range of areas. Two key areas of assistance promoted by the Act were access to work and education. Our analysis demonstrates how providing adequate resources and responding positively to the needs of refugees can significantly ease processes of integration and inclusion. We draw on this case study to demonstrate how these can be presented as opportunities for states to promote the inclusion of newly arrived communities, even during times of apparent crisis.

²³ Levinson, A., Why countries continue to consider regularization in Migration Policy Institute, 1/09/2005, p.1. Report accessed on 1/05/15, p.3 <http://www.migrationinformation.org/Feature/print.cfm?ID=330>.

The 1947 Polish Resettlement Act

While the pro-Soviet government in Warsaw began persecuting returning Polish servicemen who had fought alongside the Allied forces, the Polish Resettlement Act of 1947 was introduced by the British Parliament in March 1947 to resettle political refugees in Britain after World War II. Britain faced a considerable population increase due to post-war migration, and Poles were the first refugee group to arrive en masse.²⁴ After 1945, 3.2 million refugees arrived in the United Kingdom, accounting for about 6% of the population.²⁵ Of this number, nearly a quarter of a million were Polish ex-servicemen, sometimes with families, who were not safe to return home.²⁶

Taking charge of thousands of new Polish settlers meant establishing their political and civil status, and positively affirming their inclusion in society. The passing of the Polish Resettlement Act and the creation of corollary agencies representing the first British response to the issue of mass migration and the novel challenges that it raised for the host country.²⁷ The Act was welcomed by the House of Commons, considered as an “*act of great statesmanship on the part of this country*”—one which had a positive impact on popular attitudes toward arriving foreigners.²⁸ By laying out the responsibilities of several government departments for the charge of employment, health and education, the Polish Resettlement Act provided Polish refugees with entitlements to social security benefits. It enabled Poles to integrate into British society, and thus begin to provide the requisite labour force the British economy needed

²⁴ Norman Davies, *God’s Playground. A History of Poland, Volume II: 1795 to the Present*, Oxford 2005, p. 322 – 367.

²⁵ Panikos Panayi, *The Impact of Immigration. A Documentary History of the Effects and Experiences of Immigrants in Britain Since 1945*, Manchester, 1999, p.8. The total excludes the Irish and members of some other white groups.

²⁶ This was part of the Yalta agreements. Yalta was the second of three wartime conferences among the Big Three Allied leaders (the USSR, the UK and the USA). As a result of the Yalta agreements, half of Poland’s pre-war territory was incorporated into the Soviet Union. This was followed by recognition of the pro-Soviet Committee of Liberation in Poland. The decisions taken at Yalta were called a new partition of Poland. Poles were and felt utterly betrayed and abandoned by their allies. See Władysław Pobóg-Malinowski, *Najnowasza Historia Polityczna Polski. Okres 1939-45*, Gdańsk, 1990, p. 426

²⁷ There had been no comparable migration to Britain in the past millennium. The immediate impact of the Polish migration of the 1940s far exceeded that of the Irish or the Jews from the Russian Empire in the course of the nineteenth and early twentieth centuries.

²⁸ See also FEPS 2015. Survey: How West Europeans face the Migrant Crisis? Note 281, available online: <http://www.feps-europe.eu/assets/dd626743-3679-485f-94df-57738cdb274b/note-de-synthese.pdf>

after World War II. This migrant population and their descendants constitute a significant part of Britain's Polish community today.

Alongside the basic needs of the new arrivals in terms of accommodation, health, welfare and employment, there was a considerable demand for education among a significant proportion of young Polish refugees. Many thousands showed interest in gaining some type of education, having been prevented from doing so by the disruptions of war; they were eager to enrol in British schools and universities. On 1 April 1947, the Ministry of Education and the Secretary of the State for Scotland decided to use the powers given them under the Act to set up the Committee for the Education of Poles.²⁹ The Committee's principal aim was stressed in its memorandum: *"To fit [Polish refugees] for absorption into British schools and British careers whilst still maintaining provision for their natural desire for the maintenance of Polish culture and the knowledge of Polish History and Literature."*³⁰ This involved imparting to them an adequate knowledge of English and of the British way of life through education in appropriate British institutions in preparation for their resettlement either in the United Kingdom or overseas.

In effect, the Committee took over administrative responsibilities for all Polish schools functioning in exile during the war years. The education centres were scattered across the country and included nursery, primary, secondary and vocational school evening or correspondence courses in Polish the Polish University College and the Polish School of Medicine funded by Parliament.³¹ The Committee also disbursed grants to 488 children placed in British fee-paying schools and to 1,549 students at British

²⁹ Report of the Chairman of the Committee for the Education of Poles in Great Britain March 1948, ED 128/9, PRO – N.A., Kew-Richmond, p.2; also Committee for the Education of the Poles in Great Britain, Memorandum from the Minister of Education and the Secretary of the state for Scotland, ED128/146, PRO – N.A., Kew-Richmond, pp. 1-2. Also in Education in exile. Ministry of Education, ED128/10, PRO – N.A., Kew-Richmond, London 1956, pp.11-12.

³⁰ Report of the Chairman of the Committee for the Education of Poles in Great Britain March 1948, ED 128/9, PRO – N.A., Kew-Richmond, p.2; also Committee for the Education of the Poles in Great Britain, Memorandum from the Minister of Education and the Secretary of the state for Scotland, ED128/146, PRO – N.A., Kew-Richmond, pp. 1-2. Also in Education in exile. Ministry of Education, ED128/10, PRO – N.A., Kew-Richmond, London 1956, p. 11-12. Report on the Curriculum and Staffing of the Committee's Polish Schools, 13 July 1948, ED128/5, PRO – N.A., Kew-Richmond, p.3.

³¹ The Polish Resettlement Bill, ED128/143, PRO – N.A., Kew-Richmond.

universities and colleges.³² During its 7.5 years in existence, the Committee's expenditure reached £9 million, which is roughly equivalent to £29 million today.³³ During the period of their settlement within the UK, difficulties faced by the first generation of Polish newcomers were greatly mitigated by the provisions implemented by the Committee for the Education of Poles.

In March 1948, Polish migrants were granted the right to become naturalised as British citizens.³⁴ At that time they were already making a contribution to rebuilding British economy through manual labour or professional careers, for those who obtained secondary or higher education.³⁵ Soon, the Committee's aim of adapting Polish exiles to a new existence in British social life was gradually achieved: *"Their assets and pastimes may differ, but that very difference is an asset to the joint community of the town."*³⁶ Gradually, the cultural differences, celebrated traditions, and experiences of wartime trauma which followed them to Britain came to be regarded as assets that contributed to the fabric of community life.

By 1953, Poles were emerging as a rather promising and well-integrated community, and signs of social cohesion were clearly perceptible. When preparing a summary report on the Committee's activity, the British administration noted that the Poles' response to civic integration had grown more evident and generous. Polish camps and hostels carefully documented the participation of their residents in the

³² Ibid.p.14.

³³ Calculation made in September 2012.

³⁴ Members of the Polish Armed Forces who had been residents in Britain or the Dominions for at least five years and either joined the British armed forces or had been employed for at least a year in useful civilian employment could apply for British citizenship. The group naturalization of Poles as British citizens is explained in Collection FO371/71587, N.A, Kew-Richmond.

³⁵ Two prominent examples must suffice. Sir Leszek Borysiewicz, a Polish-British physician and immunologist is currently the 345th Vice-Chancellor of the University of Cambridge. Sir Leszek's parents arrived in the Britain in 1947 and settled in Wales, where he was born and brought up in a small, Polish-speaking community. He was knighted in 2001. Then there is Waldemar Januszczak, the well-known British art critic and broadcaster. He also was a child of Polish refugees, and tragically lost his father in a train accident when he was one year old.

The classes of '46 and '47 (in particular) demonstrates the successful implementation of the principles adopted by the Committee for the Education of Poles. These children of Polish descent were born, brought up and educated in the reality of the Committee's camps or hostels. After obtaining a basic education, there they engaged in professional careers and made their Polish names recognizable in a rapidly diversifying British society. (Based on unpublished PhD research on The Committee for the Education of Poles in Great Britain 1947-1954. The experience of British migrant settlement policy.)

³⁶ Melton Mowbray Times, July 1952, FO371/71587, PRO – N.A., Kew-Richmond.

social life of Britain.³⁷ From the British perspective, the response shown by the Polish community's to the Coronation of Queen Elizabeth in 1952 was probably the first visible evidence of integration:

The Poles' response to the call for civic defence was immediate and generous. There was a spontaneous desire to participate in British life, not only in its pleasures – great was Polish rejoicing over the Coronation – but in its responsibilities as well. The fact that the Polish hostels contributed £276 to the Lord Major's Fund for the Flood victims of 1953 is an indication of their desire to identify themselves with Great Britain and her people's way of life.³⁸

The spontaneity in their embrace of the event carried a symbolic resonance. Thus, welcoming Polish migrants through access to education and work was an essential step for their inclusion in British society. The passing of the Polish Resettlement Act constituted a proactive, legislative response to unprecedented challenges arising out of a new age of mass migration.

Regularization since the 1970s

Since the 1970s, the first attempts taken by EU states to implement regularization programmes on their soil led to the regularization of 3.5 million individuals. Belgium, Greece, Italy, Spain and Portugal all offered their migrants substantial regularization programmes. Most of the post-1973 regularization programmes were introduced in Italy—which, together with Italy, Portugal and Greece—received over 1.2 million migrants during this time. Between the 1970's and 2015 only Germany, Luxembourg and the United Kingdom have witnessed a decrease in the numbers of migrants offered regularization schemes.³⁹ Germany's 2015 efforts to resettle over a million Syrian Refugees marked a significant change in attitude from the ruling Christian Democratic Union party in terms of allowing migrants into Europe, however the success of this initiative in terms of the extent to which these migrants have been included into German society remains uncertain.

³⁷ Report on Coronation Celebrations at Doddington Park, FO371/100725, PRO – N.A., Kew-Richmond, p.2.

³⁸ Education in exile, Ministry of Education, 1956, ED128/10, PRO – N.A., Kew-Richmond, p.43.

³⁹ Papadopoulou, A., op. cit., p. 3.

Of course, the European context has changed drastically since the introduction of the Polish Resettlement Act, and indeed since the introduction of subsequent regularization schemes that were introduced from 1970-2000. In particular, European Nations have become preoccupied with financial instabilities and security issues – which are often conflated with migration flows. As such, any policies aimed at fostering the inclusion of migrants by providing legal status and social opportunities must be sensitive and responsive to these new realities. Nonetheless, we it is both possible and desirable to introduce a common European policy that advocates for the inclusion of non-EU migrants by providing heightened access to legal status, work and education, as well as contributes to European economies. Moreover, the integration and feelings of belonging that will result from such policies will hold the potential to reduce the perceived risk posed by migration.

Living, learning and working in the EU: Identifying the opportunities for change

More recently, integration processes in the EU have become grounded in a dichotomy of inclusion/exclusion. One significant milestone along this trajectory was the 1992 Maastricht Treaty, which established the notion of EU citizenship.⁴⁰ The concept of the EU citizen was not intended to replace national citizenship, but rather to complement it. Predicated upon legal and political membership in nation states, this complementary characteristic has been a matter of some debate. While authors such as Richard Bellamy have come to the defence of such rights-oriented notion of EU citizenship, they too acknowledge the limits of rights-based EU citizenship where there is no sense of social belonging among citizens.⁴¹ Consequently, EU citizenship is anchored to the will of Member States, which assume the position of gatekeepers to the European community. The establishment of EU citizenship does not therefore create an avenue for migrants or “third-country nationals”; they must first satisfy the criteria of a particular Member State to acquire nationality. For this reason, nationality has

⁴⁰ Article 20 of the Treaty of the Functioning of the European Union.

⁴¹ Richard Bellamy (2008) Evaluating Union Citizenship: Belonging, Rights and Participation Within the EU. In: Citizenship Studies, 12 (6), pp. 597–611.

been described as the missing link between citizenship of the EU and European migration policy,⁴² and has played a role in shaping the parameters as to who “belongs” within Europe.

Meanwhile, the EU Court of Justice has acknowledged the powerful potential of EU citizenship. Two significant judgments in particular have eroded the absolute discretion of Member States for withdrawing (and granting) nationality. In the 2010 *Rottman* case,⁴³ the Court affirmed the role of EU law in setting the legal parameters of decisions made regarding nationality on the national level. A year later, in the 2011 *Zambrano* judgment,⁴⁴ the Court granted a derived right of residence in a Member State to a third country national, as well as to an ascendant relative of a dependant child legally residing in that country. This landmark ruling, which overruled national court decisions, established a common European right to reside—albeit for a relatively narrow group of third-country citizens whose dependants are EU citizens.

The 2003 Long-Term Residents Directive⁴⁵, for instance, aims to facilitate the acquisition of a long-term residency for non-EU citizens who have been legally residing in the EU for at least five years and demonstrate that they have a regular and stable source of income. The Directive does not cover asylum seekers or students and does not apply in the UK, Ireland, and Denmark, which have special immigration policy arrangements. It should be noted, however, that despite holding the right to vote in local and sometimes regional elections, legally resident “third-country nationals” still have fewer rights than EU citizens. The situation of irregular migrants is of even greater concern as such persons often reside in an EU Member State without being regularized for extended periods of time. Based on Europe's history of inclusion, we contend that positive policy approaches to providing education and work opportunities for newly arrived and settling communities can provide a durable alternative to the exclusionary mechanisms of recent years.

⁴² Sara Iglesias Sanchez, “Nationality: The Missing Link between Citizenship of the European Union and European Migration Policy”, in: *The Reconceptualization of the European Union Citizenship* (E. Guild, C. Gortazar Rotaeché and D. Kostakopoulou eds) (Leiden: Brill/Nijhoff, 2014) 65-88.

⁴³ Case C-135/08, *Janko Rottmann v. Freistaat Bayern*, Judgment of the Court (Grand Chamber), 2 March 2010.

⁴⁴ Case C-34/09, *Ruiz Zambrano*, 2011, not yet reported.

⁴⁵ Directive 2003/109/EC (OJ L 16/44, 25 November 2003), amended by Directive 2011/51/EU extending the Directive's scope to beneficiaries of international protection (OJ L 132/1, 19 May 2011).

Education and inclusion

One significant right which irregular migrants, both adults and children, often lack is the right to education. Education is significant for migrants of all age groups: for children and youngsters it paves the way to their future integration, but it also provides normality and structure in their everyday lives. Furthermore, life-long, informal and social learning opportunities play a key role in adult migrants' social integration and upward mobility; it is what is needed for new migrants to be able to contribute to European society. Next, we illustrate how significant yet complicated the right to education in the EU can be, drawing from a case study of unaccompanied asylum-seeking girls in Finland.

According to the UNHCR⁴⁶ and the Council of European Union⁴⁷, asylum-seeking children should have the same access to education as the children in the receiving country. Primary education is guaranteed in most European legislations, but the situation of older children, youth and adults is more complicated. In most European countries, irregular migrants between the ages of 16 and 18 have to wait for a legal status before enrolling into adult education.⁴⁸ This is an age group in which pivotal decisions are made about the future course of life, meaning that adequate schooling is crucial. Omitting education from children and youth above the comprehensive school age is possible because the UNHRC Convention relating to the Status of Refugees⁴⁹ states that after elementary education refugees are to be treated in line with "aliens generally in the same circumstances."

The field work of one of the authors of this paper highlights the importance of providing early opportunities for education to achieve long-term objectives of inclusion.⁵⁰ During the research, which

⁴⁶ UNHCR. Guidelines of policies and procedures in dealing with unaccompanied children seeking asylum. (). Geneva: UNHCR.

⁴⁷ Council of European Union. Council directive 2003/9/EC: Laying down minimum standards for the reception of asylum seekers.

⁴⁸ de Wal Pastoor, L. "The mediational role of schools in supporting psychosocial transitions among unaccompanied young refugees upon resettlement in Norway". In *International Journal of Educational Development* (2014) doi:10.1016/j.ijedudev.2014.10.009

⁴⁹ UNHCR. The 1951 convention relating to the status of refugees

⁵⁰ Kaukko, M (2015) Participation in and beyond liminalities: action research with unaccompanied asylum-seeking girls. - *Acta Universitatis Ouluensis. Series E, Scientiae rerum socialium* 156. Oulu. Doctoral dissertation. <http://urn.fi/urn:isbn:9789526209890>

was conducted with asylum-seeking girls in a reception centre in Finland, it was found that the possibility of going to school not only ensured structure and a sense of “meaningfulness” for daily life, but it also provided the means to attain the required capacities for future participation in society. The girls who participated in the research saw education as a promise for a better life in the future, as well as a right of children of which the girls’ were aware, but which some thought was not always achieved:

We have been told that children have to study, that it is their responsibility to study. And that in Finland children have the right to study. But we here, we don’t have real studying. Previously children have gone to school right after they have arrived here, somewhere in town, some language course. But I have arrived at 16-year-old and I was told that when you get the residency, then you have the right to go to school. (Girl #5)

This girl elaborated on what she calls “real studying” as lessons in school where all the pupils are the school-aged, or at least “not adults,” where subjects such as languages and science are taught and, most importantly, where days are long. Interestingly, this girl had very little educational background from the country of her origin, which means that the described “real school” was a dream for the future, as opposed to a past memory. Securing education for children, youth and adults whose school paths have been disrupted by war was acknowledged in the Act to secure Polish immigrants’ education after World War II (as discussed on page 13). According to the girls in this study, it remains equally important for today’s children to bridge the gaps in educational paths and start reconstructing their lives in Europe. Another girl described the school at the reception centre:

All people come, they don’t study anything there, no language, no mathematics, no other subjects either. --- You don’t have time to ask, you don’t have time to study, the time is up. You just have to wake up, nothing else. (Girl #1).

The girls also referred to education as a tool to ensure something permanent and certain in their lives; places and people had changed, but experiences of education were something that could not be taken away from them. Importantly, all the girls were in agreement that if they are permitted to stay within the EU, their most important task is to learn and work to contribute to society.

At the nexus of migration and work

While human mobility is conventionally discussed in relation to the traversal of boundaries and hence focused on admission, the realities are often more complex. Étienne Balibar argued in his essays on Europe that the national borders of today are “*dispersed a little everywhere, wherever the movement of information, people and things is happening and is controlled – for example, in cosmopolitan cities.*”⁵¹ EU migrants, even if admitted and granted a leave to remain, are still likely to continually encounter other, dispersed borders that hinder their inclusion in the EU community. While previously cited examples illustrated how education systems can include or exclude migrant children and in particular young people who are already admitted to the EU, this section will briefly elaborate on the role of work for civic inclusion or exclusion.

A growing literature on migration in the fields of labour geography, sociology and economics illustrates the ways in which labour markets are key sites where such dispersed borders regularly surface. Bridget Anderson, to highlight one example, argues that the role of the state is best understood not through its control of migrant flows, but rather through its control of the supply of labour.⁵² For her, immigration controls and labour regulations are two aspects of the same political process. As a result, legal mechanisms of inclusion and exclusion predicated upon immigration status are complemented by socioeconomic mechanisms that demarcate an internal frontier between those who are worthy to be part of the community of value-comprising “good citizens” in respectable jobs on the one hand—and those who are “failed citizens” on the other: namely the poor, the unemployed, etc. This is why elite migrants, such as highly skilled professionals and financiers are seldom invoked in migration debates: their socioeconomic status alone earns them a membership of the community of value.⁵³

Echoing the claims of other scholars within the sociology and geography of labour economies, Anderson highlights how contemporary labour markets are increasingly dominated by temporary modes of employment that are unstable, alienating and socially meaningless. A gradual erosion of trade union

⁵¹ Étienne Balibar (2004) *We, the People of Europe? Reflections on Transnational Citizenship*, p. 1

⁵² Bridget Anderson (2013) *Us and Them: The Dangerous Politics of Immigration Control*.

⁵³ *Ibid*, p. 73-75.

powers and the right to strike among workers further exacerbates these issues, with implications that extend beyond employment and strongly overlap with migration law.⁵⁴ Drawing from extensive evidence that newly arrived migrants, due to their young age, specific skillsets, and above-average mobility, usually end up in casual or precarious work,⁵⁵ Anderson observes that in the context of the United Kingdom *“immigration requirements actually create a set of employment relations that mean that migrant workers are preferable to British.”*⁵⁶ The same process may be observed elsewhere in Europe. As seeds of potential social conflict, such relations are those that an integrated European migration policy would be wise to avoid.

A research group led by Jane Wills, which studied London’s changing labour market, provides an interesting empirical example in support of Anderson’s analysis. The study took as its focus the issue of hiring queues, which were first studied in depth by Suzanne Model in the United States as well as globally. The research team found that in contemporary London, migrants from Eastern Europe became the preferred workers, and are more likely to be given jobs over their local, less skilled counterparts. It was also noted, however, that migrant persons who originated outside the EU faced fierce discrimination from employers and were the least likely to be hired. The study, which went beyond finding statistical correlations, also included interviews with employers who openly spoke of their reluctance to hire arrivals from outside the EU.⁵⁷ Social dumping provides another example of a negative cost often invoked in debates surrounding the impacts of migration on labour markets. Traditionally associated with the transnational mobility of labour, more recent research shows this phenomenon as a process linked primarily with and spurred by labour market deregulation,⁵⁸ so that *“migrants are caught between life and work in liberal democracies as imagined and rhetorically portrayed – free labour, justly rewarded – and the harsh realities of low-waged labour in those same liberal democracies – the only realistic option.”*⁵⁹ The result is a rise of multiple grievances; third-country nationals complain about socioeconomic discrimination, while for EU-born workers migrants are the embodiment of increasingly

⁵⁴ Hannah Lewis et al. (2014) *Hyper-precarious Lives: Migrants, Work and Forced Labour in the Global North*.

⁵⁵ Linda McDowell et al. (2007) *Division, Segmentation, and Interpellation: The Embodied Labors of Migrant Workers in a Greater London Hotel*.

⁵⁶ Anderson (2013), p. 90.

⁵⁷ Jane Wills et al. (2010).

⁵⁸ Bernaciak, Magdalena (2014) *Social Dumping and the EU Integration Process*.

⁵⁹ Bridget Anderson (2013) *Us and Them: The Dangerous Politics of Immigration Control*, p. 179.

oppressive labour market mechanisms that undercut their work and living standards. This situation limits opportunities for migrants' inclusion, and makes it difficult to build public support for a fair but open migration policy.

The above brief discussion of the interplay between work and migration in the EU underscores the importance of adopting a common European migration policy that clearly acknowledges the work and mobility nexus. Levels of inclusion for migrants in Europe can be augmented by the promotion of stronger regulation of the common labour market that addresses the issue of hiring queues and social dumping that negatively impact community cohesion, while alleviating social costs which are commonly, albeit wrongly, associated with migration.

Conclusion

Given the recent rise in the numbers of new arrivals to the EU, the subject of regularization programmes is merits revisiting. Regularization programmes offer those migrants who are in a country without authorisation an opportunity to legalize their status on a permanent or temporary basis. Such efforts offer migrants a better opportunity to access the labour market while increasing tax revenue in the host country, and can lead to upward mobility and integration. In the long run, regularization schemes reduce the numbers of irregular immigrants, and in turn help to control the underground economy triggered by increased migration.⁶⁰ Furthermore, sociological research has shown that the experience of waiting for a legal status can stifle feelings of safety, stability and belonging, which can in turn have significant long-term impacts detrimental to the development of cohesive communities.⁶¹

Recent European efforts to harmonize the admission of asylum seekers and other categories of irregular migrants have focused on limiting or controlling entry. In this paper we have recommended the expansion of policy in relation to potential avenues for the inclusion of migrant populations in European societies. In order to support the long-term inclusion of new migrant populations, we believe there is an

⁶⁰ Levinson, A., Why countries continue to consider regularization in Migration Policy Institute, 1/09/2005, p.1. Report accessed on 1/05/15 <http://www.migrationinformation.org/Feature/print.cfm?ID=330>.

⁶¹ Gray, B. (2011) 'Becoming non-migrant: lives worth waiting for'. *Gender, Place & Culture: A Journal of Feminist Geography* 18(3), 417-432,

urgent need to address EU level policies in order to create opportunities for refugees to live, learn and work in Europe in ways that are not motivated by an exclusionary approach. However, in relation to asylum, we also note there is a need to address broader debates about the avenues for regular migration into Europe.

Understanding Europe's history of hospitality is important in the contemporary context, especially given the seismic changes to global migratory regimes as a result of the increasing number of refugees entering Europe at present. For those who make it across borders, there are often lengthy administrative procedures for seeking asylum, which can result in uncertainty and inhumane conditions.⁶² ⁶³ Recent research has shown that for many people seeking protection as refugees in Europe, their cases may be subject to administrative delays or failures that extend the time they spend in positions of liminality; and for some, this situation can continue indefinitely.⁶⁴ Therefore, there is a need for future policy recommendations to not only consider how better legal routes to settlement and integration can be formed, but also the need to consolidate the legal statuses of those who have been sidelined from the current systems of protection. This development has been underlined and suggested by several FEPS policy briefs, highlighting that human rights and universal hospitality need to be at the core of an evolving asylum and refugee policy. The following recommendations try to deepen this thought in order to create a more concrete and 'hands on' approach towards otherwise often abstract policies.

⁶² FEPS Policy Brief 2015. EU Asylum Policy: Going Beyond President Juncker's Proposal. 14. September 2015, available online: <http://www.feps-europe.eu/assets/11e8b978-cea2-495f-a17a-56b5df320bd3/asylum-beyond-juncker-proposal.pdf>

⁶³ British Red Cross (2010) 'Not gone, but forgotten: The urgent need for a more humane asylum system' available online <http://www.redcross.org.uk/About-us/Advocacy/~media/BritishRedCross/Documents/About%20us/Not%20gone%20but%20forgotten%20destitution%20report.pdf> [Accessed 28 September 2015]

⁶⁴ See for example Schuster, L. (2011) 'Dublin II and Eurodac: examining the (un)intended(?) consequences'. *Gender, Place & Culture: A Journal of Feminist Geography* 18(3), 401-416; Conlon, D. (2011) 'Waiting: feminist perspectives on the spacings/timings of migrant (im)mobility'. *Gender, Place & Culture: A Journal of Feminist Geography* 18(3), 353-360; and Griffiths, M.B.E. (2014) 'Out of Time: The Temporal Uncertainties of Refused Asylum Seekers and Immigration Detainees'. *Journal of Ethnic and Migration Studies*, 40(12), 1991-2009

Policy Recommendations:

- 1- European migration policy should be reconsidered to reflect the opportunities that work and education present for the civic integration of migrants. It should be followed by all states of the European Union.
 - 1a- Promoting migrants' inclusion through better access to employment is an opportunity to tackle labour market abuse and ensure fair working conditions for everyone, and to protect social standards in Europe. Current efforts to develop a common and progressive policy response to the 'migration crisis' are undermined by fears of adverse socioeconomic effects of migration, most notably social dumping. Migration policy proposals, such as calls for the Common European Asylum System (CEAS) to be reformed or replaced, should therefore include a roadmap for addressing the impacts of migration on all levels of government, from European to local.
 - 1b- With regards to education, current policy can be seen to be inadequate given that severely limits migrants face when trying to enter education system, allowing only school aged children the right to basic tuition. A co-ordinated approach should be developed, which provides all migrants, not only children of compulsory school age, with a solid education. This should also include faster and more efficient recognition of foreign degrees as valid. Both of these processes open a route for migrants to better their personal development, and an opportunity to encourage social integration and migrant contributions to host societies.
- 2- Such policies should be better co-ordinated across and between European nations, and should also be long-term and sustainable. The use of ad hoc programmes has shown only minimal results and has not deterred further irregular immigration. Moreover, there has not yet been any attempts to introduce regularization schemes on a common European level, meaning that migrants in some European countries have been left significantly worse off than in others, and migrants in different European states face differing and unequal situations. The introduction of schemes that focus on work and education as routes to civic inclusion should be Europe-wide and long-term, which would also lead to more equal distribution of migrants across Europe.
- 3- Policymakers should recognise that the exclusionary terminology used in much previous migration policy has been detrimental, and work to eradicate the use of such language. For example, the term 'third-country nationals' is often used to define people who would like to contribute to and be part of European society, but whose ability to participate and contribute is considerably limited by their legal status. Furthermore, asylum-seekers are referred to as 'illegal migrants' although seeking for asylum is every person's right protected by The 1951 UN Refugee Convention. More inclusionary terminology should be developed to refer to settling populations, in order to promote civic integration and reduce hostility towards migrants. This

could lead to a more integrative approach to 'illegal migration', taking the emphasis away from illegality.

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