

The Governance of Migrant Labour Supply in Europe, Before and During the Crisis

An Introduction

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Abstract

After more than two decades of policy inertia, since the late 1990s a new interest in labour migration arose across Europe and at the EU level. This translated into a new season of policy experimentation which expressed itself in very different forms across the continent. Such an uneven wave of policy change has not been interrupted by the crisis, which however has deeply altered its dynamics, propelling innovation in some countries and blocking it elsewhere. Based on in-depth fieldwork carried out in the framework of a comparative research project (www.labmiggov.eu) in six European countries (France, Germany, Italy, Spain, Sweden, United Kingdom) and at EU level, this special issue aims at generating fresh empirical knowledge and new theoretical insights into the complexities of labour migration governance in Europe. In an attempt to go beyond a limited understanding of labour migration policies as admission of foreigners for working purposes, all the articles share a common theoretical framework based on the concept of ‘migrant labour supply (MLS) policies’. Under this conceptual umbrella, different functional equivalents of (and alternatives to) direct labour migration policies are considered. Besides setting the broad empirical scene, illustrating the common conceptual foundations of the special issue and providing an overview of the articles’ main findings, this Introduction formulates some core arguments. It is argued that determining and constantly adjusting the composition of MLS policy mixes is a fundamental expression of states’ agency in the field of labour migration, especially in times of major economic fluctuations. I also contend that such national MLS policy mixes can be explained as country-specific attempts to find and constantly adapt ‘paths of least resistance’ meant to maximise fulfilment of labour immigration demands while minimising resistances to it.

Keywords: Migration policy, Labour migration, Economic crisis, Europe

This special issue focuses on the regulation of labour migration and of the access of international migrants to labour markets in a crucial phase of transformation linked to the multidimensional crisis – financial first, then in sequence productive, occupational, budgetary and institutional – which has been asymmetrically hitting Europe over the last seven years.

One of the starting assumptions of this collective work is precisely that the crisis, by affecting all the dimensions which are generally acknowledged as structural determinants of labour migration policymaking (material interests, public perceptions, regulatory capacities), is inducing policy changes which are not superficial nor transient. On the contrary, the hypothesis is that these crisis-related policy shifts are theoretically relevant and have the potential to illuminate some fundamental dynamics of this policy field.

The crisis is thus taken here not just as an encompassing and durable factor of empirical transformations, but also as a ‘revealer’ of deep constants and commonalities, as well as of areas of sometimes unexpected differentiation among national policy approaches. The protracted economic downturn, with its repercussions at social and political level, is thus conceived and used as a lens which can help us better understand, also from a theoretical point of view, the functioning of labour migration governance in Europe.¹

In order to pursue these overarching research objectives effectively, we deemed it necessary to cast our conceptual net more widely than what is usually done in the field of labour migration policy studies. A comprehensive assessment of the impact of ongoing macro-economic transformations on migration policies required to go beyond a narrow focus on labour migration policies *stricto sensu*, i.e. meant as targeted admission of foreigners from abroad for specific and explicit working purposes. The multi-situated and comparatively oriented fieldwork from which this special issue arises² convinced us of the necessity of a wider framing of the research object, and brought us to adopt the concept of *migrant labour supply* (MLS) policies.

As we will see in greater details below (paragraph 4), this entails widening the research focus as to include, in the first place, national implementation of EU legislation on labour mobility and, in particular, over the last decade, the actual regulation of transition periods for the purposes of full recognition of freedom of movement to workers from Eastern European acceding countries.

In the second place, focusing on country-level migrant labour supply policies implied giving specific attention to what we propose to define 'functional equivalents' of strictly meant labour migration policies, or 'indirect' labour migration policies. By this we intend all policies aimed at granting, facilitating or boosting access to domestic labour markets to immigrants originally admitted for reasons other than work (humanitarian, family, study, etc.).³

The last, but certainly not least set of policies that we have posed as a structural component of the migrant labour supply policy field is what we have termed as 'functional alternatives', understood as all policies and measures (mainly situated in the fields of employment, education or training) which are explicitly meant to reduce the dependency on immigrant labour by increasing the presence of native workers in given employment sectors (for a groundbreaking contribution in this direction, Devitt, 2010).

Labour migration policies *stricto sensu*, management of intra-EU labour mobility, functional equivalents and functional alternatives to ad hoc 'import' of foreign labour: all these tools are simultaneously mobilized by most European states in order to match and reconcile the different and often conflicting sets of interests which operate in the field of labour migration. Migrant labour supply therefore needs to be understood as a complex and constantly evolving *policy mix*.⁴

Our contention, in this article and more broadly in this special issue, is that the evolution of the composition of such policy mix is crucial to understand the role of the state in the field of labour migration. As a matter of fact, we argue that acting to determine and modify over time the composition of country-level migrant labour supply policy mixes is a key expression of the agency of states in this field, probably a more effective and relevant one than the often proclaimed but usually failed ambition to determine the magnitude and skill composition of overall inflows.

From this point of view, the ongoing economic crisis, with its highly uneven impact in different parts of Europe, acts as a revealing factor, in particular by affecting the ratio between direct and indirect labour migration policies. While in the least crisis-affected EU countries, a reduced public anxiety about the economic impact of labour immigration and more vocal employers' demands induce governments to enhance direct labour immigration admission, the opposite seems to take place in more severely hit contexts where explicit and straightforward admission of foreign workers is nowadays harder to implement without stirring popular rejection. As Devitt effectively puts it in her comparative study of France and the UK included in this special issue, admission of indirect labour

immigrants is politically easier. Devitt: “As the government does not permit the latter to enter in order to work, it is [p. 446] less likely to be blamed for irresponsibly facilitating labour immigration in the context of an economic slump”.

Diverging evolutionary trends in the regulation of migrant labour supply clearly emerge from the six country-level case studies (France, Italy, Germany, Spain, Sweden, United Kingdom) which represent the empirical basis for the articles included in this special issue. A few words are needed here to explain the rationale for the case selection. A first criterion, although not the most important one, was one of quantitative relevance in economic and demographic terms: as a matter of fact, five out of six among our national contexts of reference – i.e. all but Sweden – represent the largest EU countries in terms of both overall population, foreign immigrant stocks and immigration flows (at least until the outburst of the crisis, which brought to a steep decrease in inflows in some of them) (OECD, 2013).

Qualitative criteria, however, have been even more crucial in driving our fundamental methodological choices, and in particular in suggesting to include a Scandinavian case. Our qualitative strategy for case selection aimed at grasping the widest possible spectrum of country variation in terms of *migration history* (both established and ‘new’ immigration countries are covered), *models of welfare* (social-democratic or ‘Nordic’, conservative, liberal, familialist or ‘Southern’: see Esping-Andersen 1990; Ferrera 1996) and *varieties of capitalism* (coordinated/liberal/mixed market economies: see Hall and Soskice, 2001; Hancké, Rhodes and Thatcher, 2007).

As I will illustrate in greater details in the final section of this Introduction, not all the studies presented in this special issue are based on a wide-ranging comparison of all six countries. Actually, two of the articles have a narrower focus on pairs of countries. While referring to individual articles for more circumstantial explanations of tailored case selection criteria in these cases, an example can be given here by pointing out at Finotelli’s article on international recruitment of physicians, where the two cases are selected as typical of different models of healthcare systems (social security-financed as in Germany versus tax-based as in Spain).

1 Changes of season in European labour migration policies

The last quarter of the past century represented a long ‘winter’ for labour migration in Europe. International flows for working purposes were significantly reduced compared to post-WWII decades (Bade, 2003; Castles, 1986; Hollifield, 1992; Kindleberger, 1967). Following the formal stop to recruitments from abroad enacted by most traditional immigration states in the first half of the 1970s, labour migration policies underwent a process of atrophization, consisting in a loss of administrative weight, political salience and visibility in the public debate. In the meantime, other forms of migration gained relevance and other specialized branches of migration policy climbed the ladder of political priorities. In particular, at both national and European level, the regulation and management of *irregular* and *forced* flows conquered the centre of the (broadly defined) migration arena, sharing it with the quickly escalating concerns over the *integration* of immigrants and their descendants (Joppke, 1999; for an analysis of such priority shifts as ‘evolutionary patterns’, see Zincone, 2011, in particular pp. 412 and ff.). In parallel with the changes in the demographic composition of immigrant minorities, also the impact of immigration on national and local welfare systems gained centrality as both a political issue and a scholarly topic (Boeri, Hanson and McCormick, 2002; Bommers and Geddes, 2002; Schierup, Hansen and Castles, 2006).

This deep restructuring of the European migration policy agenda and the growing focus on asylum, undocumented movements and integration were mirrored in the evolving composition of migration research agendas, which were in the meantime becoming increasingly Europeanized (Bommers and Thränhardt, 2010; Favell, 2001). Among researchers, just like in the political sphere, the nexus between migration and labour was gradually shadowed by prevalent attention given to other ‘nexuses’, perceived as increasingly important, such as those between migration and security, development, or social cohesion.

Under the frozen surface of alleged ‘zero (labour) migration’ doctrines, however, linkages between population movements and labour dynamics were persistent and still strong, although in less evident forms than in the era of ‘fordist’ migration. Even if often labeled as ‘unproductive’ in the political debate, migrants admitted for reasons other than work (e.g. family connections with already settled immigrants, international protection obligations of the receiving state, common descent with natives) had problematic but nevertheless significant access to labour markets, as clearly illu-

strated also by the comparative analysis of Labour Force Survey data carried out in this special issue by Alessio Cangiano. The economic importance of what we define 'functional equivalents' of official work-oriented flows (see below, para. 4) is even more evident for undocumented migration, especially in the case of low-skilled arrivals to southern European states, which by the end of the last century had become sizeable and were in rapid expansion (Calavita, 2005; Colombo 2012; King et al., 1999).⁵

It was precisely in southern Europe in the second half of the 1990s that the first burgeonings of a new labour migration policy season appeared most spectacularly and unexpectedly. Starting with the reversal of Italy's net migratory balance in the late 1970s, during the 1980s and 1990s all southern European countries had gradually turned into net receivers. States followed suit by adopting policies which on the one hand acknowledged market trends by means of mass regularizations and, on the other, tried to channel and regulate inflows via planning mechanisms and legal admission procedures (Doomernik and Jandl, 2008; Einaudi, 2007; Finotelli and Sciortino, 2009; Sciortino 1999, 2009; Zincone, 1998).

In general, these policy experiments did not prove very effective, suggesting that the 'gap hypothesis' (according to which, in its influential original formulation by Cornelius, Martin and Hollifield: 'the gap between the goals of national immigration policy [...] and the actual results [...] is wide and growing wider'; 1994: 3), although originally tailored primarily on more mature immigration states, could find in this new group of destination countries a particularly fertile ground of application (for a critical and analytical review of the debate on the effectiveness gap, see Czaika and De Haas, 2013; among theoretical discussions, Bonjour, 2011; Boswell, 2007).

The beginning of a new cycle in labour migration policies was not only witnessed in the southern part of the continent. The late 1990s and early 2000s were also a period of major transformation in discourses and policy approaches in the United Kingdom (Boswell, 2008; Somerville, 2007) and, in connected and partly similar forms, in Ireland (Barrett and Duffy, 2008; Devitt, 2014; Messina, 2009). Along the Atlantic rim of Europe, however, migration policy change took place in a very different political and economic context, with a more vocal role of employer's lobbies and of economic expert knowledge (the latter mainly in the British case: Boswell, 2009a; Boswell, 2009b), a stronger official emphasis on the linkage between an increase in the supply of skilled foreign labour and national competitiveness, and a decisive impact of liberalization of intra-EU mobility in the framework of the first wave of EU's enlargement to the East (2004). Such important differences imply that explanations of the change of season in

the field of labour migration policies based on such concepts as ‘competition state’ (Lavenex, 2006) or ‘managed migration paradigm’ (Menz, 2008) do not apply as convincingly everywhere. Tailored on traditional receiving countries with a special eye to the British case, they do not fit equally well southern European countries where what has been defined a ‘low cost immigration’ (Pastore, Salis and Villosio, 2013) has been more functional to the preservation of a dysfunctional and highly segmented socio-economic model than to its structural transformation through liberalization and enhanced competition.

Giving account and providing explanations for the specificities of southern European approaches to labour migration is indeed one the goals of this special issue. This is done through in-depth issue-based comparisons of two Mediterranean cases – Italy and Spain – and some other important European receiving countries (France, Germany, Sweden, United Kingdom). At the origin of this comparative endeavour is a certain degree of dissatisfaction with the way in which the historical novelty represented by the emergence of southern Europe as a major labour migration destination has been interpreted in the field of migration policy studies. For instance, the Spanish case, as analysed here by Finotelli, goes against an often undifferentiated presentation of southern European labour migration policies as exclusively focused on ex-post regularization of low-skilled foreign workers drawn in the country by job opportunities in poorly regulated labour markets.

In her comparative analysis of national responses to labour shortages in the care sector, Salis elaborates on the paradox of a country (Italy) where the demand for immigrant labour does not stem primarily from organized employers – as almost taken for granted in most theoretical appraisals of labour migration policymaking since Freeman’s path-breaking work (1979, 1995) – but rather from an atomized and unorganized plurality of micro-employers. In Italy as in other (relatively) recent destination countries, such a silent and highly ambiguous pro-immigration constituency is formed by small and often informal enterprises and, ever more prominently and characteristically, by private households. Families, in particular, play a key role in recruiting foreign care workers to fulfill an expanding set of ‘new’ welfare needs associated with growing (although slowly) female activity rates and above all with acute population ageing, in a context in which such booming care demand is not adequately met by a shrinking and anachronistically designed public welfare (Salis in this special issue for references).

2 The crisis as a factor of policy change

In the pre-crisis decade (roughly 1997-2007), southern Europe and the UK, with Ireland following a similar path, emerged in the European context as the two main labour immigration basins and as the most dynamic contexts for policy innovation in that field (Pastore, 2012). But similarities between the 'Mediterranean laboratory' and the Atlantic one did not go much beyond comparatively high levels of sectoral policy dynamism. As for the actual contents of labour immigration reforms in these two very different groups of countries, they differed significantly. The six country studies produced in the framework of the international research project from which also this special issue arises, all of them based on extensive field-work and available at www.labmiggov.eu, provide a detailed description of such heterogeneity. In particular, they show how national specificities emerge at different levels (policy justifications, advocacy coalitions, reform methods, technical tools used, policy outcomes), and not only *across* the two groups but also *within* groups (Arango, 2012; Baldwin-Edwards, 2012; Finotelli, 2014; Peixoto et al., 2012), thus questioning the existence of a single and coherent Mediterranean immigration policy model that was hypothesized by earlier regional studies (see for instance Baldwin-Edwards and Arango, 1999; King and Black, 1997).

The multidimensional crisis which has been propagating since 2007 has had a deep but highly differentiated impact on migration and mobility trends, as well as on integration processes. It would go beyond the scope of this introduction to provide here an overview, however rapid (for systematic evidence, latest issues of OECD's International Migration Outlooks are the key source; see also IOM, 2010 and other research reports available at <http://www.labourmigration.eu/>). However, one essential figure referred to the six countries more directly targeted in the articles collected here may be useful to exemplify how uneven the repercussions of the downturn on labour market outcomes of immigrants have been, both in absolute terms and relative to natives.

In almost all EU countries of immigration, unemployment rates of both native and foreign-born workers have been growing during the crisis, but at very different pace. If we consider the five largest receiving countries in the European Union plus Sweden, Germany stands out as the only one where unemployment has been decreasing altogether, and more so for foreign workers than domestic ones. Elsewhere, the growth in unemployment was everywhere higher for immigrants than for natives except in the United Kingdom, where the latter lost proportionally more jobs. In all other

countries, the unemployment gap by origin grew, but in some (Spain, of course, but also Sweden, although starting from incomparably lower levels) more than in others (See Fig. 1).

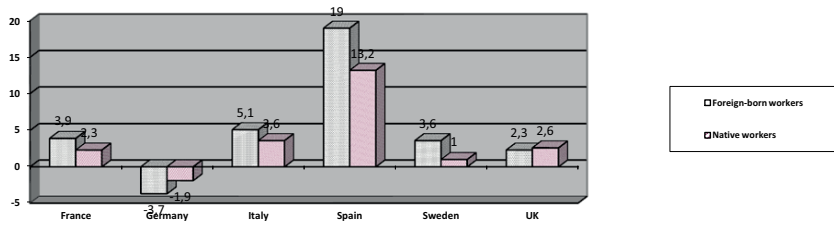


Figure 1 Changes in unemployment rates by place of birth (between Q1-Q3 2008 and Q1-Q3 2012)

Source: Own elaboration based on OECD, 2013: 72

The impact of the crisis has been highly differentiated also on political debates and policy developments. Some of the early attempts at assessing such impact have understandably focused mainly on *convergences* among economically advanced immigration countries in migration policy responses to the crisis, pointing in particular at the proliferation of quantitative and qualitative restrictions imposed on new inflows, especially on ‘discretionary’ (as opposed to rights-based) ones (Awad, 2009; Martin, 2009). Such perspective conveys the general idea of a relapse into ‘winter’, after the short and unaccomplished ‘spring’ of European labour migration policies that we recalled above. However, this ‘seasonal’ metaphor appears less convincing if one adopts a slightly different perspective, focusing on the several substantial divergences and exceptions that, seven years since the outburst of the crisis, are countering the initial perception of an undifferentiated ‘restrictive wave’. From this point of view, the six European countries taken as case studies in the LAB-MIG-GOV project, and which represent the primary empirical ground for the comparative analyses carried out in this special issue, offer a few interesting cues.

The most evident outlier – if one takes for good the general picture of a ‘restrictionist mainstream’ – appears to be Sweden. As a matter of fact, at the end of 2008, when recession was spreading across Europe, this Scandinavian country carried out a sweeping liberalizing reform of its migrant labour admission policy, strongly limiting the traditional role of trade unions as gatekeepers and unconditionally adopting an employer-driven model without any kind of skill-based filter nor a priori defined quantitative thresholds (Bucken-Knapp, 2009; Spehar, Bucken-Knapp and Hinn-

fors, 2013). As the Swedish minister for migration, Tobias Billström, put it when interviewed for the LAB-MIG-GOV project: ‘... now it is up to the market to assess its own needs, not to the minister, or the parliament, or another State authority. Of course politics has to make sure that rules are followed, but the starting point is that the individual employer best knows the recruitment needs of his business’ (cited in Quirico, 2012: 14).

Apparent Swedish exceptionalism, however, appears less such when one widens the comparative lens to include, in particular, Germany. The first symptoms of a new policy climate had already been emerging at the beginning of the 2000s, starting with the temporary recruitment programme for 20,000 highly-skilled migrants launched in 2000 by Gerhard Schröder’s ‘red-green’ majority (Laubentahl, 2008). But it was not until the end of the decade that the trend took momentum: in the years of the ‘black-yellow’ coalition (2009-2013), while the unemployment rate was sinking from slightly below 8% to little over 5% and the shortage of skilled labour force (*Fachkräftemangel*) was increasingly perceived as a national issue and a limit to further growth, a quiet revolution in admission policies was undertaken. The ‘style of reform’ was less explicit and spectacular than in the Swedish case, and more based on targeted regulatory adjustments than on comprehensive legislative changes, but the results are equally tangible, particularly in the (diminishing) degree of selectivity of the system: “While the ‘German model’ in its rhetoric still exclusively focuses on highly qualified immigration, the actual definition of highly-qualified has considerably changed during the last years” (Laubenthal, 2012: 28)⁶. Such discreet shift was implemented through a variety of technical tools amongst which the lowering of the required minimum income for recruitment from abroad, the adoption of a positive list of needed professional profiles, the reception of the EU’s Blue Card directive according to relatively liberal criteria and an important (although adopted with little media coverage) law for the recognition of foreign qualifications (Laubenthal and Finotelli, both in this issue). Even a new job search visa was introduced, which stands out as a quite heterodox tool in the European policy landscape and which ‘introduces a skills-based element into the hitherto exclusively demand-oriented German labour migration regime’ (Laubenthal, 2012: 28; Kolb, 2014).

Also in national political systems dominated by a much more cautious (if not hostile) official rhetoric on immigration than in the two cases just recalled, no undifferentiated restrictionist turn was witnessed as a response to the crisis. As Devitt convincingly shows with regard to France and Britain in her article for this special issue, both states have shielded the

categories of more skilled migrants, for which labour market demand persists, from the harsh closure proclaimed in the public discourse.

Even among the countries more severely hit by the crisis, newly introduced restrictions to labour immigration varied significantly. If we compare the two largest southern European recruiters, such divergence stands out clearly. While in both Italy and Spain planned entries for non-seasonal working purposes were curtailed to negligible numbers, the Italian Centre-Right government – in charge until November 2011 – persisted in an established tradition of ambiguity. This translated itself, on the one hand, in the adoption of several pieces of harsh flagship legislation targeting also regular immigrants, and, on the other hand, in the repeated relapse in the hard-to-eradicate habit of mass regularizations (in 2009 and again in 2012, this time under a technocratic, non-partisan executive; see Sciortino, 2013). As for Spain, the change of majority in 2011 contributed to a rather abrupt correction of the previous, confidently open, policy direction (Arango, 2013; Aja, Arango and Oliver, various years). Such u-turn expressed itself not only in virtual closure to new entries of non-EU foreign workers, but also in a controversial reintroduction of restrictions to the freedom of movement of Romanian and Bulgarian nationals, and in unprecedented limitations to basic fundamental rights of undocumented migrants, especially in the sphere of health (Royo-Bordonada, Díez-Cornell and Llorente, 2013).

On the whole, these changes reveal a high degree of responsiveness of labour migration policies to changing sets of economic and political opportunities and constraints, in the context of crisis. Such responsiveness, in some cases even volatility, is observed not just at the level of political discourses but also of policy design, and even in the countries where path dependency trends are more evident (such as in Italy with regard to periodical large-scale regularizations). From a comparative point of view, the evolution documented by LAB-MIG-GOV country studies and by the articles in this issue adds up to a radical reshuffle of the geography of labour migration governance in Europe, with a *de facto* overturning of alignments which took shape in the pre-crisis decade. Southern European countries, UK and Ireland, which had previously emerged as the main engines of the conversion to a more proactive and open policy attitude, now clearly rank among the 'cautious', with rhetorical peaks of strong policy discontinuity as with the new British conservative government's explicit challenges to the principle of intra-EU freedom of movement (Cameron, 2013). In the meantime, the torch of labour migration policy innovation has seemingly been taken by countries which until recently were among the most rigorous guardians of the hyper-selective labour immigration orthodoxy.

3 How to explain complex patterns of policy change?

Assessing and explaining the diverging policy paths outlined above is certainly not easy, but it seems essential for a theoretically grounded understanding of policymaking dynamics in the field of labour migration. In particular, it is difficult to distinguish what in these policy shifts represents a merely contingent response to a transitory economic slowdown and what instead may be understood as the result of a deeper process of adaptation to structural changes brought about by the crisis itself or by more fundamental and longer-term trends such as neoliberal globalization.

In 2010, Georg Menz and Alexander Caviedes claimed that we are witnessing a 'systematic and fundamental transformation of migration policy design [*the one associated with broad 'neoliberalization' trends and consisting in a growing openness to 'managed migration'*] that is unlikely to be affected by the worst economic recession since the early 1930s' (Menz and Caviedes, 2010: 19); they also judged it 'unlikely that this recession will play a similar functional role to the OPEC crisis of 1973' (Menz and Caviedes, 2010: 19), which as we saw in the beginning brought to a lasting stall in active international recruitment policies by European states.

The authors of the lines cited above are important voices in one of the most fertile streams of recent scholarly literature on labour migration policies, which attempts to develop an international political economy perspective on the subject, mainly by adopting and adapting the 'Varieties of Capitalism' (VoC) paradigm which gained considerable influence and visibility during the 2000s (Hall and Soskice, 2001; Hancké, Rhodes and Thatcher, 2007; Menz, 2005). Through their recent contributions (Caviedes, 2010b; Menz, 2008; Menz and Caviedes, 2010), Menz and Caviedes have developed an articulated theoretical view of European labour migration policies emphasizing on the one hand their convergence towards selective openness as a result of neoliberal globalization and, on the other hand, persisting specificities due to the embeddedness in distinct national production systems which crucially affect the design of such policies, primarily by determining employers' interests, attitudes and policy preferences in the field of labour migration (Menz, 2010).

An interpretation of recent policy trends as anything more than temporary reactions to transitory labour market oscillations would challenge the rather univocal theoretical stance according to which '[t]he re-conceptualization of migration policy as a national human resources strategy as opposed to a largely defensive security-driven domain more likely marks a long-term paradigmatic shift, notwithstanding the recession of the late

2000s and a largely sceptical public' (Menz and Cavedes, 2010: 3). Besides, if we conceive the recent policy changes as anything more than a wave of superficial and transient adaptations, a rethinking of the fundamental categories of the VoC literature would be needed (in this direction, but without a specific focus on migration, see Bosch, Lehndorff and Rubery, 2009). As a matter of fact, convincing theoretical explanations seem so far lacking for such important empirical developments as the gradual but constant opening of a Coordinated Market Economy (MME) *par excellence* like Germany to high- but increasingly also medium- and even low-skilled migration (see endnote 6), or the spectacular and not very contentious Swedish metamorphosis into a rather unselective receiving state, or also to give account of the singularities of anomalous Mixed Market Economies (MMEs) like the Mediterranean ones, which in the last decade have been oscillating wildly between deregulated openness and harsh closure.

Our contention is indeed that we are going through a phase of deep and not univocal restructuring of the labour migration policy field in Europe. In order to understand such evolution, we cannot stick to a homogeneous conceptualization of the structure of the field of interests driving policy design, one in which employers' preferences inevitably prevail (although in a more or less crushing way) and where trade unions are forced to accept managed migration as a lesser evil against greater ones like social dumping through irregular migration and delocalization of production (Menz, 2010). A more flexible conceptualization is required: one in which the agency of states (or, more broadly and accurately, of complex and dynamic structures of multilevel governance still centred on states; see Zincone and Caponio, 2006) is acknowledged in a more articulated way, in particular by recognizing the key role played by indirect channels for the admission of migrants in domestic labour markets.

In the next paragraph we will elaborate further on our key argument, namely that state agency in the field of labour migration expresses itself not only (and perhaps even not so much) in the determination of overall volumes of admissions and the profiles of the entrants, but more effectively and more specifically in influencing the composition of migrant labour supply in terms of channels of entry and modes of access to the domestic labour market. But before turning to this final section, it is worth briefly reviewing two in many respects rather different scholarly efforts which have nevertheless in common a flexible and pluralistic conception of the determinants of labour migration policymaking.

The first is the model of labour migration policy as a 'choice under constraints' recently put forward by Ruhs (2013, see in particular Chapter

3). The main focus is on how high-income liberal democracies design labour immigration policies in order to pursue a 'core set of four interrelated and sometimes-competing policy goals' (p. 5), namely economic efficiency, distribution (in particular, avoiding negative impacts on low-skilled natives), national identity and social cohesion, national security and public order. Nation-states' agency is constrained by a complex grid of macro-level factors the most important of which are i) structural limits to the capacity to control immigration, ii) national and international liberal norms and institutions, and iii) specificities in national political systems, production regimes and welfare systems. Based on these conceptual foundations, Ruhs finds sophisticated although not always equally compelling quantitative and qualitative evidence in support of three fundamental hypotheses on the dynamics of labour immigration policymaking: positive relationships are identified between targeted skills and both policy openness and levels of recognition of some categories of migrant rights, while a negative relationship is found between openness and (some) rights.

Among the merits of Ruhs' theoretical framework is indeed its flexibility, which allows *inter alia* to account for more or less deep policy fluctuations across periods of crisis:

The argument that states are simply passively reacting to different interests and have no substantive policy objectives of their own is [...] difficult to defend in practice. The economic interest of employers may well be the driving force of immigration policy in certain countries at certain times, especially during economic growth where concerns about distribution and national identity may be less of a priority, but evidently do not describe policymaking processes in all countries and at all times. In times of economic downturn, for example, states are likely to increase the importance of protecting low-skilled workers (Ruhs, 2013: 32-33).

But what is not entirely satisfactory, from our current point of view, in Ruhs' otherwise comprehensive and clear model, is its explanatory capacity with regard to specific key features of some contemporary European cases. Here too, a narrow conceptualization of the research object ('policies for regulating the number, skills and rights of migrants who are admitted for the primary purpose of work', Ruhs: 10) appears as a limitation and it is again southern Europe, in particular, which represents a puzzle and provides theoretically challenging empirical material. We have already recalled the crucial role that *ex-post* large-scale regularizations have constantly played, over the last two decades, in southern European attempts

to regulate labour migration (Barbagli, Colombo and Sciortino, 2004). However, this central policy feature does not seem properly explained by a theoretical account in which one of the fundamental propositions is that of a reverse proportionality between 'numbers' (of admitted foreign workers) and 'rights' (granted to them) (Ruhs, 2013; Ruhs and Martin, 2008). In regulatory environments essentially based on periodical legalizations of undocumented populations (accompanied by amnesties of their irregular employers) a fundamentally different logic seems to operate. Namely, until underground foreign workers represent a tiny and little visible category, their fundamental rights can easily be denied. But such strategy of systematic denial of (primarily) economic and social rights has proven to become unsustainable when 'numbers' get sufficient to set in motion the heterogeneous advocacy coalitions supporting regularizations, generally composed by trade unions, churches, migrant rights movements and immigrant associations (Zincone, 2006). In such cases, the quantitative openness of the system in terms of actual intakes of foreign workers plays a critical role in explaining dynamics of rights expansion through regularizations which represent the outcome of peculiar forms of social and political mobilization.

Explaining the complex and often ambiguous but still critical role of the state in shaping labour migration and making sense of the ongoing complex transformations of the European labour migration governance field are also the essential goals of another important theoretical contribution, Boswell's theory of the functionalist imperatives of the state (2007). In her search for convincing alternatives to both political economy and neo-institutionalist theories of migration policymaking, Boswell bases her analysis on a conceptualization of the state as a complex actor constantly striving to secure, reinforce and perpetuate its own legitimacy, which is assumed to be based on various possible combinations of four fundamental criteria (fairness, accumulation, security and institutional legitimacy) (Boswell, 2007: 89). It is argued that labour migration policy is an area where the potential conflict among these different sources of legitimation is particularly acute and where 'a state unable to meet all functional requirements may have an interest in the persistence of contradictions and inefficiencies in policy' (Boswell, 2007: 93); more specifically, as Boswell adds, 'such malintegration usually takes the form of a gap between proclaimed, restrictive migration policy, and the de facto toleration or covert implementation of more liberal measures' (Boswell, 2007: 93).

Such a flexible theoretical model allows Boswell to propose an articulated but convincing typology where even the generally elusive Italian case

finds a satisfactory location in a policy type significantly baptized 'Uncontrolled'. In this particular policy configuration, '[t]he Berlusconi government [*but the ideal type which is proposed catches a good amount of bipartisan continuities in Italian migration policy history*] has adopted a highly restrictionist rhetoric, whilst tolerating substantial levels of irregular migration and employment, and even encouraging these through periodic regularizations' (Boswell, 2007: 95; Zincone, 2002). As correctly stated by the author, this formally contradictory policy mix is typical but far from exclusively characteristic of Italy, as some of its elements 'can be discerned in the policies of many other European countries as well as the US, insofar as these countries fail to introduce robust measures to control irregular immigration and labour' (Boswell, 2007: 95).

The awkward combination of (economic) openness and (cultural and political) closure incorporated in this latter policy type as singled out by Boswell might even gain ground in a context of 'chronicized' economic crisis where labour market positions of immigrants tend to deteriorate, competition with natives is reactivated, but no large wave of returns or secondary migration flows is observed. As a result, while the overall immigrant presence is not significantly reduced, the economic bases for economic integration become thinner and risks of 'wars among poors' grow. In such an environment, which may be spreading even beyond southern Europe, populist calls for more closed communities are not necessarily perceived as irreconcilable with neoliberal campaigns for more 'open' and competitive societies. Further structural weakening of the labour market position and further social exclusion of immigrants may thus emerge as the implicit strategic goal towards which traditionally opposed sets of interests converge. In such a context, spurious coalitions of pro-immigrant employers and anti-immigrant native workers and/or welfare beneficiaries (an odd alliance which is hardly conceivable in the framework of most political economy and neo-institutionalist theories) do not appear as hardly viable anomalies any more. Facing these apparent contradictions, neo-marxist accounts emphasizing the discriminatory segmentation of labour markets (Castles and Kosack, 1973; Piore, 1979), which seemed to have been made outdated by 'neoliberalization' trends and by the parallel evolution towards the 'knowledge economy' and the 'competition state', regain explanatory potential (Castles 2004).

4 Comparing foreign labour supply policy mixes

The distinction between ‘front-door’ and ‘back-door’ immigration policies (the latter mainly referred to the toleration of undocumented low-skilled immigration) is traditionally used in policy debates in the United States, where scholarship has devoted specific attention to the interplay between these two fundamental branches of immigration regulation (for a masterly example of this kind of analysis, see Zolberg, 2008). This is less frequently the case in Europe, where on the one hand specialists of labour migration policies have given prevalent attention to official admission channels while, on the other hand, control and repressive policies against irregular flows have frequently been dealt with as an autonomous research field. As a consequence, the interdependence between policies on ‘legal’ and ‘illegal’ migration, and the porous nature of the boundary between the social and legal spheres of regularity and irregularity (in both ways: as a result of different forms of regularization, in one direction, of refusals of residence permit renewal and consequent relapse into an irregular condition, in the other) have often been neglected (among the exceptions, for a conceptualization of irregularity as a ‘very dynamic condition’ structuring a ‘foggy’ social space, see Bommès and Sciortino, 2011: 219).

This special issue tries to avoid these shortcomings by framing its object in a more comprehensive way. However, given the complexity of the regulation of the access of foreign workers to European labour markets, a dualistic model based on the metaphorical juxtaposition between a front- and a back-door appears insufficient and unable to grasp effectively the actual variety of national policy mixes.

In the first place, over the last decade, a crucial role has been assumed by the ‘open gate’ of free movement for (new) EU citizens next to the traditional front-door of legal admission of third-country nationals for working purposes. The different use made of the limited discretionary power recognized to ‘old’ EU member states in managing the labour market access of citizens of Eastern European accession countries has emerged in this period as one of the main factors of differentiation in national approaches to the regulation of international mobility of labour (Black et al., 2010; Galgoczi, Leschke and Watt, 2009; OECD, 2001). This policy dimension and its interplay with the regulation of labour migration from outside the EU are thus given specific attention in the LAB-MIG-GOV country studies and in the comparative articles collected here.

In the second place, we have included in our analyses what we define *functional equivalents* (of narrowly defined labour migration policies): all

policies giving access to domestic labour markets to immigrants admitted for reasons *other than work*. This covers profiles as diverse as family migrants (including spouses, offspring and in some national contexts even parents of labour immigrants admitted through family reunion procedures), different types of humanitarian migrants, international students, so-called co-ethnics (e.g. *Aussiedler* in Germany or descendents of emigrants in Italy). In most European countries, this 'side-door' consisting in granting or extending the right to work for persons belonging to these (often rights-based) immigration categories has been opened more widely in the pre-crisis decade. This trend, based on a growing awareness of the actual and potential labour market role played by these groups, has since the early 2000s been fostered and streamlined by the European Union. This liberalizing role was exerted by the supranational legislator through ad hoc clauses aimed at limiting the possibility for Member States to exclude asylum seekers or family migrants from domestic labour markets.⁷

Besides the policies aimed at giving (usually delayed) access to domestic labour markets to immigrants originally admitted for reasons other than work, our concept of functional equivalents encompasses also post-entry regularizations of undocumented migrant workers which have until recently played a very significant role especially in southern European countries. It is interesting to point out that, contrary to what happened with policies aimed at fostering labour market participation of non-labour migrants, the attitude of the EU towards large-scale regularizations has systematically been negative, with even some unsuccessful attempt to formally restrict the use of such policy tool.⁸

Beyond labour immigration policies *stricto sensu*, the management of intra-EU mobility and the use of functional equivalents, the addition of a fourth component in the framing of our research object was suggested by the preparatory fieldwork carried out in the six target countries in 2011-2013. In national policy debates, and in the words of the policymakers, officials and stakeholders we interviewed, references are often made to the interplay between migration policies and other labour-related policy fields. In particular, in the context of discussions on how to increase national competitiveness in response to the economic crisis, raising natives' and settled immigrants' activity rates while reducing the need to import foreign labour is often singled out as a desirable strategic goal. This prompted us to include in our research design a specific attention towards what we propose to call *functional alternatives* to labour migration policies, defined as all policies and measures (mainly situated in the fields of employment, education or training policies) which are explicitly meant to

reduce the dependency on immigrant labour and to increase the presence of native and settled immigrant workers in given employment sectors. The article by Devitt in this issue explores the different extent to which this trend is gaining ground, on the basis of a comparison of the French and British cases.

By widening our empirical scope as to include the different sets of policy tools described above, the goal of this special issue is to construct as a unitary research object a functionally integrated policy field which we define as a *migrant labour supply (MLS) policy field*. The essential structure of this complex policy field is schematically represented below in Figure 2.

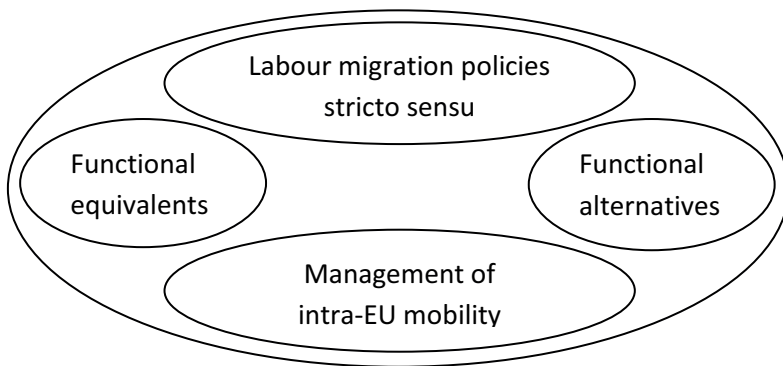


Figure 2 The structure of the Migrant labour supply policy field

This is just a standardized representation of what we conceive as the four essential components of MLS as an intrinsically pluralistic field of regulation. The actual configurations of this composite policy field, including for instance the relative weight of each component, vary substantially in time (see above, para. 3) and in space.

From an institutional point of view, it is clear that MLS policies are still primarily defined *at national level* and this explains why cross-national comparison is the fundamental methodological choice on which the research presented in this special issue is based. This does not exclude, however, the awareness of the importance that sub-national and supra-national levels of regulation may take in this area, as well illustrated in the article by Laubenthal in this issue. It is thus certainly possible to conceptualize MLS as a field of *multi-level governance* (for an application of the concept, originally proposed by Marks, 1993, to the field of migration, see Zincone and Caponio, 2006; Hepburn and Zapata-Barrero, 2014), even though – as some analyses of specific EU policies produced in the frame-

work of the LAB-MIG-GOV project clearly show (Lazarowicz, 2013 and 2014; Pascouau, 2013; Pascouau and McLoughlin, 2012) – the degree of actually achieved Europeanization is low compared to other domains of EU legislative competence (Pastore, 2004).

As for the sub-national levels of regulation, their role in regulating labour migration is generally limited, with a few partial exceptions among which the German *Länder* as studied here by Laubenthal. However, in the framework of future research assuming the paradigm shift that we propose towards a more integrated consideration of the MLS policy field, even the role of sub-national institutional and political actors in shaping the governance of migrant labour supply could stand out more prominently, given the institutional competences on employment and training issues that regional and local governments hold in many European countries.

Notwithstanding the multi-level perspective adopted in some of the articles, our approach essentially consists in ‘comparing places’ (in the broad sense proposed by Martiniello, 2013: 12; for another recent reflection on the role of comparison in migration studies, see Bloemraad, 2013). More precisely, our comparative lens focuses on how some important European states deal with the complex task of regulating the supply of migrant labour on the domestic labour market, struggling to find advantageous and sustainable compromises in the simultaneous pursuit of different functional imperatives. Two of the articles (the ones by Cangiano and Salis) adopt a broad comparative angle including all or most of the target countries of the LAB-MIG-GOV project and making more systematic use of quantitative methods; other two contributions (by Devitt and Finotelli) are based on bilateral comparisons in each case with a specific rationale for the selection of pairs (in Finotelli’s article, for instance, Germany and Spain are taken as ‘most different cases’: see Seawright and Gerring, 2008). Laubenthal’s contribution is the only one where the comparative method is not applied across countries but across institutional levels within one single national system, by focusing on the different uses made of EU legislation between the federal state and a *Bundesland*.

Before providing a concise overview of the key contents and findings of the articles that will follow, it is worth dwelling a little more on the determinants of the significant cross-country variations in the composition of national systems of regulation of migrant labour supply. How can such variations be explained? What drives the complex and constantly adjusted choices by which states compose the ever changing palette of MLS policies? From the comparative work presented in this special issue, some common explanatory principles can be singled out. In broad terms, it can

be stated that liberal democratic states (such fundamental political identity is common to all our case studies) tend to choose the MLS policy mix corresponding to the *path of least resistance* across the main sets of political constraints characteristic of each national political environment. Of course, the two key sets of such constraints are represented by *politically organised* demand for immigrant labour and *politically organised* resistance against it. As several scholars – following Gary Freeman – have argued, the mere existence of a certain amount of demand for, or resistance against labour immigration is not in itself sufficient to shape policy-making. What is crucial is indeed the *level of organization of such collective interests* meant as collective capacity to a) identify and express a unitary economic interest, b) to translate it into a clear and viable policy option, and c) to channel such policy option effectively into the policymaking circuit. The research presented in this special issue shows that the level of organisation of pro- and anti-(labour)immigration constituencies varies very significantly across European states, and that such patterns of variation are themselves deeply affected by the euro crisis.

Making sense of such variations in terms of their impact on MLS policy-making evidently requires to focus on the changing *relation* between levels of organisation of the demand for labour migration, on one side, and of the resistance against it on the other. In a simple heuristic model where such levels of organisation can vary only from ‘high’ to ‘low’ and vice versa (as shown in Table 1), four ideal-typical situations can be envisaged: A) High (level of organization of) demand + high (level of organization of) resistance; B) High demand + low resistance; C) Low demand + high resistance; D) Low demand + low resistance.

Table 1 Types of relations between levels of organisation of demand for and resistance against labour immigration – A heuristic typology

	DEMAND High level of organisation	DEMAND Low level of organisation
RESISTANCE High level of organisation	A	C
RESISTANCE Low level of organisation	B	D

One of the key findings of the collective fieldwork carried out for this special issue is that when both demand for and resistance to labour immigration are high (situation A in the heuristic typology summarised above and visualized in Table 1), the pressure to reduce the *public visibility* of

policy choices aimed at enhancing migrant labour supply discourages direct admission of migrant workers while generating specific incentives to boost indirect policies (i.e. functional equivalents) and in some cases to adopt, or at least envisage the adoption, of functional alternatives to directly tackling shortages with immigrant labour. Of course, this is not without counter-indications, as direct labour immigration policies tend to be more efficient in terms of both quality of the micro-level matching between labour demand and supply (especially if based on a sound assessment of labour market needs: see Martin and Stark 2014, Ruhs and Anderson, 2010), and of economic and social integration outcomes of migrant workers in the receiving context (fresh evidence for this latter statement is found in Cangiano's article in this special issue). The tension between the political advantages and the technical weaknesses of a MLS strategy relying more heavily on functional equivalents are evident, for instance, in the case of France, where in presence of high levels of organisation of resistance against labour immigration (mainly represented by the Front National) the share of indirect labour immigration remained comparatively high in spite of the alleged policy goal of boosting skill-based selectivity (*immigration choisie*).

In contrast, in situations marked by highly organised demand for, and low resistance to labour immigration (situation B in Table 1), it becomes easier for policymakers to include in the MLS cocktail a larger share of direct admissions thereby aiming at better results in terms of both short-term labour market efficiency and longer-term integration. Such configuration seems for instance to adequately describe pre-crisis Spain in which explicit entrepreneurial lobbying for a more open admission policy was not countered by any strong and vocal anti-immigration movement.

One last argument is worth adding here with regard to possible explanations of cross-country variations in the composition of MLS policy mixes. In some cases, such explanations are *sector-specific*, i.e. they apply specifically and sometimes exclusively to one or few labour market sectors, or even to specific occupational categories. A good example is provided by Salis in her analysis of the determinants of national policies on immigration of care workers (in this special issue). In her compelling account of the Italian case, the author shows how governments of different political orientation have been giving a privileged treatment to migrant care workers (MCWs) (through ad hoc admission channels, ad hoc regularization procedures, etc.) while systematically tolerating dubious exploitation of such special procedures by other types of migrant workers. The author explains such a peculiar policy choice precisely as an attempt to find a path of least

resistance between a persisting demand for (different types of) low-skilled labour and a public opinion environment marked by a relatively more extensive and stronger consensus about the immigration of care workers, perceived as socially more desirable and sustainable than other categories of migrant workers. In Salis' words, "... the openness towards MCWs has, at least partially, allowed the Italian authorities to open the doors to all other labour migrants while presenting them as *good and useful* for the Italian society".

In conclusion, I will briefly sketch the structure of the issue and the essential contents of the five articles that follow. Each of these centres the analysis on one specific dimension of national migrant labour supply systems. In Cangiano's piece, the starting question is how entry channels (typified in five categories: labour, family, study, asylum, permit-free) affect subsequent occupational careers of individual migrants. This relation is explored by using the dataset generated by the 2008 Ad-Hoc module on migrant workers of the EU Labour Force Survey. The results provide theoretically interesting and practically relevant insights on the different 'outputs' of distinct national MLS systems in terms of labour market integration.

Devitt compares the composition and the evolution of policy mixes (and accompanying public rhetorics) governing the supply of migrant labour in France and United Kingdom. She highlights both similarities (a continuing favour towards high-skilled migration in spite of the economic downturn) and differences, mainly explained by the embeddedness of MLS policies in different institutional contexts. Different national traditions in the fields of social protection and active employment policies, among other factors, are used to explain differences in the recourse to what we have called functional alternatives to labour migration.

In the next piece, Laubenthal explores the forms and dynamics of Europeanization in the field of labour migration in the German context. By focusing on the process of transposition of the EU's 'Blue Card' directive in national law, she shows how a convergence of policy aims between the domestic and the European level became a precondition for a substantial policy change. From a traditional setting in which *Länder* were generally seen as braking Europeanization and the federal government as 'using' the EU mainly to legitimize restrictive changes at the national level, a new posture is emerging whereby European regulation becomes functional to a more open attitude towards labour migration.

In her dense comparative study of the norms and practices regulating the access of foreign health professionals to domestic labour markets in

Germany and Spain, Finotelli provides a fascinating insight on the everyday management of a crucially important type of high-skilled migration, under the veil of official political discourses. By focusing specifically on the role of foreign credentials recognition and of language knowledge in international recruitment, she reveals the tensions and compromises lying behind the 'competition state' rhetoric on the 'attraction of talents'.

The special issue ends with an article by Salis on the governance of another crucial sector for immigrant employment, namely the market of elderly care services. Through a careful combination of qualitative and quantitative methods, she shows first the very different extent to which European states have been using immigrant labour to address shortages in the care sector across Europe and then moves to illustrating and explaining the heterogeneity of national policy mixes adopted. The results corroborate the hypothesis of a 'sectoral turn in labour migration policy' (Caviedes, 2010a, 2010b) but generate also some fresh theoretical insight on the political economy of low-skilled migration in a peculiar but crucial sector where the demand for migrant workers stems from households and not from organised employers.

The overall picture emerging from this diverse but internally consistent set of thematic studies is complex, dynamic and does not permit easy generalizations or forecasts on future trends (Holtslag, Kremer and Schrijvers, 2013). What is certainly confirmed is the variety of national approaches in the MLS field and the importance of the ongoing transformations, which are taking place at an accelerated pace since the outburst of the crisis. Structural explanatory principles, such as the peculiarities of national 'varieties of capitalism', political cultures, welfare models or care regimes are certainly still relevant and useful. But the rough and unsteady policy landscape that we have been reconstructing suggests the necessity to complement context-based explanations with a more fine-grained focus on policymaking processes. Without neglecting the importance of vertical interactions across institutional levels, this processual perspective still needs to be centred on states and on the distinct agency they exert in developing specific national approaches to the complex issue of migrant labour supply and in progressively blazing the 'path of least resistance' across the different sets of constraints that are punctuating this tormented policy field.

Notes

1. For two inspiring examples of theoretically informed analyses of the structural transformations induced or enhanced by the crisis, in the social and political spheres respectively, but with no specific focus on migration or migration policies, see Hall and Lamont, 2013; Schäfer and Streeck, 2013.
2. The articles collected in this special issue are all based on a three-years comparative research project on “Labour Migration Governance in Contemporary Europe” (acronym: LAB-MIG-GOV). This collaborative project has been carried out by a multinational team of researchers with different disciplinary backgrounds under the scientific coordination of Ferruccio Pastore. LAB-MIG-GOV was managed by FIERI (Forum of International and European Research on Immigration, Torino, Italy, www.fieri.it) and benefitted from the generous support of the “Europe and Global Challenges” Programme, promoted by Compagnia di San Paolo, Riksbankens Jubileumsfond and VolkswagenStiftung. All the reports and working papers produced in the framework of LAB-MIG-GOV are available on the project’s website (www.labmiggo.eu).
3. Another strand of policies which could be included in a broad definition of ‘functional equivalents of labour migration policies’ is represented by all those policies aimed at granting multinational and transnational companies leeway to move workers across borders thus introducing exceptions to general labour immigration regulations (e.g. intra-company transfers, cross-border ‘posting’, etc.). Although it has not been made object of specific attention in this special issue, this is an expanding area of regulation that would deserve more attention from migration scholars (temporary staffing has so far mainly attracted research attention from economic geographers and scholars of ‘transnational labour markets’; for an overview see Coe, Jones and Ward, 2010).
4. The concept of ‘policy mix’ has been originated in the macro-economic field to indicate the combined use of monetary and fiscal policy (see, for instance, Farina and Tamborini, 2008). We deem it appropriate to describe the combined use of different sectoral policies to pursue complex systemic objectives also in other fields, such as in the case of the migrant labour supply policy mix.
5. Besides the policies aimed at giving access to domestic labour markets to immigrants originally admitted for reasons other than work, also post-entry regularizations of undocumented migrant workers can be conceived as *functional equivalents* to legal admission for working purposes. As we will see in greater details below, in some EU states, regularizations have indeed played a key role in functionally replacing official and more straightforward labour immigration policies.
6. Although German admission policies remain highly selective and essentially targeted on high-skilled and skilled migrant workers, in some important labour market sectors which are traditionally framed as low-skilled the share of migrant workers is far from negligible. As illustrated in details in Salis’ article on the governance of labour migration in the care sector (in this special issue), EU-LFS data show that in Germany the share of migrant workers among personal care workers is equal to the EU15 average while it is much higher among domestic helpers. Such significant migrant presence is not the outcome of direct labour immigration policies but of a more articulated migrant labour supply system which is relying on functional equivalents especially for lower skills (Lutz and Palenga-Möllnbeck, 2010; Shire, 2014).
7. See respectively Council directive 2003/9/EC ‘laying down minimum standards for the

reception of asylum seekers', Article 11(2) and Council directive 2003/86/EC 'on the right to family reunification', Article 14(2).

8. The European Pact on Immigration and Asylum adopted by the European Council under the impulse of the French Presidency of the EU in October 2008 contained a statement whereby "... the European Council agrees [...] to use only case-by-case regularisation, rather than generalised regularisation, under national law, for humanitarian or economic reasons". Such agreement, however, did not prevent subsequent rather 'generalised' (although not completely unconditional) regularizations to be adopted, notably by Italy.

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