

## Summaries in English of some articles

ENRICO PUGLIESE – *Presentation of the special issue: Old Differences and New Similarities: American and European Migration Policies in a Comparative Perspective.* At the end of the century, similarities between immigration in Europe and in the United States could be noted concerning both general conditions as well as migratory policies. In reality the main aspect that unifies the situation of the two areas is the priority assigned to the control and limitation of entries: policies which appear to be dictated in the first place by the fear of mass entries.

In both cases the presence of clandestine or irregular immigrants on the national territory is significant. Until 20 or 25 years ago, this was exclusively an American problem. Now it has reached mass proportions also in Europe. On the one hand, this phenomenon is occasionally reduced by regularisation measures (mostly amnesty laws both in the United States and in Europe), on the other hand, it is contrasted by a more strict control on the part of the police and by deportations.

The other element of similarity, that reflects the increasing role of international institutions, is the importance of refugee policies. The aperture encouraged for humanitarian reasons by these organisms, and generally agreed on by the various countries, is also matched by the careful practice of reducing and discouraging influx. Moreover, in this case, it is particularly evident that there is a certain overlapping of foreign policies and practices in international politics in all countries.

As regards social policies towards immigrants, there has been some adjustment in the European legislation in recent years, in accordance with an anti-discriminatory line. But, apart from the differences that still exist among the various European countries, it should be noted there are some requests to limit the rights and benefits for immigrants. The greater innovations in the last year have come from the United States, where a welfare reform law has modified the picture, with a break away from American tradition. For the first time, there is great discrimination against legal residents, limiting their access to a wide range of welfare services that are now available only to citizens. The law can be understood as an aspect of the general reorganisation of the American welfare system, focused on reducing welfare that is also in contradiction with an old constitutional principle concerning equal treatment for all those that reside in the territory.

In a certain sense there has been a europeanisation of American policies (as both Miller and Tomasi argue in their contributions). However, everything is complicated by the fact there are two types of foreigners in

Europe: non Europeans (and therefore foreigners with respect to a single state and to the EU as a whole) and those who are foreigners in a single state and united by European supra-national citizenship. Even social policies are affected by this difference, meaning that social citizenship rights are less accessible to people from countries outside the EU. But these are the actors of the new migratory scene, both in Europe and in USA.

This special issue of *La Critica Sociologica* collects some of the papers presented at the conference with some updating and modifications. Some contributions (Ferrarotti, King, Miller, Withol de Wenden) present a very general picture of new characteristics of immigration and of immigration policies in Europe and in the Usa. Other more specific papers treat particular issues such as the welfare system and immigrant rights (Boffo, Carchedi, Mingione and Pugliese). Great relevance has been given to some emerging issues such as the increase of refugees in the international migration flow, underlying, the attempts to modify and limit the basic principles of the Geneva convention (Joly).

Because of the late decision to make this special Issue of *La Critica Sociologica* possible, the publication has been delayed and this has implied the impossibility to publish other relevant contributions to the conference.

DANIELLE JOLY – *A new asylum regime in Europe.* A new asylum regime which is being formulated within the context of a profound all-embracing crisis of an economic, political, social and ideological character in the developed world. This paper argues that the paradigm has changed from a regime implementing a selective but integrative policy of access and full status recognition with complete social rights and long-term settlement, to one which maximises exclusion on entry and undermines status and rights with the perspective of a short-term stay for refugees. The European Union or more precisely a number of its member states have been a driving force for the setting up of the new asylum regime. Their initiative was motivated by two interrelated factors: the will to tighten up on immigration controls in order to reduce settled immigrant populations and the determination to regain sovereignty over national borders. However, it was clear that protection could not be abandoned totally and that many refugees could not be sent back to their place of origin. Ad hoc statuses were implemented but the prevalent xenophobia and the anti-immigration rhetoric of governments made it difficult to offer integration in the society of reception. Other status refugees were often left in limbo about their situation apart from being allowed to remain. Temporary protection solved the dilemma: protection was granted, but for a limited period with return as the only outcome envisaged. The question of integration did not have to be posed; and family reunion was perceived as a negation those premises. Moreover, the instruments adopted to govern TP were guidelines, albeit on a European level thus furthering the harmonisation process which did not impinge in any way onto national sovereignty, this is stressed more than once by the Intergovernmental Consultations.

In keeping people out or limiting their stay was a priority, other strategies had to be adopted in addition to a better control of borders and legal instruments. Protection in situ and in the close proximity of the zone in conflict became necessary, as well as help towards reconstruction and the reception of returnees. Finally more reluctantly burden-sharing came to the fore. Such a comprehensive approach had only become possible as the end of the Cold War facilitated international co-operation.

MARK MILLER – *Immigrant Integration in North America: Trends and Issues*. For purposes of this essay, North America is conceptualized in terms of geographical components - the Caribbean, Central America and Mexico and the liberal democratic core states of Canada and the USA. The bulk of the analysis concerns the core states of Canada and the USA. But immigration-related developments in the USA and Canada profoundly affect the whole of North America and indeed the world. This centrality warrants a focus that necessarily diminishes, because of abstraction and parsimony, coverage of the richness and complexity of international migration in the peripheral zones of North America. The key trends affecting the future course of international migration to and within North America are primarily those affecting Canada and the USA. Such are the realities of an area characterized by huge disparities in per capita income and life chances. Those disparities create conditions that impel international migration. However, the most striking feature of North America is the model of a legal immigration policy, such as practiced in Canada and the USA.

This study approaches the question of the future of international migration in North America, by first situating the area in a geo-strategic context. It then looks back into history to seek to understand why a legal immigration norm evolved in Canada and the USA. Major trends and recent developments affecting legal immigration and integration of immigrants in Canada and the USA are analyzed. An argument is made that the legal immigration regime dominant in Canada and the USA is likely to be durable. Discussion of the implications for the rest of North America then ensues.

LYDIA MORRIS – *The Politics of migration in Europe: the conflictual terrain of rights*. Political and academic interest in cross-national migration can be seen from two different perspectives: the first one emphasises the continuing power of the nation state, manifest in its capacity for control over entry and rights, while the second one sees migration, and more specifically migrants rights, as the manifestation of an emergent 'post-national' society in which migrants can increasingly draw on trans-national rights. There is an element of truth in both these apparently opposing positions, but position offers an adequate basis for understanding the implications of trans-national migration, with respect to either the migrant experience or the political responses it has provoked.

Though some aspects of EU law can be seen to promote and defend migrants rights, EU law has also provided a basis for limiting rights, and differentiating between migrants groups - for example the withholding of

the right of long-term resident third country nationals to free movement for work across internal border. In addition to that an examination of entitlement to rights, and their realisation, shows both to be closely related to controls. Examples can be found in the rules of transition between statuses; the withholding of rights subject to meeting specified conditions; the use of social provisions as a means of surveillance; the erosion of support as a means of deterrence; and the practical barriers to claiming rights. Finally an ambiguity in the terrain of rights is what has been termed an implementation deficit, whereby a formal right exists but is difficult to realise in practice.

FRANCO FERRAROTTI – *Preliminary Remarks on the impact of Immigration on European Society*. Migration movements cannot be understood, even less explained, on the basis of a single cause. Economic motives are a powerful factor as regards migration, but escape from religious or political prosecution, must be taken into consideration. What seems to be prima facie evident is that the present day European prosperity depends on the supply of a relatively cheap and hardworking manpower that comes from the less privileged parts of the world. Europe used to export manpower, especially to the United States and Latin America, mostly from countries such as Poland, Russia, Germany, Greece, Spain and Italy. The situation is contrary and symmetrical today. Immigrants from outside the European community look at Europe, if not as a promised land, certainly as a way to escape famine, destitution, and, to a lesser degree, authoritarian political rule. One can safely say that Europeans are not prepared to face this new situation. They do not seem to realize the important connection between their relative opulence of today and immigration.

LYDIO TOMASI – *Immigrant integration in the Usa: Still a model for Emulation*. How pertinent is U.S. incorporation of immigrants to European integration questions and viceversa? This paper contends that transatlantic comparison of immigrant integration is less one of apples to oranges than one of tangerines to clementines. There is more similarity and congruence than frequently assumed. This endows transatlantic comparison of immigrant integration with public policy meaningful. What Americans or Europeans do in this realm has public policy-learning implications across the Atlantic.

The paper consists of four sections. The first contends that the extension of residency and employment rights to foreign workers and their dependents in Europe between 1970 and 1990 narrowed transatlantic differences. The second summarizes recent developments in U.S. immigration law and policy which have tended to erode the liberal status afforded resident aliens which demarcated the U.S. system of legal immigration from European guestworker policies. The third contends that recent legal and policy changes in the U.S. have not fundamentally altered the U.S. model of immigrant incorporation. Indeed, in certain key respects, the recent changes are consistent with a historical pattern of governmental «benign neglect» of

immigrant incorporation. The concluding section contends that, despite important historical policy and legal differences, Europeans and Americans have much to learn from one another in the realm of immigrant integration. Europeans and immigrants in Europe perhaps look too much to government for solutions to integration barriers and problems. Perhaps solutions and remedies are available through civil society and the immigrants own resources and organizations. The passage of time and intergenerational change foster incorporation. Perhaps assessments of integration success or failure require longer timelines. One could argue that the European social state provides protection and integration assistance that is lacking in the U.S. Maybe Americans need to realize that the barriers encountered by so many post-1965 immigrants are aspects of broader societal problems arising from glaring inequalities in life chances. Can immigrant integration problems be addressed without broader reforms that would narrow transatlantic differences between European social states and the liberal, laissez-faire U.S.?

ENZO MINGIONE, ENRICO PUGLIESE – *Immigrants and the welfare state: Europe and USA*. The essay analyses in a comparative way the American and the European welfare systems in regard to the way in which it affects the condition of the immigrants and with reference to the most recent trends in immigration policy.

The paper starts with a definition of the welfare state as a set of rights and benefits limited to citizens of a nation state. The generalization of social rights of citizenship - a range of benefits that those belonging to a national community can take advantage of - is the essence of the welfare state. Immigration itself questions this aspect: immigrants are non-nationals who aspire and deserve access to these benefits. The extension of citizenship rights to non citizens implies a redefinition of the concept of social citizenship.

The process of incorporation of the immigrant labour force into the societies of the host countries occurred with the increasing equality of the immigrants to the conditions of the local workers. It cannot be said that this process has been interrupted. But in recent years, there has been the radical modification of the circumstances in which this occurred. The increasing incidence of workers from developing countries has introduced the presence of new subjects which don't always have access to benefits, foreseen by legislation, on the matter of the reception of immigrant workers. This is an aspect common both to European countries and to the USA.

But there are relevant differences. The United States have in general a less protective welfare system as compared with to European ones. On the other hand -as a nation of immigrants - the USA has accepted an enormous number of people who have made their way in the American society. On the other hand the opportunities available to the immigrants are not determined only by the welfare policies but by a host of factors ranging from the economic characteristics of the society to opportunities in the labor market and to institutional policies. Traditionally a rather similar situation between citi-

zens and non-citizen residents with respect to welfare and other prerogatives used to be a specific aspect of the welfare system in America. On the contrary in Europe, in the past, the differences between nationals and non nationals were much greater, but undoubtedly in the last decades there has been the progressive extension of citizenship rights to include spending for non-citizens.

RUSSEL KING – *Towards a new typology of European migration*. This paper attempts to map out both some new migratory forms and processes in Europe, and the attendant conceptual and methodological challenges of how to approach their study. These new forms of migration derive from new motivations (above all the retreat from labour migrations linked to Fordist production systems), new space-time flexibilities and technologies, and the relatively new notion of migration as consumption and self-discovery. Thus, and in a variety of ways, migration processes in Europe (and globally) have certainly become more diverse in the past 20 years or so. This diversification of migration encourages both the reassertion of some basic tenets of migration study, and opens up the potential, indeed the necessity, of new methodological approaches.

As well as new data-frames, new terms and metaphors are required to describe the new mobility types which challenge the binary fixity (origin and destination) and the semi-permanence of the common notion of migration. The paper shows how the traditional dichotomies of migration study have been bridged and broken up by new flexible and evolving mobility patterns. How to handle, for instance, cross-border shuttle migration (is it really migration?), or how to categorise Albanian migration as being voluntary or involuntary, or how to unravel the space-time configurations of lo

ng-stay tourism, foreign second-home ownership, residence abroad and expatriacy? The paper shows also how legal versus illegal is a particularly blurred dichotomy of migrant reality: illegality seems to be constructed in an illogical (but perhaps also cynical) way by host societies which seem willing to exploit cheap migrant labour (and even be structurally dependent upon it — the case of Greece) yet at the same time to deny the legal and civic existence of migrants. These new, more diverse and flexible varieties of mobility and migration pose obvious challenges for migration policy, especially within the mind-set of "Fortress Europe", and for attitudes towards citizenship.

CATHERINE WITHOL DE WENDEN – *Migratory Europe*. In the Maastricht Treaty of 7th February 1992, asylum and immigration were included in the third pillar relating to justice and home affairs. The decision-making process required unanimity by the Council of Ministers, a procedure designed to safeguard each distinct sovereignty. These decisions mostly are inter-State agreements with political and moral force; only a few are compulsory legislative measures. These agreements often rested on inter-States' lowest common denominators relating to visa systems, preventing the access of foreigners to the national labour market, obtaining the status of resident and the fight against illegal immigration and employment.

On the road from Maastricht to Amsterdam, new issues have appeared. As expected there have been sovereignty transfers in the transition between the intergovernmental decision-making process (third pillar EU Treaty) to the first one (Community), the efficiency of the harmonisation process of national immigration and asylum policies has been challenged. However, the legal compromise laid down in the Amsterdam Treaty (with the passage of asylum and immigration from the third to the first pillar) marks the end of national policies in this domain and consequently the end of the citizens' control on these national legislations.

Increased harmonisation of European immigration policies has controversial consequences, some of which are also unexpected: restriction of certain basic rights such as the right to asylum, increasing differences between Europeans and non-Europeans, and reinforcement of external controls resulting from the Schengen agreements initially aimed at facilitating intra-European movement. However, some positive effects can also be discerned: the reassertion of universal principles such as anti-discrimination, the right to live with one's family, adoption of common decisions independent from the pressures of national public opinions, and proposals to widen European citizenship to long-term foreign residents. However, some underlying fears are still apparent: the weakening of the concept of sovereignty of the distinct national territories and the irrelevance of border-controls.

FRANCESCO CARCHEDI – *Social policies for immigrants and social services in Italy*. This paper analyses the relations between the evolution of migration flows and the legislation carried out in Italy in the last two decades, with a specific concern for the social policies for the immigrants and their efficacy. It also tries to evaluate the degree to which immigrants have access to welfare benefits, with reference to the various immigrant communities and to the regional differences.

The paper suggests that, notwithstanding improvements in immigrant legislation, the effective social policies for immigrants are still rather poor in Italy, while Italian regional differences are very strong.

STEFANO BOFFO – *The Mediterranean model within the framework of the new international migrations*. Although the Mediterranean basin cannot be seen as a unitary region as far as political, cultural and economic aspects are concerned, it can still be considered as a unit when discussing about migration flows. Several common elements exist in all countries of Southern Europe, and this could justify the hypotheses of a "Mediterranean migration model". Countries like Spain, Portugal, Greece and Italy, traditionally exporters of manpower within a largely common model, present now largely common characteristics as countries of immigration.

Present day international migrations are population (and not only labour force) migrations and take place within the context of a dramatic reduction in industrial and a regular steady employment with a parallel expansion of job opportunities in the services sector and in the so-called "informal" economy.

Having experienced a high dynamism of the informal sector and of small firms in a very segmented labour market, these countries offer evidence of immigrants' presence both in highly developed regions and in regions where the unemployment rate is high and the productive apparatus structurally weak.

Due to the peculiar weight of the agricultural sector and the intensive demand of manpower only in certain periods of the year, in all E.U. Mediterranean countries a relevant occupation for immigrants is represented by agriculture-related seasonal jobs.

Another meaningful common feature of immigration in the E.U. Mediterranean countries is the high concentration in the services sector and the peculiar presence in the area of "personal services", or "family help". This aspect allows the immigrants to fill deficiencies of the local welfare systems, thus satisfying needs that in other EU countries are taken care of through public policies. Furthermore the place of immigrants in society is still a marginal one, and, as a consequence, they have limited access to social policies and programs. A specular aspect is related to migration policies: in contrast to with permissive admission practices of the early years, immigration policies recently have become more restrictive.

Finally the hypothesis of a migration model referred to the whole Mediterranean basin is partly supported by complementary economic and demographic trends, geographic proximity and relatively easy accessibility: immigration into Mediterranean countries is mainly immigration from other Mediterranean countries.