

More than Foreigners, Less than Citizens. Migrants and Their Membership in the Enlarged EU

Simona Zavrata Zimic

UNIVERSITY OF PRIMORSKA, SCIENCE AND RESEARCH CENTER OF KOPER, SLOVENIA

ABSTRACT. Contemporary migration processes, both global and local, have an important relationship with the notions of membership, differences of identity and therefore with the possibilities of immigrants becoming and being citizens. The article deals with the perspective of integration of immigrants into new societies, starting from the principle of two-way intercultural communication, as integration policies do not involve immigrants more nor any less than other members of society. Care for others indicates an 'ethical imperative' of such integration policies that are mainly concerned with norms and values in society and aim to accomplish social solidarity and social cohesion. In addition, the case of Slovenia is given as an illustration of recent migration trends in the enlarged European Union, along with the prevailing management of border control as a key element of migration policies.

Key words: MIGRATION, INTEGRATION, MEMBERSHIP, EUROPEAN INTEGRATION, SLOVENIA.

Introduction

If two decades ago migration could hardly be placed at the top of the European governments' agenda, this is completely turned around in contemporary societies where migration issues frame a broad spectrum of political debates. Recently, migrations represent complex and heterogenous issues, highly relevant for academics, state institutions, the international community and civil society. Migration trends are indeed global in scope, diversified in structure, and highly politicised in profile, and along with this, of enormous importance for European policies. Policy-makers on the level of nation-states or the European Union have responded to these new dynamics of people's mobility mainly by 'hardening' their borders, i.e. by preventing immigrants from entering their states. The major European response to these processes is described in short by the metaphor of "Fortress Europe". It seems today that migration policies are somehow caught between a European and national *Realpolitik* that controls and restricts migrations on one hand and demands consistent respect for human rights, the rule of law, and the social state on the other hand. The latter is presented especially by various NGO's working directly in the fields of migration and human rights.

Along with the politics of immigration control, at the same time the issue of integration of immigrants and, along with it, of multicultural communication and learning as a multi-directional process between immigrants and majority societies is becoming increasingly important. Multicultural and integration models of migration policy, which are frequently intertwined, represent a significant challenge to the predominantly restrictive policies, particularly in the countries of central and eastern Europe (see more in Pajnik and Zavrtnik Zimic 2003). There are also reservations regarding multiculturalism, in that the latter is limited to cultural diversity, but not to other dimensions such as political visibility. Allowing cultural activities while ignoring the political voice of immigrants can lead towards folklorisation of immigrants and the limitation of their role in society to a “cultural sight”. Therefore the ideas put forward in this article shift away from traditional approaches towards the participation of immigrants solely in the cultural arena of life and emphasise participation and integration on the basis of active involvement in public policies. It seems that the concept of active citizenship can offer an appropriate framework for the binding idea of immigrants’ participation at various levels of social life, together with the idea that the integration of immigrants represents an ethical imperative for the majority in society, since integration involves immigrants and all other members of society. This line will be briefly addressed in the context of contemporary citizenship debates that are decisively connected to the issues of migration and the care for others; thus the questions of solidarity, ethic norms, and values will be addressed.

The citizenship debate: members vs. non-members

The mobility of people, as one of the central tendencies of today’s global village, bears an important relation to the notion of belonging and to the identity difference and therefore to the possibilities of immigrants becoming and being citizens. It is evident that the membership of individuals in modern societies is crucially marked by the status of citizenship. Formal access to citizenship and the actual condition of being a citizen can be defined as the legal criteria for integration, the legal measure for incorporation of internally different members of society, including immigrants. On the basis of the status of citizen¹, immigrants are given basic civil rights such as freedom of expression and religion, equality before the law, etc.; the political rights concomitant with active participation in societies (i.e., the right to vote, freedom of association) and social

¹ The starting point here is Marshall’s theoretical model of rights; see more: Marshall, T. H. (1950) *Citizenship and Social Class*. Cambridge: Cambridge University Press.

rights, referring to what is generally called the welfare state (the right to work, access to education and social security services, etc.). These later became the essential part of citizenship and, according to Parsons (1965), a precondition for political integration, a step toward “full membership in the societal community” (Castles and Davidson 2000: 110). However, to Marshall’s triad of rights it would seem appropriate to add what Castles and Davidson (2000) marked as gender rights and cultural rights. The latter already represents an important extension of citizenship rights in cases of immigrants and minorities, since oppression and exclusion linked to gender and culture have always been important, although they have not played an important role in classical theories of citizenship. According to Castles and Davidson (*ibid.*), the cultural sphere is in liberal theory restricted to the area of private life, while the political sphere is one of universalism. The authors lead towards the following crucial argumentation:

This requires a separation between a person’s political rights and obligations, and his or her membership of groups based on ethnicity, religion, social class or regional location. But this conflicts with the reality of nation-state formation, in which becoming a citizen has depended on membership of the dominant cultural community. Members of other cultural groups (whether internal minorities or immigrants) have had to adopt the majority culture in order to enjoy full citizenship (Castles and Davidson 2000: 124).

From the immigrant’s point of view, the process of integration into ‘new societies’² seems to be crucial, and is probably one of most important criteria in contributing to an individual’s quality of life in a new social environment. The model of assimilation, widely practised around western Europe in previous decades, is no longer an option for a globalised world and increasingly cultural diverse societies. Bauböck (1994, 1998) described the process of becoming a member with the illustrative shift “from aliens to citizens”; however, at the same time unclear and blurred boundaries were emphasised when analysing various aspects of the interplay between ethnicity, citizenship, and migration. The existence of in-between statuses is of prime importance here: denizens and quasi-citizens. The legal status of denizens implies that immigrants are somehow more than foreigners and less than citizens. This strategy has to be put in the context of the broader attempts of immigration control policies, in which the three gates

² The phrase ‘integration into a new society’ is used instead of the term ‘integration into a host society’. In my view, the latter implies the return of immigrants to the country of origin while ‘new society’ makes reference to the processes of integration of immigrants and their active role at different levels of social life, e.g., participation. In the first case we are dealing with the classical model of ‘guest-workers’ that is no longer suited to diverse European contexts and to diversified migration processes.

for immigrants (Hammar 1994: 188-189) are following: granted status of citizenship on the basis of naturalisation, denizen status on the basis of the right to permanent residence, and alien status for legal residents in the country (the transfer to this status from “illegality” is regularisation).

It seems that migrants play one of the key roles in recent developments within citizenship theory; above all migrants – as denizens – indicate ambiguities connected to boundaries of citizenship. In practice, a migrant’s membership is postponed with different time criteria, usually years of residence. However, in some cases migrants remain guests or guest-workers, with limited opportunities for participation in the new society, even in cases in which they were actually born in the respective country.

Migration policy is extremely wide-ranging and, by its very nature, heterogeneous, which is why the management of migration is rife with misunderstandings. These misunderstandings are evident above all in the often overlooked wider and long-term social changes that were wrought by migration for many years now in traditional societies of immigration as well as those of emigration. It is worth drawing attention to three such challenges to current migration policies in central and eastern Europe, with which we have to engage today and in the future. The first is related to the achievement of social cohesion within ethnically more and more diverse societies; the second is the establishment of comprehensive migration policies on the national level, including partnership with civil society. The third is directly linked to the first two: the selection of appropriate measures for supporting the integration of immigrants in societies, starting from the principle of two-way intercultural communication. The very central idea of integration is basically about citizenship rights, the possibilities of inclusion, being a member or remaining a non-member outside of the frame of those included in societal life.

Ethics of care and integration of immigrants

The concept of *ethics of care*, as developed and applied in the writing of authors Tronto (1993) and Sevenhuijsen (1998), can provide a conceptual framework applicable within analyses of migration policies. Through this perspective it can be put forth that an ‘ethical imperative’ of integration policies is at the core of migration policies, policies which are mainly concerned with norms and values, social solidarity, accomplishing social cohesion and engaging in political action. Integration policies do not involve immigrants more nor less than other members of society. They are necessarily concerned with the deconstruction of the image of the foreigner as “a threat” and aim to transcend the arbitrariness of populist presentations of the foreigner as the central figure of modernity. A position such as this steers us away from resorting to ‘immigrant-oriented’ inte-

gration policies and directs us toward implementing policies of care, which address society as a whole and attribute a significant role to the concept of active citizenship.

Western European societies have been aware for a long time that integration policies are key components of migration management. This awareness was brought about by the long-standing tradition of these countries as societies marked by immigration. In this respect, eastern European countries are lacking both historical experiences and practical models. Slovenia, for example, has taken its cue from various European models of multicultural practices, since, after all, the Slovene constitution supports the approach of cultural pluralism. Most former socialist states bear a common feature with regard to immigrant integration³: while western European societies have at their disposal an abundance of information and good practical examples of immigrant inclusion from decades past, the central and eastern European states lack such experience.

The overview of different integration models can demonstrate that individual models have specific effects and points to the fact that none of the models have been completely successful (see more: Bešter 2003). Without exception, there have been discrepancies between how the programs had been formally conceived and how they have been implemented. In other words, the actual effects of the programs have not always coincided with their goals. According to Bešter (2003) the assimilation model (France would be illustrative) requires immigrants to fully submit to norms and customs of the majority society in public life in exchange for equality to other citizens. In the private sphere immigrants are free to act in accordance with their culture, observe their customs, speak their language, etc. However, experience has shown that a cultural identity is neither easily replaced by another nor painlessly limited to the narrow private realm. The differential exclusion model (the classical case is Germany) is based on the false premise that, after a certain period of time, immigrants will return to their societies of origin. Therefore, it only provides for partial integration – mainly into the labour market. This model creates two categories within the population – citizens on one hand, and, on the other, immigrants with no civil rights and no possibility for getting them, even after a prolonged stay in the country; this sometimes applies to their children as well. The multicultural model (let it be the case of Sweden) strives for the equal role and status of various ethnic communities and their members within the state territory. Immigrants are allowed to preserve their cultures and languages, etc., but they are required to accept the fundamental political values and institutions of the majority society. Immigrants who have a permanent place of residence are granted the majority of rights that full citizens

³ Some evidence for supporting this statement can be found in the IOM report “Migration Trends in Selected EU Applicant Countries”, Vienna, 2004, which analysed the following countries: Bulgaria, The Czech Republic, Poland, Romania, Slovakia and Slovenia.

enjoy. In the late 90's, the focus of the Swedish integration policy shifted from immigration communities onto the whole of society. The latter – founded on diversity, mutual respect and tolerance – is expected to grant every citizen equal rights and opportunities, regardless of their ethnic or cultural origin.

Returning to the eastern European dimension and criticism of the almost non-existing integration policies in most countries, it should be added that lately a step forward can be noticed in the area of legal instruments that are framing formal integration. However, practice is still the main obstacle in everyday policy making. In terms of the integration policy guidelines Slovenia has set for itself, it has chosen a path nearest to the multicultural model (like Sweden), in that it wishes to preserve its cultural diversity and views integration as a process involving individual immigrants as well as the society they are migrating to. Still, even though Slovene integration policy has been outlined in the *Resolution on Immigration Policy* (1999) and *Resolution on Migration Policy* (2002) and a handful of legal provisions, Slovenia has yet to implement concrete measures and programs.

Slovenia: overview of immigration trends⁴

The first issue when analysing immigration trends and its impact on Slovene society is the question of the suitable time frame and, consequently, the social and political context of contemporary migration movements. The time-space map on migration can be defined through four main images, starting with migration within the federal state of Yugoslavia and going back to the period when Slovenia became a country of destination for many immigrants from other Yugoslav republics. The book by the sociologist Silva Mežnarič, with the very informative title “Bosnians. Where do Slovenes go on Sundays?” (1986) was one of the first attempts at a comprehensive sociological analysis in the field of migration. Including interviews with immigrants in Slovenia and their families back home in Bosnia, this book describes the immigrant’s everyday life. However, the title also suggests a crucial dimension of social reality connected to the experience of being an immigrant in Slovenian “host society”, namely the existence of different worlds, one of the majority population and the other of immigrants, or even for immigrants. When the empty streets are described and the question is posed: where do Slovenes go on Sundays, when the inhabitants of the capital city are seemingly mainly immigrants; clearly this points to a lack of contact and communication between the two worlds.

⁴ See a more detailed analysis in: Simona Zavratnik Zimic (2004) *Migration Trends in Selected EU Applicant Countries, Volume VI – Slovenia. The perspective of a Country on the ‘Schengen Periphery’*. Vienna: IOM. P. 40–49.

The next picture, important for presenting the general overview on migration flows in Slovenia, makes reference to events from the beginning of 1990s and the phenomenon of forced migrations caused by war on the territory of the former Yugoslavia. Refugees left war zones first in Croatia (1991, 1992) and soon after in Bosnia and Herzegovina (1992 and after). In this period, Slovenia was for the first time faced with questions of forced migrations, refugee policy, and asylum. The main question concerning social impact is the following: How did the Slovenian state and society – governmental institutions, civil society, NGOs, and intergovernmental organisations – react to mass migrations? A short answer would be that reactions were similar to those in other European countries; the pragmatic solution was group protection for refugees, introduced on a temporary basis. In the Slovenian case the outcome was having temporary refugees for ten years. In addition, two main problems relating to temporary protection are the time criteria and non-integration into the new society. People with the status of temporary protection were entitled to different rights and welfare provisions, but they were excluded from the labour market. The latter represents one major weakness.

One decade later, by the end of 2000 and the beginning of 2001, Slovenia was faced with quite a different type of immigration. This time immigrants came from more distant non-European countries and they were more diverse than ever before. In general, the first reactions were not positive; in fact, quite the opposite. In public images, especially in media discourses, immigrants were described as “the others,” “the foreigners,” those with a “different identity” or “different cultural, ethnical, and religious background” and those who could potentially be a “threat to national identity” because of “high numbers”. Threats, produced on the basis of populist use of identity difference, but in reality on the basis of the lack of information and knowledge, have resulted in manifestations of open xenophobia toward immigrants. On the other hand, at this point it became clear that immigration to Slovenia represents a continuous phenomenon, a process rather than a single act over a short limited period. Here should be mentioned the link of migration to the context of European integration processes.

The process of bridging EU-15 to EU-25 could also be observed from the perspective of defining common frames for migration management, although it can not be asserted that the European Union has in fact a common migration and asylum policy. The whole concept of a Slovene migration policy, including the fundamental legislation, is closely linked to European integration processes. The latter is included in the question of perspectives and possibilities of post-Socialist countries, many of which are EU member states or candidate countries, and for which the EU criteria in dealing with migration are the starting point and objective. It seems that models, the national as well as the European, are still part of an enormous creation process.

Without doubt, the key factors in defining national migration policies are current European processes of integration. On the other hand, the response of the European Union is almost always one of restrictive policies, based on different strategies of immigration control (see more in: Brochmann and Hammar 1999). It appears that this area experienced a fundamental misunderstanding when migration policies were somehow “replaced” with border policies, and the latter became seen as a kind of “substitute” for more effective migration policy. However, this is only a narrow and inaccurate concept. There must be ways to identify the areas where the migration policies can be modeled outside the traditional (proven ineffective) border control. From the perspective of EU enlargement and building bridges between all new members, the emphasis within migration policy should be devoted to integration policy, the inclusion of immigrants into the new societies rather than focused narrowly on the mechanism of restrictions. The European Union is the key actor; however, descriptions such as “the Fortress Europe” and “the Schengen periphery,” the experience of being on the other side of the border, in front of the fortress, have their relevance, as well. Therefore, the conceptions of managing migration policies in central and eastern Europe are pretty much linked to the position of being member or non-member, being situated inside or on the “wrong” side of the EU border and therefore excluded from the common Schengen area.

The future dynamics and extent of migration trends in Slovenia can hardly be imagined or predicted with any degree of accuracy. However, according to recent trends it has become clear that some countries of central and eastern Europe are becoming countries of immigration, not solely transition territories for immigrants on their way to western Europe. The tendency towards a change to “new societies of immigration” was presented in the Mediterranean area and can be partly noted in the countries of the once closed CEE. Restricted by the ideological iron curtain, the countries east of the divide were seen as countries of political emigration in the period of East-West division. Today, their status in migration studies is generally one of transitional countries. Slovenia also belongs to this category; it is one of the countries on the way for migrants to the west, especially to Italy, Austria and Germany. However, other data indicate that Slovenia is also a country of immigration for “traditional” immigrants from the territory of former Yugoslavia and some other countries.

Conclusion: global and local in contemporary migration

As argued elsewhere (Pajnik and Zavrtnik Zimic 2003), migration is linked to borders, identity, human rights, and issues such as the nation-state, ethnicity and culture, but also to increasing limitations of the movement of people, racism, xenophobia, and the politics of exclusion. When viewed through the prism of

both local and global development, people have become increasingly divided into citizens and non-citizens, into autochthonous residents and newcomers, the domestic population and foreigners, those poor from the east and the south and those in wealthier states. No doubt migrations are global phenomena and there is also no doubt that a global policy of exclusion is transported to the local levels. The attitude towards immigrants shows its open – usually not friendly – face in suburbs of eastern European capitals, villages along the new external Schengen borders from Slovenia to Lithuania, neighbourhoods around refugee camps and asylum homes. In the newspapers around CEE countries there is one constant when reporting on migration: immigrants are more and more often described as a “threat” to the local population, national identity and therefore “our” culture.

Whenever one discusses the issue of borders and mobility within the context of European integration processes, with an emphasis on the expansion of the EU 15 to the EU 25, one notices that migration policies are taking shape above all as border policies that represent the EU as “Fortress Europe”. The eastward enlargement in 2004 has brought into existence new types of external boundaries – the former iron curtain and the concrete walls were replaced by more refined electronic and paper walls (see more in Zavratnik Zimic 2003). This bureaucratic line enclosing the EU is barely penetrable for immigrants, so the numbers of “illegal border crossings” are increasing. At the same time new EU policies are designed to prevent “illegal migration” on the basis of stricter border control and restrictive policies regarding entrance into the state. An opposite method of managing migration is offered from the side of civil society and critics of a restrictive approach – more open and softer borders along with more flexible legal arrangements that allow diverse forms of immigration. The idea is simple; by opening legal channels there will probably be less demand for illegal channels. The problem is one of the structural criminalisation of migration, which is a consequence of the fact that the borders are ‘hard’ or impermeable. This is a situation in which a considerable part of migration can be, and is, “forced” into illegality.

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DAUGIAU NEI UŽSIENIEČIAI, MAŽIAU NEI PILIEČIAI: MIGRANTAI IR JŲ NARYSTĖ IŠSIPLETUSIOJE ES

Simona Zavratnik Zimic

PRIMORSKA UNIVERSITETAS, KOPER MOKSLO IR TYRIMŲ CENTRAS, SLOVENIJA

SANTRAUKA. Šiandieninėje Europos visuomenėje migracijos procesai tapo politinių diskusijų objektu. Tiek globaliame, tiek lokaliame lygmenyse žmonių mobilumas tapo neatsiejamas nuo narystės perspektyvų ir galimybių migrantams tapti pasirinktos šalies piliečiais. Nagrinėdama pilietybės sampratą socialinių mokslų kontekste, autorė daro išvadą, kad pokario Europoje susiformavusi pilietybės samprata nebetinka dabartiniame globaliame pasaulyje ir kultūrinę įvairovę deklaruojančiose visuomenėse. Straipsnis skirtas imigrantų integracijos į naująsias visuomenes perspektyvoms aptarti. Autorės nuomone, dabartinėje migracijos politikoje vyrauja kultūrinis multikultūrizmas, kuris užgožia politinio dalyvavimo galimybių svarstymą. Aptardama naujausius migracijos procesus, autorė pristato Slovenijos pavyzdį išsiplėtusioje Europos Sąjungoje: aptariamas politinis bei socialinis migracijos kontekstas, sienų apsauga (kaip vienas iš migracijos politikos elementų), naujausios imigrantų bangos.

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