

“Employers, Trade Unions and Labor Migration Policies: Examining the Role of Non-State Actors”

Paper prepared for presentation at the European Unions Studies Association Tenth Biennial Conference in Montreal, Canada

17 May 2007

Dr. Georg Menz
Senior Lecturer in Political Economy
Department of Politics
Goldsmiths College
University of London
New Cross
London SE14 6NW
United Kingdom
g.menz@gold.ac.uk

European governments have re-discovered labour migration. The Italians have devised quota systems for the Mediterranean neighbours, the Irish government recruits nurses, Germany's so-called "green card" initiative was aimed at attracting highly skilled employees in the information technology sector, while in Britain a points-based migration scheme will be introduced that is clearly inspired by similar schemes in classic countries of immigration. Even the French government, long ideologically opposed to actively managed migration, is facilitating procedures for the recruitment of highly skilled foreigners. Labour market shortages and advocacy from employer associations is sparking a remarkable renaissance of labour migration schemes. Trade unions notably support such calls for regulated or carefully "managed" migration, preferring it to unregulated labour flows feeding into black market economies. But "managed migration", the watchword of new regulatory policy, is also associated with a more restrictive stance towards unsolicited channels of immigration, especially political asylum, and second order categories, including prominently family reunion.

European migration policies are indeed "in flux" (Boswell 2003). But who drives these changes? How can we account for the "gap" (Hansen 2002) between restrictionist rhetoric and slightly more permissive practice?

In this paper, I argue that the formation of labor migration policy, a core component of the new paradigm of managed migration, is shaped by the actions and positions of non-state actors, principally labor market interest associations such as trade unions and employer associations. The role of such interest groups has not

attracted major scholarly interest¹, perhaps owing to a somewhat state-centric bias in the literature on comparative European migration politics. It is argued that labor market interest associations' positions reflect the national productive systems they are embedded in, operationalized in terms of the relative size of component sector of the economy, a low skill vs. high skill strategy (Hall and Soskice 2001), observed labor market shortages and reliance on the undocumented labor market. Informed by the comparative political economy literature it is argued that such production systems will influence employers and unions in the nature, skill level, training and magnitude of labor migration they will advocate. Thus, in high-wage high-skill countries such as Germany particular emphasis is placed on highly skilled labor migrants, while employers in Ireland and the UK will seek to recruit migrants at both ends of the skill curve. Liberal market economies (LMEs) commonly possess significantly sized low-wage low-skill sectors, which require labor demand, and will influence employer positions accordingly. Henceforth, different models of capitalism condition the demands employers and unions will make with respect to labor migration policies.

The Argument in More Detail

Differences in the systems of political economy will translate into different labour recruitment strategies because of the activities of interest groups. Labour market interest associations call for labour recruitment schemes. These efforts partly account for the puzzle of European governments tolerating or even soliciting immigration despite largely hostile public opinion (Lahav 2005) and highly restrictive rhetoric by government officials. This paradox has previously been partially accounted for by the activities of liberal courts (Hollifield 1992, Joppke 1998

¹ Examples for recent scholarly work which does examine the role of trade unions and employers in influencing migration policy includes Haus (2002), Watts (2002), Freeman (2002) and earlier Castles and Kosack (1973).

Guiraudon 2000, 2001), while Freeman's pioneering work (1995, 2002, 2006) has emphasized the importance of client politics in liberal democracies, though principally the United States, where well-organized employer groups and ethnic advocacy groups combine efforts to press for liberal policies from which they benefit and whose costs are diffused. Though compelling in its empirical application and rightfully applauded for its introduction of a political economy angle, Freeman's work has been criticized for not being applicable to the European context (Joppke 1999), not addressing non-economic forms of migration such as political asylum (but see Freeman 2006) and for neglecting how immigration is framed and thus perceived by actors (Statham and Geddes 2006). Correcting Freeman's analysis somewhat, it is maintained that employers will not simply lobby for "more liberal" policy, but rather the production system in which they are embedded conditions the quality and quantity of labor migration advocated. Addressing Statham's and Geddes' (2006) concern, it is argued that employer associations have successfully defined "competitiveness" as a central concern for national policy-makers and have demonstrated how immigration can help provide the required human resources necessary to ensure economic competitiveness. National security is thus a more flexible term than most analysts of "securitization" have acknowledged (Buzan et al. 1998, Bigo 2001, Huysmans 2000, 2006) and need not be limited to associations with political extremism and terrorism.

But I do not simply seek to submit the claim that interest groups "matter", rather I explore how and why they influence governmental actors in the pursuit of their preferences. It is not their mere absence or presence that shapes governmental policy, as earlier Europeanization analysts posited (Heritier et al. 2001, Knill and Lehmkuhl 2002: 260ff.) but their relative power. Labor market interest associations

are usually organizationally stronger, though they need to create new links with ministries of interior affairs in addition to the existing and often well-established channels of influence to ministries of labor and social affairs.

The literature on *European migration*, though growing exponentially (early: Castles 1974, King 1993, Fassmann and Munz 1994, Hollifield, Cornelius, and Martin 1994, Ucarer and Puchala 1997, Angenendt 1999, Geddes 2000, 2002, Joppke and Guiraudon 2001, Lavenex and Ucarer 2002, Lahav 2004, Messina and Lahav 2006) is empirically very rich and valuable, but is often conceived in isolation and not linked to broader theoretical debates outside the subfield (a notable exception is Guiraudon 2000). The existing literature commonly describes political developments in individual EU member states (Fassmann and Munz 1994, Hollifield, Cornelius, and Martin 1994, Ucarer and Puchala 1997, Castles and Miller 1998, Angenendt 1999), analyzes EU level policy developments (Geddes 2000) or combines both (Geddes 2003, Faist and Ette 2006). Recent work examines the position of trade unions – though not employers – in a few select European countries (Haus 2002, Watts 2002).

Recent advances in *comparative political economy* have stressed the resilience of national models or varieties of capitalism (Crouch and Streeck 1997, Soskice 1999, Coates 2000, Scharpf and Schmidt 2000, Hall and Soskice 2001, Amable 2003, Hancke, Rhodes, Thatcher 2007). This highly influential line of reasoning highlights the persistence of multiple equilibria in the institutional configuration of systems of political-economic governance, encompassing systems of industrial relations and labor market regulation, vocational training and education, corporate governance and

finance and intra-firm relationships. It also underscores fundamental differences between liberal and coordinated market economies (LMEs and CMEs), while other analysts compliment this taxonomy by sketching a southern statist model (Amable 2003) and an amalgated eastern model (Stark and Bruszt 2001, Myhkenko 2007).

The first hypothesis is that the capacity of domestic interest group coalitions to influence national governmental policy depends on three variable clusters: firstly, their organizational coherence, secondly, the degree of internal consensus on policy, and thirdly, access to government. “Influence” is defined as a substantial similarity between non-state actors’ publicly stated interests, assessed in interviews and review of primary sources, and regulatory outcome.

In a second step of analysis, the hypothesis is being advanced that *employer preferences are shaped by the production systems they are embedded in². These production systems are defined as containing two variable clusters: relative size of component sector of the economy (primary/secondary/tertiary sector) and a low skill versus high skill strategy (Hall and Soskice 2001)³.*

Different national production strategies, recently identified in the comparative political economy literature (Hall and Soskice 2001, Amable 2003, Menz 2005), influence national migration management, though it is only relatively recently that

² For reasons of space constraints, this paper will focus on labor market policy and leave out NGOs’ impact on asylum policy.

³ But note that other factors matter as well – since they vary over time and are difficult to operationalize, they will not be tested formally. These include the pool of domestically available human resources, which will limit the incentive to “look abroad”, short-term temporary labor market shortages and an implicit reliance on undocumented labor that will obviously not be readily acknowledged by employers.

such strategies have diverged sufficiently to produce substantially different policy outcomes⁴.

Henceforth, we would expect to note difference between national migration strategies in coordinated market economies (CMEs) such as Germany and liberal market economies such as Britain. In a CME, such as Germany, we would expect to see an employer preference for highly skilled top tier labor migration. In addition, given the continuing importance of the secondary tier (table 2), manufacturing sector employers may be particularly active. By contrast, in a LME like Britain, employers are likely to advocate recruitment of *both* highly skilled labor for select niches with labor shortages and for poorly paid sectors of the labor market that experience recruitment problems and high staff turnover due to low wages, poor morale and prestige, and unappealing working conditions. The service sector is much more important, as noted above (see also table 1). France serves as a control case, its political economy comes closer to a German-style CME, though arguably it is a less pure example. We would expect employer preferences there to be less strongly pronounced, though similar to the German ones.

⁴ During the *trente glorieuses*, labor shortages existed across all economic sectors, hence skill levels of potential migrants did not concern policy-makers. However, in the wake of the decline of the primary and secondary sector in favor of the tertiary sector of the economy and the concomitant pursuit of divergent production strategies in coordinated versus liberal market economies, national labor recruitment strategies do diverge to a much greater degree. Of course, given the pan-European character of the structural metamorphosis of the economy (see table 2), all national policy-makers can be expected to solicit labor migrants for vacancies in the service sector, but to different degrees. However, in high-wage high-skill countries associated with coordinated market economies, particular emphasis is placed on highly skilled labor migrants, while liberal market economies attract migrants at both ends of the skill curve. They commonly possess significantly sized low-wage low-skill sectors, which require labor demand, and will shape overall migration management accordingly.

	Percent of the GDP	Percent of the labor force
UK agriculture	1.1	1.5
French agriculture	2.5	4.1
German agriculture	1.1	2.8
UK industry	26.1	19.1
French industry	21.4	24.4
German industry	28.6	33.4
UK services	72.9	79.5
French services	76.1	71.5
German services	70.3	63.8

Table 1 : Sectoral Composition and Distribution of Workforce in the UK,
France and Germany (source: OECD)

France

Structure of interest intermediation

Interest groups do possess access channels to national decision-makers, but often these are informal, highly contingent, and fragile. While formal venues for tripartite interest intermediation exist, notably in the form of the consultative body Economic and Social Council (*Conseil Economique et Sociale*), such fori cannot be equated in their importance with northern European neocorporatist arenas, and indeed informal access avenues are arguably much more pivotal. Most importantly, similar socialization and education patterns among the administrative and the business elite (“*enarquie*”) enable representatives of employers to operate within a network of acquaintances with shared norms, perceptions, and ideas, leaving trade union at a distinct comparable disadvantage. This means that these actors in particular are reliant on amiable relations with public policy-makers so as to be invited to parliamentary hearings, informal and often ad hoc hearings within the ministry, and possess a fair chance to have lobbying efforts received (interview FR–GOV-1).

The French system of political economy presents a curious mixture of liberal and statist elements (Schmidt 1996, 2002, Levy 1999, Amable 2003). Indeed, while the close nexus between government and organized business remains a constant feature, the power dynamics have changed radically. The close links between employers and the government remain, but in a system of “post-statism” the employers seem to wield significant or even predominant power in this relationship. Hence, business-friendly policy may be implemented by the state, but driven by employer initiative (cf. Hancké 2002, Levy 2005). The comparative political economy generally considers France as a country emulating Rhineland-style high-quality high

value-added production patterns to a degree (Boyer 1997), yet it cannot truly be considered a coordinated market economy. It is certainly not underpinned by a Germanic system of industrial relations (Lallement 1999). Thus, trade unions are disproportionately well represented at the national level, despite the feeble degree of unionization at the grassroots level, particularly outside the public sector. The country's current corporate structures (Hancké 2002) exacerbate this potential, as many economic sectors are characterized by quasi-oligopolistic markets dominated by a few internationally active corporations, a weak tier of small and medium sized enterprises, and a plethora of small companies, often involved at the bottom end of the production process.

Given this corporate structure, reflected in the powerful position enjoyed by major corporations within the employer organization MEDEF, there is no strong consensus within the French business camp on strategies for labor recruitment: The major internationally active players may not be adverse to recruiting highly skilled migrants, but rely largely on home-grown talent.

French employers are organizationally relatively feeble, which may be partly compensated by their good access to government. Most importantly, similar socialization and education patterns among the administrative and the business elite ("*enarquie*") enable representatives of employers to operate within a network of acquaintances⁵, but they do not share a common position on migration yet. Amongst employers, there is some potential for very diverging interests between those that are prepared to take advantage of semi-legitimate or outright substandard labor market tiers and those that resist their emergence.

⁵ These informal connections continue to exist to this very day. Of course, family ties also play an important role. Thus, the brother of Nicholas Sarkozy, newly elected French President, is a senior officer within MEDEF.

The 1998 Chèvenement Law does permit the fast-track processing of residency and work permit applications by “desirable” labor migrants and current discourse about attracting skilled migrants seems to be driven by employer preferences, yet the MEDEF is very wary about openly acknowledging such lobbying efforts. There are economic sectors and companies that do rely disproportionately on immigrants, often of long tenure in France, but there are two dynamics that seems to keep business actors from lobbying openly in favor of liberal labor recruitment schemes. First, de-industrialization and competition from low-cost high-quality production sites in manufacturing not only from East Asia, but also Central Europe, and from Francophone North Africa for low-cost service provision such as telemarketing mean that certain sectors are no longer likely to expand or in some cases even sustain production sites in France. Thus, additional labor recruitment in such sectors is not supported by employers. Second, low unionization rates permit an often fairly casual compliance with wage agreements and statutory working conditions. *De facto* secondary tiers of the labor market already exist in France and many, though not all, of these “three D” jobs (dirty, dull, dangerous) are filled by foreigners. This is particularly true in some sectors of the economy, notably hospitality and gastronomy, construction, seasonal agricultural work, and textile. Remarkably, the most common infraction found by French labor inspectors (Ministère de la Justice 1999) is *not* the employment of individuals not entitled to work on French territory, but rather illicit forms of employment that contravene existing labor laws, for example regarding working hours, remuneration, or health and safety. French business disposes of a ready pool of domestically available labor, employable at often substandard conditions. This does not, however, mean that immigrants are not

welcomed, not least in such substandard tiers of the labor market, but such practices are not openly acknowledged, much less endorsed. Terray (1999 cited in Freedman 2004) analyzes employer lobbying activity against the March 1997 Barrot Law that would have shifted the burden of proof in cases of infractions against employment laws on the employers, thus forcing employers to prove credibly that they were not aware of labor law violations, including in instances further down the sub-contracting chain. These efforts were successful and more recent legislative measures once again seek to punish the employee⁶.

For many years the employers were not enthusiastic about labor migration (Watts 2002)⁷. At least in its official stance, the MEDEF does not endorse managed labor recruitment as a general policy. Officially, sectoral employers even assume a somewhat protectionist position, perceiving it as somewhat of a menace to the relatively stable primary labor market (Menz 2005)⁸.

⁶ This would not surprise Terray who argues that “legislation [...] keeps foreigners without any legal status in a state of vulnerability which makes them exploitable, but at the same time permits them to remain in France in sufficient numbers [...] to give those employers practising “localized outsourcing” the effectives that they require. [...] Prosecutions are rare, convictions exceptional, and they practically never catch the real employers” (Terray 1999, 22 in Freedman, 2004, 85).

⁷ Historically, French business, especially primary sector companies in the first part of the 20th century and major manufacturing companies in fields such as construction, automobile assembly, metallurgy, and iron and steel during the postwar boom, were, of course, highly interested in labor recruitment, even assisting, and arguably surpassing the efforts and indeed the importance of the governmental labor recruitment office ONI and earlier its pre-World War I predecessor SGI (Weil 1991). While the ONI – and before it the SGI and the bilateral treaties it helped administer - focused exclusively on European migrants, its slow and inefficient operations and its de facto inappropriate brief given not only the importance of non-European countries of origin, but also the fact that migration from the Iberian peninsula had to be clandestinely in nature on account of the authoritarian nature of the Franco and Salazar regimes, meant that the employers almost designed and operated labor migration themselves, or at least heavily influenced both the broad contours. They were actively involved in facilitating administration at the microlevel. Renault representatives recruiting workers in Algerian villages or local authorities legalizing *post-hoc* the new arrivals provided they could prove stable employment point to the pre-eminent role played by business in labor recruitment in France historically. By 1968, such *post-hoc régularisations* represented more than 80 percent of all entries (*Dictionnaire* 2004). In this sense, the 1975 recruitment stop also meant a restatement of statist authority. However, seasonal labor migration continued even after 1974 and remained significant for agriculture in particular (Hollifield 2000, 121).

⁸ But over the past five years, this stance has begun to change. The right-wing business-friendly think tank Institut Montaigne, headed by outspoken member of the supervisory board of insurance giant AXA Claude Bébér, advocates the introduction of migration quotas and the active recruitment of highly skilled migrants in particular (*Le Point* 7 May 2002, *Le Figaro* 15 February 2006). Its list of financial supporters reads like a who is who of major French CAC40-listed corporations, including

For the trade unions the situation presents itself slightly differently. The historical position of French unions vis-à-vis immigration has been characterized by some degree of skepticism, influenced by anxieties over possible downward wage pressures or immigration being used as a bargaining chip to this end by employers. However, this position has evolved since towards a more positive stance and the position that immigrant rights and working conditions have to be defended and upheld (Watts 2002). Organizationally unions are weak, their access to government limited. There is also no strong consensus on immigration policy. Trade unions focus more on bread and butter issues that directly impact their members. Issues closer to the heart of the union movement involve anti-discrimination and anti-racism in the workplace (interview FR- TU1).

Development of immigration policy since 1989 and the role of private actors

By the late 1990s, French policy-makers began contemplating exploring active labor migrant recruitment. As early as 1998, an internal administrative circular had advised provincial governments to consider “fast-tracking” (or at least consider with leniency) residency permit application from information technology experts⁹. While the dogma of zero immigration was slowly being abandoned¹⁰, even among the

among others Total, LVMH, Bouygues, BNP Paribas, Carrefour, Capgemini, Sodexo, Viendi and Suez (www.institut-montaigne.org).

⁹ Circulaire DPM / dm2-3 / 98 / 767 du 28 décembre 1998, see also Morice 2000.

¹⁰ This was stated explicitly in the joint Franco-British-German proposal tabled at the Council of Ministers meeting in Luxembourg on 4 October 1999, in preparation of the Tampere summit. Note, however, that this call for a CAMP carried also strong language about the danger of illegal migration and crime, often confounding the two (Joint Note by France and Germany concerning asylum/migration for the European Council in Tampere, 15/16 October 1999, dated 17.9.99 and UK, France Germany Note, 4.10.99).

Right¹¹, active labor migration recruitment is still in its infancy, and somewhat contested territory. The establishment of the new National Agency for the Reception of Foreigners and Migrations [sic] (Agence Nationale de l'Accueil des Etrangers et des Migrations=ANAEM), responsible for administering the new “reception and integration contracts” rolled out first as pilot projects in 2003 and nationwide since 2005 (enshrined in Law 2005-32 of 18 January 2005), which oblige new migrants to partake in cultural and linguistic training programs and to accept the legal and cultural “republican” national values, while remarkable, may represent further movement into this direction, solidifying the institutional framework for future labor migrants. However, it may also be interpreted as a carrot and stick approach to fostering state-imposed “integration”, as demanded by then-minister of the interior Sarkozy¹². Sarkozy’s own willingness to consider and openly discuss concrete immigration quotas in order to “master immigration” have found their application in the planned law on “actively managed, not encountered immigration policy”, based among other things on “growth perspectives, labor market needs, and accommodation capacity” (*Le Monde* 8 February 2006, interview FR-GOV 1)¹³. A recent report commissioned by the Ministry of Finance explicitly calls for active labor market recruitment of skilled migrants (MinFin 2006). Sarkozy’s own willingness to consider and openly discuss concrete immigration quotas in order to “master immigration” has spawned the 2006 Sarkozy II Lawⁱ, tentatively entitled “regarding immigration and integration

¹¹ In a much noted 3 August 2000 article in the influential center-right daily *Le Figaro*, the authors argued that “the call for foreign labor does not only target “brains”, [...] but also low-skill or unskilled workers, seasonal and not”.

¹² In a press conference in 2004, Sarkozy argued that “We are now in a situation where immigration is uncontrollable because we refuse to demand an immigration we choose and for which we are responsible. Our integration system has broken down.” (cited in Kretzschmar 2005, 15)

¹³ In the course of this press conference, the minister also stated that “The question of quotas, in other words, “immigration by choice” as opposed to “immigration by submission”, must be the subject of true debate without taboos or exclusions. {we must} not be content with the failure which, after ten years of illegal immigration, leads all governments to debate wide-ranging integration” (cited in Kretzschmar 2005, 15).

(*loi relatif à l'immigration et à l'intégration*) (interviews FR-GOV-1, FR-GOV-2).

This law combines a more restrictive approach towards family reunion in particular, motivated by concerns over rising numbers in this category as well as asylum seekers (interview FR-GOV-2), with new work permits aimed at highly qualified migrants. Following the rhetoric of “chosen” (*choisie*) rather than “imposed” (*subie*) migration, the previous practice, established in 1984, of permitting automatic legalization of individuals that can prove ten years of residence in France is ended and the hurdles for family reunion are raised considerably. Family reunion is subject to longer waiting periods and requires proof of economic self-sufficiency. Similarly, foreign spouses of French citizens have to wait for three years as opposed to two before being granted an independent residency permit and need to prove four years of marriage, rather than two, before being able to apply for citizenship. Finally, the CAI now becomes mandatory, following its piloting (*Le Monde* 15 April 2006, 18 June 2006). Sarkozy has also announced the formation of a separate Ministry for Immigration and National Identity. Most innovative, however, is the introduction of the *carte compétences et talents* for skilled migrants, motivated by the desire to raise the level of labor migrants and to abandon the previous principle of a general labor market review as one condition for approving new work permits. Henceforth, this measure marks an open embrace of the new paradigm in labor migration policy found elsewhere.

The law found approval in both houses of parliament, though some of the provisions concerning foreign spouses of French citizens were liberalized somewhat (*Le Monde* 18 June 2006). The unions were relatively silent on the issue, with the exception of the left-wing CGT (interview FR-UNI-2). By contrast, the employer association Medef, which was informally consulted, enthusiastically supported the new direction chosen in labor migration, especially for multinational corporations, but also, to some

extent, for sectors experiencing labor market shortages (interview FR-GOV-2). Perhaps most telling and in line with the patterns described earlier, most provisions concerning labor migration were hatched out within the ministry and in informal consultation with the employers and to a less extent the unions.

Germany

System of Political Economy – Access for Labor Market Interest Associations

The German political economy served as the paradigmatic model for Hall and Soskice's category of coordinated market economies (CMEs). Its traits are said to encompass a mutually reinforcing network of highly organized industrial relations, tight networks between banks and private sector companies, and para-public institutions providing public goods, notably high educational levels of attainment. One of the most vivid debates in the comparative political economy literature focuses on the question to what extent this German model may be in decline, disintegration, metamorphosis or indeed full-scale convergence. Thus, there is an empirically strongly supported streak that underlines the radically changing nature of the institutions (Streeck 1997, Harding and Paterson 2000, Streeck and Höpner 2003, Dyson and Padgett 2005) and their policy output (Menz 2005b, Menz 2005c). No-one expects full convergence on the Anglo-American liberal model anymore, however. "Convergence within diversity" (Lütz 2004) may be a more accurate label. That said, Germany generally continues to rely on high-wage high value added high-quality production. As such, employers are interested in maintaining and enhancing institutions that provide public goods, including education, but they have been

considerably less committed to traditional neocorporatist institutions of industrial relations. Traditionally highly regulated labor markets have become considerably less so due to the decline of union density, more aggressive employers, questionable strategies to “exit” from the general wage brackets by businesses leaving their employer organizations or pursuing corporate restructuring with an eye on escaping the confines of these organizations and hence the obligation to pay standard wages (Streeck and Hassel 2004, Menz 2005b). In the West (East), a striking 32 (48) percent of employees were not covered by standard wage agreements in 2004, a further 7 (12) percent were subject to an in-house company level contract. In the service sector, particularly in low-skill professions, this shift away from regulated industrial relations had probably proceeded furthest, although secondary substandard tiers of the labor market existed previously, as the influential mid-1980s journalistic study *Ganz Unten* reveals (Walraff 1988). In this sense, the absence of a national minimum wage can become problematic, especially as there are sectors with no sectoral minimum wage¹⁴. This became evident in the large-scale posting of employees from low-wage EU member states to Germany in the framework of the EU-induced liberalization of service provision, which affected especially the construction sector (Menz 2005a). Portuguese subcontractors could thus offer their services at Portuguese wages¹⁵. But there are marked differences in preferred corporate strategies that surfaced in the elaboration of the German legislative re-regulation of the EU liberalization of service provision: SMEs often perceive of subcontractors employing posted workers or

¹⁴ But even where they exist, some sectoral minima are really truly minimal, as research by the union think tank Boeckler Foundation highlights. Not only do only 6 out of 40 economic sectors have nationwide wage agreements, but some sectoral minimum wages in low-skill manufacturing, gardening, security, and security services hover around 5 euros per hour (WSI 2005, quoted in Czammer and Worthmann 2005).

¹⁵ But it has re-surfaced in a slightly modified fashion the aftermath of EU eastward enlargement. While the ban on labor mobility from CEE also applies to service provision, independent entrepreneurs are exempt from this ban. Hence, “independent” CEE contractors are employed by German meat-processing plants, receiving central European wages (Czommer and Worthmann 2005).

undocumented employees as a menace, larger companies welcome these “exit” opportunities, though the latter obviously do not publicize this fact.

The employers maintained an interest in the guestworker system even after the end to active recruitment, but were not particularly successful vis-à-vis political circles. Joppke (1999, 70) among others suggest the increasing “securitization” of the migration issue from the 1970s onwards, including concerns over “ghettoization” and xenophobic sentiments, which meant that economic prerogatives faded in importance, while Green (2004) points to the much better links enjoyed by the labor market interest associations to the ministry of labor and social affairs rather than to the ministry of the interior, which became predominant in designing migration policy. The employers remained indeed relatively taciturn on the issue in the 1980s, having witnessed the failure of their earlier campaign for a continuation of the guestworker system, but started to change position by the mid-1990s. From a business perspective, advocating new labor migration not only would have been difficult to defend politically – with the party representing the natural political ally being somewhat divided over the ally – but would have only been necessary in low wage low skill jobs in sectors that experiences some recruitment problems, notably gastronomy and agriculture¹⁶. The change in the attitude among the BDA originated within the BDI

¹⁶ The slow but steady rise in unemployment throughout the Kohl years, partly masked through early retirement, did not provide a climate amiable to such lobbying. Lack of labor supply was much less of a problem and already existent cracks in the often stylized “regulated” labor market did permit some substandard employment practices in such sectors. A more structural explanation is the delayed change towards the tertiary sector; as recently as the late 1980s, including only 55 percent of all employees. By 1983, the employers organization BDA had not only given up its earlier lobbying, it was supporting the end to active labor market recruitment, along with restrictive border controls, repatriation efforts and efforts to boost the educational levels of the then second generation, as a position paper reveals (BDA 1983). In a 1993 document, the BDA still deemed unnecessary a specific immigration law, containing quotas for the highly skilled, though it no longer rejected the re-invention of a limited guestworker scheme (Marshall 2000, 155). Its dominant constituent sectoral member for the metalworking sector *Gesamtmetall* did not face significant skill shortages.

and its outspoken mid-1990s president Hans-Olaf Henkel. Henkel has repeatedly radical neoliberal restructuring. Legal labor migration was very much part of this strategy. The BDA slowly warmed up to this attitude. Henkel himself was part of both government expert commissions and harshly criticized the Christian Democrats' rejection of labor migration quotas. His successor in office rejected any quantitative limits to quotas, or at least setting them at 300,000 annually, a tenfold increase over the quota proposed by the 2001 commission (*Sueddeutsche Zeitung* 11 June 2001). In 2000, *Gesamtmittel* launched a vociferous and financially well-equipped, if ill-informed, PR campaign entitled New Social Market Economy (*Neue Soziale Marktwirtschaft*), aimed at influencing public opinion and media reports in favour of neoliberal restructuring (Leif 2004), disposing of an annual public relations budget of 10 million Euros¹⁷. Not coincidentally, immigration of "highly qualified foreigners" is one of its many proposals based on the "know how", "contribution to economic growth" and "the future" that skilled migrants may make (Stiftung Marktwirtschaft 2002, 8; 2004). German employers, though institutionally not strongly centralized, have thus commenced to assume a common position. They enjoy relatively good access to the government as do unions.

Obviously, informal lobbying is open to all actors. But trade unions and employers have long-standing competency in labor market policy issues and are routinely invited by ministry of the labor for informal consultations in the drafting of legislation. Green (2004) accurately points out that the shift of authority in migration policy-making to the ministry of interior impeded the influence of these two actors. Yet both have

¹⁷ By then, labor market shortages were becoming much more apparent. In the fall of 2004, Kannegiesser, president of *Gesamtmittel* and founding member of the New Social Market Economy initiative, declared that not only were there 150,000 open positions in his sector, but this figure had increased by 40,000 since the beginning of the year. The last minister of economics in Schroeder's cabinet Wolfgang Clement, an self-declared admirer of Margaret Thatcher, is also a member of the initiative.

managed to establish connections to the ministry of the interior since this shift 20 years ago, which are, admittedly nowhere near as tight or formalized. Both actors were represented in the two expert committees on immigration commissioned by the government, in which the representative of the employers Henkel strongly supported skilled migration.

The trade unions' stance towards migration has not changed dramatically over the years. The DGB's main concern over the years has been the integration of immigrants into the main labor market and the avoidance of any bifurcation. It has traditionally utilized its contacts to the Social Democrats to lobby in favor of respect for the rights of resident migrant populations. At all levels of the organization, the official stance has been one of favoring non-discrimination and anti-racism. Naturally, the slow disintegration of the labor market in some parts of the service sector through the strategic use of immigrants is a development that has caused some concern within the union. Thus, the union was open to suggestions for long-term labor migration, but remained highly sceptical of short-term labor migration, including the Green Card program and the bilateral labor treaties. Their concern was that labor migration would be pursued in place of (re)training measures for resident migrants and the resident unemployed. They therefore supported sector-specific labor migration, but tightly regulated, defined by annual quotas as well as a point system assessing the qualification level, and dependent on the sectoral labor market situation (interview D – UNI1, DGB 2001a, 2001b). Represented in the expert committees, the unions thus generally supported the draft migration bill, but remained wary that excessively permissively regulated labor migration would contribute to the disintegration of the labor market, while no attention was paid to long-term residents with no legal access

to the labor market at all, especially the “tolerated” refugees (DGB 2001c, DGB 2003). The strongest sectoral union *IG Metall* strongly supported this stance (IG Metall 2002). The unions were not unhappy about responsibility for the actual examination of the labor market situation - carried out to determine the labor market access of individual newcomers – remaining at the local level, where a somewhat restrictive legacy exists (Cyrus and Vogel 2005, 26ff.). Though also not strongly centralized as actors, the union camp thus pursues a common position and enjoys good government access.

Policy since 1989 and the role of non-state actors

Having labored over a new law governing foreign residents for years, the Kohl government took four major measures in the 1990s. It dramatically impeded access to political asylum, it reformed the citizenship law to ease access by long-term non-German residents, imposed an annual quota for ethnic Germans, and sought to regulate and limit migration from Eastern Europe by establishing bilateral labour recruitment programmes with countries in that region. The latter were the outcomes of employer lobbying for a temporary flexible labor force due to labor market shortages in agriculture and construction, though foreign policy considerations also played a role¹⁸.

¹⁸ A number of bilateral labour treaties were signed with a number of eastern and southeastern European countries to permit temporarily workers (*Werkvertragsarbeitnehmer*) from these countries to work in sectors such as construction, agriculture, and tourism. Commencing in 1988 with Czechoslovakia, Hungary, Poland, Yugoslavia, and Austria, numbers rose from a total of 14,593 in 1988 to an all time high of 94,902 in 1992. Typically, bilateral labour contracts are concluded with countries that already serve as pools of illegal labour migration. Thus, illegal migration is channelled, controlled, and presumably curtailed, with beneficial effects for all involved: Higher wages and greater security for workers and protection from law enforcement “crackdowns” for employers. In practice, the picture is a lot less pretty, since abusive pay and work conditions often persist and these legal channels commonly are used to transmit illegal workers as well (Menz 2001).

In terms of labor migration policy, the Red-Green government launched a temporary labour recruitment programme in 2000 for 20,000 highly skilled migrants, particularly in IT (the so-called “green card” initiative), reflecting short-term labor market shortages.

The Minister for the Interior Schily meanwhile commissioned a report from a commission composed of academics, legal experts, the social partners and politicians from all parties, headed by moderate Christian Democrat Süßmuth during the summer of 2001. In light of sustained opposition from the Christian Democrats, Schily was unwilling to heed the call for annual migration quotas, however, which the representative of the employers in the commission had fervently supported. Of symbolical significance is the first sentence: *Deutschland ist ein Einwanderungsland* (Unabhängige Kommission 2001), marking the final rejection of the previous paradigm. The law was finally accepted by the Bundestag on 1 July and by the Bundesrat on 9 July 2004, bearing the revealing title “Law on the management and limitation of inward migration and the regulation of the residence and integration of EU citizens and foreigners“ (*Gesetz zur Steuerung und Begrenzung der Zuwanderung und zur Regelung des Aufenthalts und der Integration von Unionsbürgern und Ausländern*), and came into effect as of 1 January 2005 (BGBl Part I No. 41 1950 of 5 August 2004)¹⁹. With regards to labor migration, Art. 18 is of particular importance,

¹⁹ It contained the following main provisions: The previous bewildering array of five categories of residency permit (Morris 2002, esp. 47ff.) were being reduced to two (unlimited and limited), a new coordinating agency for migration and refugees, reporting to the ministry of interior and assuming the duties of the central unit for asylum claims, creating labor migration channels for entrepreneurs investing at least one million euros and creating at least ten new jobs and carefully delineated categories of highly skilled migrants, including teachers, scientists, and skilled managers earning in excess of 100,000 euros (all defined in Art. 19), permitting foreign graduates of German universities to remain in the country for one additional year to search for employment, a minor improvement for the “tolerated” refugees who are granted residency permits if no deportation can be implemented within 18 months, and eligibility for language and civic culture courses for newcomers, with this right becoming

given that it specifies that in processing an application for a work permit (henceforth linked to a residency permit), consideration should be given to the labor market situation, the fight against unemployment, and the exigencies of securing national competitiveness.

United Kingdom

System of Political Economy/ Access for Non-State Actors

The British system of political economy has commonly been subsumed under the category of liberal market economy (Hall and Soskice 2001), sharing traits with other Anglo-American economies, though this is technically only accurate since Thatcherism radically recast the role of the state, the size and function of the public sector, industrial relations, and to a less extent welfare state provisions, thus “only in 1979, under the ideological onslaught of Thatcher, did the UK become anything like a pure case of LME” (Goodin 2003, 207). Such system is generally characterized by the absence of coordinated wage bargaining arrangements, few or no institutions providing either public goods such as educational services or a distribution of labor resources that avoids labor “poaching” to overcome distributional conflicts. Indeed, the powers of trade unions has been severely reduced through Thatcher’s legislation in the 1980s. One of the results of the monetarist shock therapy of the early 1980s has been the deliberate and often hasty decline – if not to say destruction - of manufacturing and the concurrent support of the growth of financial and business supply services. As Table 2 indicates, the tertiary sector employs nearly 80 percent of the total labor force and accounts for almost three quarters of the GDP. By contrast,

an obligation for specified resident migrants. Language skills are now a mandatory requirement for both ethnic Germans and Jewish migrants from the successor states to the Soviet Union.

the percentage of employees in industry (19.1) is significantly lower than in all other countries included in this study. The slight discrepancy between the percentage of the workforce and the actual contribution to the GDP in services suggests relatively low productivity, affordable to employers via low wages. 1995 OECD data similarly demonstrates the concentration of individuals born outside of the UK and/or not in possession of UK citizenship in the services sector (657,000), as opposed to manufacturing (178,000). Services should be understood to include the public service, too, as labor recruitment for the public healthcare sector has been re-launched, focusing both on nurses and doctors, for the recruitment of which bilateral treaties were signed with the governments of India, the Philippines, South Africa, and Indonesia, including a legally non-binding commitment to refrain from potentially damaging “poaching” practices. Indeed, between one third and one half of staff positions in the NHS are filled with foreign nationals (Kelly, Morrell and Sriskandarajah 2005) and recruitment into secondary teaching professions principally from Australia and New Zealand (BBC News 2000) and tertiary education from all over the world is also quite active.

The contribution made by migrants has not been lost on employers federation who have been generally very active in lobbying in favor of “managed” migration. Thus, in mid-2005 CBI president Digby Jones stressed the advantage Britain enjoyed thanks to its flexible labor markets and pragmatic labor migration schemes, having earlier proclaimed that “capital can’t afford to be racist for lots of reasons” (CRE 2003)²⁰. His public intervention was made in response to the Conservative Party’s

²⁰ In a 5 January 2006 policy statement (CBI 2006), the CBI re-affirmed this position, announcing that: “The CBI believes that migration is beneficial to the UK. Migrants have made an important contribution to the UK economy - bringing valuable and scarce skills that have benefited UK business and helped contribute to economic growth. Migrant workers are an integral part of the UK

plan to introduce tightly capped migration quotas. This position has been warmly received by the government; during an April 2004 speech at the CBI prime minister Anthony Blair argued that “recognition of the benefits that controlled migration brings not just to the economy but to delivering the public and private services on which we rely” was needed, along with “being clear that all those who come here to work and study must be able to support themselves. There can be no access to state support or housing for the economically inactive”. (cited in Geddes 2005). There is no doubt that British employers assume an active stance in advocating immigrants considered of economic utility, while the association is much less active regarding asylum. Employers are thus organizationally unified and they assume a common position. There is no formal institutional access for lobbying, however, there is some evidence to suggest ideological proximity between employer preferences and policy output. Indeed, the employer association very strongly supports the persistence of largely deregulated labor markets and the use of economic migrants, both at the low skill low wage and the high skill high wage end of the labor market (interview UK-BUS-1).

The British unions have traditionally maintained a fairly reserved stance towards immigration, perceiving of it as a potential threat to wage levels and working conditions (cf. Hansen 2000), and fearing the use of migrants as a bargaining chip in the hands of employers, akin to the US experience. However, this position began to change in the 1970s, when the unions became active in fighting discrimination and

workforce and the CBI shares the Government's belief that a carefully managed migration policy can bring further benefits to the UK. Although a well-targeted migration policy can alleviate current skill and labour shortages, raising the skills of the domestic workforce and improving labour market participation rates must be the priority. The CBI supports the Government's plans, outlined in 5 year strategy, to introduce a points test for skilled migration and rely on EU migration for lower-skilled workers, with a reduced role for schemes such as the SBS and SAWS. It is important that the Government maintains a range of routes into the country in order to react to labour market needs. The CBI has written to the Home Office opposing the imposition of employer bonds for migrant workers and the use of on-the-spot fines for illegal working.”

racism at the meso level. In assessing the stance of the unions and its capacity to shape policy, the climate existent in the aftermath of the fiercely anti-union legislation of the Thatcher governments and the slightly obsessive attempts by Blair since to cut ties with the labor movement needs to be taken into consideration. The union movement is fairly feeble policy actor. It does undertake lobbying activity in the field, defending the legal position of employees and attempting to counteract exploitative practices. Institutionally relatively weak with no pronounced link to the government, the union generally supports a proactive labor recruitment strategy (interview UK-UNI-1) as long as these recruits benefit from standard wages and working conditions and are not exploited. Actively managed migration is perceived as a preferable strategy to irregular migration.

Policy since 1989 and the role of non-state actors

If a general restrictive line characterized British migration policy throughout the 1990s, it is important to distinguish between increasingly fierce and aggressive attempts to reduce the number of asylum claims on the one hand and a new increasingly pragmatic, if staunchly “economistic” approach towards labor migration on the other. In that sense, there seems to be very little discernible partisan cleavage – the distinction between “bad” asylum seekers and “good” economic migrants evident in New Labour’s approach was ultimately shared even (or especially) by the architects of the openly xenophobic 2005 Conservative electoral campaign.

Labor migration has undergone considerable changes in recent years. After repeated legislative measures had limited the legal access to the labor market considerably, three key entry avenues remained for non-EU citizens, all of them tightly regulated: the Working Holiday Scheme, principally geared at short-term working experiences by Commonwealth citizens, an annual quota of 10,000 temporary work placements for Central and Eastern Europeans, principally in agriculture, and case-by-case work permits granted to highly skilled individuals whose employers filed applications for them in select economic sectors experiencing labor shortfalls. The 2002 Act itself changed little, as it was principally geared at limiting territorial access by asylum seekers and undocumented migrants – thus rendering British migration policy indeed “firmer”, though not necessarily “fairer and faster” as the 1999 Green Book had promised. However, since then, there has been considerable activism in this domain. Remarkably, initiatives have been domestically grown, since the UK has not adopted any EU measures in the fields of third country nationals, labor migration, or family reunion. The main thrust of the – at times slightly botched and ill-executed reforms – is to re-structure and ultimately limit the schemes pertaining to low-skill migration, based on the strategy to permit CEE citizens free access to the labor market after 2004, while streamlining procedures for high-skill migrants into a “points” system, reflecting qualifications and labor market needs. Thus, the working holidaymakers scheme was first broadened in scope in 2003 to make greater allowances for New Commonwealth countries, only to be quantitatively limited again in February 2005. Meanwhile, the agricultural working scheme has similarly been reduced in size in 2004. At the same time, an explicit quota scheme was introduced for low-skill short-term labor migration in select sectors (sectors-based scheme, Immigration Rules HC 395, paras. 135I-135K, Ensor and Shah 2005),

especially gastronomy and food processing. The 2001 Highly Skilled Migrants Programme (HSMP) introduced an explicit point system, taking into consideration formal level of education, work experience, salary level, overall qualification and qualification of the spouse. Additional points were added for applicants in sectors with shortages – especially medicine – and, unlike the previous procedure, applicants themselves filed the application rather than their employer. Such point system is also used to evaluate application by “entrepreneurs” who plan to establish businesses.

The most current policy proposal, its logic already apparent in its subtitle “Making Migration Work for Britain” and based on a “flexible, employer-led” logic (Home Office 2005, 9), will replace all of these schemes with a single, points-based labor migration system, comprising four tiers, the first one reserved for highly skilled professionals in fields such as IT, finance, medicine, and engineering, as well as “entrepreneurs”. Applicants in these groups receive permission to enter the UK to assist them in their job search. The second category is geared towards applicants in sectors experiencing shortages that cannot be filled domestically or within the EU, especially in nursing and teaching. The third tier consists of short-term, tightly quantitatively limited quota schemes that can be opened – and presumably closed – on short notice, replacing the agricultural and sector-based schemes. Finally, the fourth tier encompasses the working holiday schemes and short-term schemes for students. Both of these bottom two tiers will only be open to nationals of countries which have concluded repatriation agreements with the UK.

It is no coincidence that the document reiterates on 12 occasions that employers will be consulted or that the scheme is employer-led. Some independent advisory body on skills will also be consulted. The UK points scheme as proposed is a paradigmatic example of business-driven labor recruitment schemes, emblematic of European

migration schemes of the 21st century: it distinguishes between “good” labor migrants and “bad” asylum seekers, whose figures need to be reduced (Home Office 2005, 19ff), it is based on competition state logic and rhetoric (“Managed migration is not just good for our country. It is essential for our continued prosperity.”; Home Office 2005, 7) and it entails a carrot and stick approach towards third countries to coax them into cooperating in deportation.

Conclusion

Whoever claimed that the state is “retreating” has obviously never studied migration policy. Claiming that policy and politics do not matter in this domain would simply be preposterous. European governments have discovered the notion of “managing” (or *maitriser* or *steuern* or *gestire*) migration. Control over access, both in the territorial sense and in the sense of entitlement remains central to the functions of the state, even the neoliberalized competition state of the early 21st century. Governments are eager to be perceived as “managing”, taking action and being in charge. But where carefully “managed” or “chosen” labor migrants are either accepted or at least rhetorically welcomed with open arms individuals seeking entry without any explicit invitation encounter a much less pleasant vision of Europe.

Trade unions, hampered in some countries (F, UK) by a weak institutional basis, have assumed a relatively passive stance on labor migration, while being broadly supportive of carefully managed labor migration. In itself this represents a departure from a traditionally much more skeptical, if not to say reserved stance (Haus 2002, Watts 2002). In all three countries, unions have become active in fighting

racism and discrimination in the workplace. German and to a lesser extent French unions have also attempted to lobby for a more pragmatic policy regarding resident migrants and their descendants. But active lobbying has been limited.

Employers have been much more active lobbyists, at least in the UK and Germany. Organizationally they would have been best placed in Germany to affect change, less so in France and the UK. But the common position variable is crucial: In France, it was not strongly present (though there is some evidence that this may begin to change). In Germany, a common consensus on the issue similarly emerged relatively late on the general need for labor migration, while sectoral initiatives in sectors with labor shortages could be agreed upon earlier. While the federation of larger industry BDI was very enthusiastic from early on, not all sectoral employers shared this sense of excitement. The enthusiasm for annual labor quotas, pervasive among larger companies, was not readily shared by the SMEs. Finally, in the UK such general consensus was reached relatively early and was widely shared.

The second proposition hypothesizing that national systems of production influence employers preference is largely borne out by the empirical evidence. Of course, the need for labor migration has not been an easy position to defend for employers in light of high unemployment rates across all three countries, including 'hidden' unemployment in the UK in the form of incapacity benefit recipients and an extraordinarily high prison population rate. However, clothed in the rhetorical terms of the purported need to compete for brains, appeals by business to government to ensure national competitiveness in their design of labor migration policy have been much more successful.

Thus, British employers have become more actively concerned with labor migration policy in the wake of the highly advanced tertialization of the economy and clearly apparent skill and labor shortages. Labor recruitment focuses on the service sector and seeks to compensate for deficiencies in domestic training institutions. Concerns over such shortages especially in engineering, IT, and finance have resulted in employer advocacy of liberal provisions for individuals with such skills. By contrast, French employers have only recently discovered the benefits of labor migration, given that neither skills nor labor shortages were as readily apparent as in Germany or the UK. Also, short-term labor market needs could be satisfied through the black economy shadow labor market an informal labor market as informed by an economic structure that did not generate the same levels of skills shortages. Recent French government activities suggest an embrace of actively managed labor migration policy that would appear to aim at highly skilled migrants wishing to aim either the manufacturing or service sector. German employers, especially those in the manufacturing sector, notably metal processing association Gesamtmetall, have been strongly supportive of highly skilled migration, complimenting a high skill high value added production strategy.

Abandoning the common state-centric focus of the migration literature can be a fruitful exercise, as I have attempted to demonstrate in this paper. Bridging the gap between migration and some of the insights from the comparative political economy literature, it is argued that production regimes will influence the type of migrants employers and to some degree trade unions will seek to attract.

Interviews:

During 2004-2006, approximately 30 interviews were conducted with representatives of trade unions, employer associations, national ministries of interior affairs and labor and social affairs in all three countries discussed here. A number of background interviews were also conducted with national labor market and immigration experts. Direct references to these interviews are indicated in the text. The author would like to express his gratitude to the British Academy (SGS) and the University of London (CRF) which helped finance the field research undertaken.

Bibliography (incomplete):

Amable, Bruno (2003) *The Diversity of Modern Capitalism*. Oxford/New York: Oxford University Press.

Börzel, Tanja and Thomas Risse (2003) "Conceptualising the Domestic Impact of Europe" in Kenneth Featherstone and Claudio Radaelli (eds.) The Politics of Europeanization, Oxford/ New York: Oxford University Press, 57-82

Castles, Stephen and Gundula Kosack (1973) *Immigrant Workers and Class*. Oxford: Oxford University Press.

Ferrera, Marurizio (1996) "The 'southern' model of welfare in social Europe", *Journal of European Social Policy* 6 (1): 17-37

Fioretos, Orfeos (2001) "The Domestic Sources of Multilateral Preferences: Varieties of Capitalism in the European Community in Hall, Peter and David Soskice (eds.) (2001) *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*, Oxford/New York: Oxford University Press: 213-246

Freeman, Gary (2002) "Winners and Losers: Politics and the Costs and benefits of Migration" in Anthony Messina (ed.) West European Immigration and Immigrant Policy in the New Century, Westport, CT: Praeger: 77-96

Geddes, Andrew (2003) *The Politics of Migration and Immigration in Europe*, London/Thousand Oaks,CA/New Delhi: SAGE

Guiraudon, Virginie (2000) " "European Integration and Migration Policy : Vertical Policy-making as Venue Shopping"", *Journal of Common Market Studies* 38 (2): 249-269.

Haus, Leah (2002) *Unions, Immigration, and Internationalization: New Challenges and Changing Coalitions in the United States and France*, New York: Palgrave Macmillan

Héritier, Adrienne (1996) "The Accommodation of Diversity in European Policy-Making and its Outcomes: Regulatory Policy as Patchwork", *Journal of European Public Policy* 3 (2): 149-167

Hollifield, James (2000) "Immigration and the politics of rights: the French case in comparative perspective", in Michael Bommess and Andrew Geddes (eds.) Immigration and Welfare: Challenging the borders of the welfare state: 109-139

- Knill, Christoph and Dirk Lehmkuhl (1999) "How Europe matters: Different Mechanisms of Europeanization", *European Integration Papers* 3 (7), eiop.or.at/eiop/texte/1999-007a.htm
- Lahav, Gallya (2004) *Immigration and Politics in the New Europe: Reinventing Borders*, Cambridge/New York: Cambridge University Press.
- Levy, Carl (1999) "European asylum and refugee policy after the Treaty of Maastricht: the birth of a new regime?" in A. Bloch and C. Levy (eds.) *Refugees, Citizenship and Social Policy in Europe*, Basingstoke/New York: Palgrave: 12-50
- Menz, Georg (2005a) *Europeanization and Varieties of Capitalism: National Response Strategies to the Single European Market*. Oxford/New York: Oxford University Press.
- Menz, Georg (2006) *The Future of European Migration Policy* Boulder, CO: Lynne Rienner Publishing.
- Milner, Helen (1997) *Interests, Institutions and Information: Domestic Politics and International Relations*, Princeton: Princeton University Press.
- Ministere des Finances (14 January 2006) "Immigration sélective et besoins de l'économie française », available at : www.minefi.gouv.fr, internet accessed on 9 March 2006
- Putnam, Robert (1988) "Diplomacy and Domestic Politics: The Logic of Two-Level Games", *International Organization* 42: 427-460
- Radaelli, Claudio (2003) "The Europeanization of Public Policy" in Kenneth Featherstone and Claudio Radaelli (eds.) *The Politics of Europeanization*, Oxford/New York: Oxford University Press, 27-56
- Stiftung Marktwirtschaft (2002) *Deutschland im Reformstau: Muster-Koalitionsvertrag*, No. 72, Berlin: Stiftung Marktwirtschaft
- Stiftung Marktwirtschaft (27 February 2004) „Deutschland braucht qualifizierte Zuwanderer“
- Watts, Julie R. (2002) *Immigration Policy and the Challenge of Globalization: Unions and Employers in Unlikely Alliance*, Ithaca, N.Y.: Cornell University Press.

ⁱ In the course of this press conference, the minister also stated that "The question of quotas, in other words, "immigration by choice" as opposed to "immigration by submission", must be the subject of true debate without taboos or exclusions. {we must} not be content with the failure which, after ten years of illegal immigration, leads all governments to debate wide-ranging integration" (cited in Kretzschmar 2005, 15). Sarkozy also makes passing reference to a "quantitative objective" in his book *Libre* (Sarkozy 2003, also *Le Monde* 15 April 2006, interview GOV-FR-2).