

**UNIVERSITY OF ECONOMICS IN BRATISLAVA**

**FACULTY OF APPLIED LANGUAGES**

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**EUROPEAN MIGRATION POLICY AND POLITICS ON  
THE CASES OF THE UNITED KINGDOM, GERMANY AND  
FRANCE**

**Master Thesis**

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FRANCE**

**Master Thesis**

**Study Programme:** Foreign Languages and Intercultural Communication

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**Supervisor:** PhDr. Ildikó Némethová, PhD.

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### **Affirmation**

**I hereby confirm, that I have elaborated this work independently, and I  
have stated all the sources, that I have used.**

**Date:**

.....

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## Abstrakt

KALÁSZ, Andrej: Migračná politika na prípadoch Spojeného kráľovstva, Nemecka a Francúzska – Ekonomická univerzita v Bratislave. Fakulta aplikovaných jazykov; Katedra interkultúrnej komunikácie – Vedúci záverečnej práce: PhDr. Ildikó Némethová, PhD. – Bratislava: FAJ EU, 2021, 94 s.

Cieľom magisterskej práce je upozorniť na významný vplyv verejnej mienky na modernú migračnú politiku Spojeného kráľovstva, Nemecka a Francúzska. Práca sa taktiež sústreďí na to, akým spôsobom na dané štáty pôsobí legislatíva Európskej únie, ktorú štátnici vnímajú rôznymi spôsobmi, či už ako prekážku, alebo ako spôsob, ktorým je možné meniť zákony vlastnej krajiny na nadnárodnej úrovni. Prvá kapitola práce popisuje históriu migrácie v Európe od konca 18. storočia, teda od začiatku industrializácie, až do studenej vojny a slúži ako teoretický úvod s množstvom relevantných pojmov a mechanizmov, ktorým je pre danú debatu nutné porozumieť. Dôležitosť tejto kapitoly spočíva aj v tom, že popisuje, ako sa z jednotlivých krajín Európy stali cieľové krajiny mnohých migrantov z celého sveta. V druhej kapitole je analyzovaný vývoj migračnej politiky Spojeného kráľovstva, Nemecka a Francúzska. Na príkladoch rôznych zákonov a udalostí poukazujeme na dôležitosť verejnej mienky pri tvorbe legislatívy a na záver usilujeme o vytvorenie prognóz súvisiacich s migračnou politikou.

**Kľúčové slová:** migračná politika, Európska únia, migrácia, imigrácia, verejná mienka, naturalizácia, azylant, rodinná reunifikácia, pravicové strany

## **Abstract**

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The aim of the master thesis is to prove that the public opinion has an important influence on the modern migration policy of the United Kingdom, Germany and France, and that the policy of these states is, into great extent, public-driven. The work also focuses on how the laws of these states are influenced by EU legislation, which is often perceived by the politicians either as an obstruction to their own agenda or as a way to alter the national legislation on a supranational level. The first chapter describes the history of migration since the late 18<sup>th</sup> century until the Cold War, and it serves as a theoretical introduction with definitions of important terms, which are relevant to following analyses. The importance of this chapter also lies in the fact, that it describes how the given states became destination countries for immigrants from all over the world. The second chapter analyses migration policies of the United Kingdom, Germany and France. Based on the examples of various laws and events, the work points out the importance of the public opinion in the context of migration policy. Finally, the thesis attempts to offer some prognoses for the individual countries.

**Key words:** migration policy, the European Union, migration, immigration, public opinion, naturalisation, asylum seekers, family reunification, right-wing parties

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## Introduction

In today's age of high mobility and fast globalisation, migration remains an important topic of many political debates. The importance of the given issue is further strengthened by the increasing involvement of the public opinion in the political process, which carries great weight especially in the democratic countries of Western Europe, many of which have been regarded as attractive target countries of migrants seeking better life there.

This thesis is an analysis of the aspects of migration policy and politics in the UK, Germany and France, all of which are important European immigration countries. The underlying analyses are meant to highlight certain relevant trends in European policy and politics. The main aim of the thesis is to prove the importance of public opinion when it comes to modern policy-making related to migration. The presented argumentation is meant to point out that modern migrant policy, be it immigration or integration laws, is strongly determined by the public opinion, which is also shaped by culture and traditions of the countries in question. Furthermore, the given work focuses on proving the significance of EU legislation in the context of state migration and integration policy and how EU legislation influences the policy and politics of individual states. Based on the corresponding assertions, the thesis attempts to predict some of the possible future developments in the analysed countries.

The dominant methods used in this work are argumentation and comparison. The incorporated sources include theoretical, as well as practical works, complemented by news and magazine articles. The main sources of theoretical knowledge are extensive works by Andrew Geddes, Peter Scholten (2016), Klaus J. Bade (2003), Rogers Brubaker (1992) and Christian Joppke (1999). Some further authors quoted and paraphrased in the thesis include Bertossi (2003), Bommes, Thranhardt (2010), Aly (1998), Freeman (1998), Hammar (2009), Hansen, (2000) Hardach (1987), Heckmann (1981), Henley (2016), Ivarsflaten (2006), Hussey (2014), Hollifield (1992), Kulischer (1948), Leenders (1993), Lucassen (1988), Moch (1992), Musch (2011) and Martin (2014), all of whom are respected theoreticians in the field of migration science and political science. The included citation from Thilo Sarrazin's (2010) publication "Deutschland Schafft sich ab" should not be perceived in this regard, as it is only a representation of a certain opinion, without proper analysis of facts and figures. In order to bring the theoretical knowledge up to date, as well as to back it with relevant data, the thesis also includes quotations from websites such as BBC, Aljazeera, DW,

Eurostat and Germany Visa. The quoted European legislation and European directives were found at the official websites of the European Parliament and the Council of the EU.

The first chapter of the thesis should be perceived as a theoretical and general introduction into the migration debate in Europe, as it provides an overview of the migration history since the 18<sup>th</sup> century, as well as a number of important terms, which will be needed later on. The first part of this chapter deals with migration during the shift to industrial society. It focuses on the two most common forms of migration at this time, which were itinerant trade and labour migration. Both of these types were driven mainly by the cottage industry, which provided ample opportunities for production of household products. As the population in these regions grew and most of the jobs were already taken, many individuals travelled to other regions to sell the products of their cottage industries or simply to find work. Most of them would return home upon earning sufficient amount of income, since migration was mainly seen as a way to support the family farms, which were not always able to provide enough sustenance on their own, especially outside seasons. Permanent migration was meant mainly for the younger family members, although they would often return to their families' homes upon gaining apprenticeship, as migration of this period was often connected with the process of gaining experience and skills. Migration soon became fixed into several clearly defined migratory routes. Migrants from poor hilly regions would usually head to more fertile flatlands with a lot of job opportunities. This was also the case of those from the mountainous regions of Massif Central headed for the Paris Basin. These migrants would, of course, be willing to work for much less than the original population, which led to wage inequality. The continuous industrialisation soon pulled even more individuals into the richer and more populated regions, but these movements occurred in cycles, as people were gradually moving to bigger and bigger cities over periods of time, which would often span generations. Due to the largely unrestricted possibility of movement, workers travelled back and forth as they pleased before settling in cities permanently. Some of the most attractive cities at the time were London, Vienna and Paris.

As it is stated in the second subchapter, industrial mass migration became easier and faster due to advancements in travel technology. In the late 19<sup>th</sup> and the early 20<sup>th</sup> century, more people than ever before travelled to cities to seek work there in the local industry. The relationship between the technological development and the migration was reciprocal, as migrants were the ones working at the biggest worksites of the given era, thus furthering the societal advancement. For example, by building railroads, migrant labourers would speed up

the migratory process itself, as these individuals could travel faster. The demand for labour was also high in the agriculture, since it was necessary to feed the quickly growing population in the cities. However, most of the migrants were not treated fairly and many of them were exploited as cheap labour through rationalisation methods. What is more, they were often disadvantaged because of their lacking language skills and perceived as second-class workers. This was the case in Germany, where the given approach was formulated officially through written documents. As a result, migrants were often dependent on their foremen, while the national workforce was able to seize better job opportunities. Some years before the WWI, this sentiment took on a form of a clear restrictive policy and, because of this, the pre-war period is known as the end of the relatively liberal era of migration. The acquisition of citizenship became restricted in most immigration countries and many laws were aimed against certain groups of immigrants, such as the Jews or the Poles.

It can be seen on the events outlined in the subchapter “Migration in the Period of the World Wars” that migration policy during wars was aimed mainly at securing as much labour as possible, which in many cases meant importing it from colonies. As a country with almost no colonies, Germany resorted to using war prisoners as cheap labour. Moreover, some of the warring countries also interned foreigners from enemy countries, which further strengthened the hostile public mood against them. This was the case of Britain, where thousands of Germans were interned. The period of the world wars was also a time of large refugee movements. Many people fled their homes during the war and more were deported as a result of the post-war treaties. World War II definitely preceded its predecessor in this regard, as it is estimated that in the period from 1939 to 1945, more than 50 million people were forced to leave their homes for various reasons. Most of the countries retained their pre-war restrictive policy even after the wars. This type of legislation was dominantly aimed at protecting the nationals and their wages, while imposing restrictions on immigration and integration of migrants within the welfare state. Still, the demand for labour was high even after the wars, as many countries, for example France, needed a large number of workers to recuperate after the long and tiring war years.

The last part of the first chapter focuses mainly on providing general facts on types of migrants and the European Union, the member states of which started to take a unified approach to immigration during the era of the Cold War. At times, this meant that European countries would close themselves off to immigration. Some other relevant classifications, such as the division to formal and informal migration countries, are also provided in this

segment, in order to provide an overview of the basic approaches to migration after the WWII. Lastly, to better understand why these approaches were deemed necessary, this subchapter also takes a look at related factors, such as post-colonial sentiments and the consequent public mood.

The second chapter focuses on the analyses of the individual countries from the perspective of national migration policy, as well as from the perspective of EU legislation in the field of migration. The subchapter describing the UK policy concentrates mainly on the analysis of important laws, such as the 1948 Nationality Act, or the Commonwealth Immigrants Act of 1962, which were aimed at reducing migration as a result of a public-driven policy. Right-wing parties, such as BNP or UKIP, often profited from the strong anti-immigration sentiments, and the given subchapter points at some of the coping mechanisms, which prevent right-wing parties from gaining political influence. However, in case of Britain, migration numbers were regarded too high also because of the EU policy-making, which guaranteed free movement to the citizens of EU. Since migration was perceived as something that the national government should be in full control of, all the 2000s governments made the attempts to reduce immigration as much as possible. Ultimately, the only way to decrease the number of arrivals considerably was through Brexit, as some parts of the membership in the EU are non-negotiable. Still, it is to be argued, that the British migration policy has been strongly affected by EU legislation, as it can be seen on the example of the Human Rights Act implemented to the British legislation as a result of the influence of EU institutions. Britain's new points-based system also points at a degree of open-mindedness and inclusion, which is a clear demonstration of EU values. Therefore, the UK's fairly high degree of Europeanisation implies that Britain might be willing to agree to further cooperation with the EU through bilateral agreements.

The following chapter looks at the German case. Germany is a country strongly defined by cultural ties, and this is also apparent when reviewing its migration legislation, which was often aimed towards building a community based on blood ties. Even though today's laws are more civic in their nature, this notion still has a strong position in the collective psyche of the German population, and if the policy of the European states is, as this thesis argues, mainly public-driven, the given concept will necessarily be translated into an actual policy, for example in a form of citizenship tests which require certain language skills and the knowledge of the German system and history. This understanding of a community, is however, complemented by the fact, that Germany strongly believes in the

European unity and the idea of humanity. A good example of this is the German Basic Law of 1949, which was generous to asylum seekers, as well as Germany's humanitarian efforts during the refugee crisis of 2014. Still, can it be asserted, that this means that Germany has become a land, which is fully open to immigration? Nonetheless, this part also demonstrates, that the relationship between the EU and the national legislation is mutual and both are capable of affecting each other.

The last part of the second chapter focuses on the case of France, where migration policy remained an administrative issue until 1980s, and as such was not subjected to public opinion. The issue of migration and integration was highly politicised mainly by the National Front, which created a very strong context for how the given issues should be handled. Analogically to Germany and the UK, the statesmen of France have been trying to implement a policy, which would fit the general public's understanding of restrictive and controlled immigration and integration, for example through laws such as the Pasqua Law of 1994, or the Debré Law of 1997. Policy-making usually became somewhat more relaxed in the periods when the political left took over, but reducing or, at least, controlling migration still remained a strong theme. Moreover, in France, big portion of the migrant policy is being justified through the French idea of Republicanism, which, in theory, dictates unconditional equality regardless of the origin or the colour of the skin. However, this all-encompassing notion is somewhat malleable, as it will be demonstrated on the differing approaches of the various governments, and therefore it is to be questioned, whether Republicanism is not just a dated part of the French history, which cannot be regarded as a practical tool when creating modern policy. The French system faces a great pressure on many different levels, be it local, national or the European, and so, this part will attempt to outline possible outcomes of these effects.

# **1 Historic Context of the European Migration and Migration Policy**

## **1.1 Migration during the Shift to Industrial Society**

Europe has not always been a continent of immigration the way we know it today. Despite this, there have always been movements of populations. Many people often found it necessary to move and migrate due to various reasons, mainly to seek better life in wealthier regions. Still, the dominant reason for migration in the 18<sup>th</sup> century was to support families during seasons with few to no agricultural opportunities. This seasonal source of sustenance was imperative to the survival of many agriculturally oriented communities in winter and in other periods of the so-called off-season. However, this was not the only type of migration there was. As Bade (2003) mentions in his work, “Migration in European History”, while travelling through the 18<sup>th</sup> century Europe, one could encounter all kinds of travellers from young aristocrats on their luxurious coaches, who enjoyed the sights, to travelling brigands, traders and also religious exiles, who would not accept the faith of a particular ruling dynasty. These groups of exiles would include the Huguenots or the Waldenses, and they were often welcomed by other kingdoms and countries, which saw in them an opportunity to further reinforce the economies of their quickly growing cities. Travelling craftsmen, such as architects and blacksmiths, who travelled to the greatest European cultural centres in order to seek employment, were also quite a common sight in the early stages of modern Europe. Furthermore, many migrants sought to apply themselves overseas, in the so-called “New World”, where they usually received a small piece of land to call their own.

As Bade (2003, p. 2) aptly states, “The diversity of forms encompassed by the word ‘migration’ in the highly mobile early modern age can hardly be ignored, and in some areas has not yet been adequately explored.” This might also be due to the lack of relevant data and figures from this period. Still, in order to understand the contemporary policies and motivations of the modern European states, it is essential to delve deeper into the history of migration of this highly complex continent, even if exact figures are not available to fully support some of the claims. It has been mentioned before, that the population of the early modern Europe was exceptionally mobile. However, it would be impossible to sufficiently describe every form of migration there was at the given time. Instead, this subchapter will

focus mainly on the two most wide-spread and established forms of migration, which are the itinerant trade and labour migration.

Both of these forms of migration are connected with the term cottage industry, which was the most common *modus operandi* in a Europe ravaged by conflict and famine. In this pre-industrial model, agricultural households would produce a wide range of useful and practical items which they could sell on markets of interregional and sometimes even intercontinental importance. This form of trading was often exploited by capitalists, who controlled the important trade routes. Despite this, cottage industry allowed many regions to recuperate after wars. As a result, the population in these areas grew quickly and the local labour market soon became saturated, which led to many men leaving homes to look for sources of sustenance elsewhere. Many cottage producers took up itinerant trading, instead of relying on the capitalist-controlled distribution channels, especially in cases when conditions, under which the goods were distributed, led to a state of an absolute credit dependency (Bade, 2003).

Both of these forms of migration were just temporary, and most migrants returned to their regions of origin regularly, in order to support their families. These households' main source of sustenance was farming, which in many cases proved insufficient. As the community's main breadwinners, men were usually those, who travelled during agricultural off-seasons, and sometimes even all year, looking for work or selling products of the cottage industry. Younger members of families also migrated temporarily, as well as permanently, either to start their own household or in order to gain an apprenticeship. Due to this, their form of migration is often referred to as the apprenticeship migration. Another similar form was the journeyman migration, which meant that young people were sent away from the local community to ease the burden on a local inflexible labour market with lack of employment opportunities. This would occasionally have an adverse impact, as some frustrated young migrants took to brigandry and thievery (Schubert, 1995). If these two forms of migration are to be included in the labour migration, it is clear that the labour migration in the early modern Europe was only seldom a migration of skilled labour. It was in many cases connected directly with the process of gaining certain qualifications. Bade (2003, p. 5) briefly describes a fitting example of this phenomenon: "Recent studies of pewterers of Italian descent who spread out throughout Europe, for example, have shown that there was no pewtering or pewterware trade in the small, clearly defined region west of Lake Maggiore from where they originated."

Most of the labour migrants were headed to fertile flatlands, which offered more rural work opportunities than their home regions. This was also connected with higher wages in the given areas. The popularity of these regions can be best demonstrated on the fact, that this form of migration led to the creation of fixed traditional migration routes and systems. Also, the typical seasonal migration often shifted to definitive migration due to the attractiveness of the destination regions. Still, seasonal migration prevailed, as wages during agricultural seasons were considerably higher than during off-season. However, at the same time, this led to seasonal impoverishment of the original population that refused to work for wages which the migrants considered more than satisfactory. In other words, wage inequality between various regions led to inequality within the given destination region (Lucassen, 1988).

According to Lucassen (1988), there were 7 main fixed migratory systems in the given period. These would include 3 systems in North-western Europe and 4 systems in Southern Europe. The migratory routes in the north-west were used by more than 100 000 labourers annually, while their southern counterparts became even more popular, as the number of migrating labourers often climbed as high as 200 000 per year.

About 20 000 labourers moved each year to eastern parts of England. Most of these migrants were headed to Lincolnshire and East Anglia, as these were the regions with the highest demand for seasonal labour in England. They were mostly employed in construction projects and agriculture, and they came from all parts of the British Isles, but big portion of the migrants came from the western regions of Ireland, where many potato farmers were forced to pay ridiculously high rents. Because of this, they often had to resort to seasonal migration, in order to support their households. Another immigration region was the Paris basin, with almost 60 000 seasonal workers arriving annually. These migrants came from poor rural regions in France, such as Massif Central, where most of the population struggled with low agricultural yields. Such labourers sought employment in trading, public jobs and various services (Lucassen, 1988). The third migratory system in North-western Europe is known as the North Sea system. Migrants on this route migrated from Germany, Belgium and France to the coastal regions of the Netherlands. As Bade (2003, p. 12) states, the system in question was of an almost ancient nature even in the pre-industrial era, and it had mostly agricultural character: “The North Sea system, spanning roughly three centuries, was primarily a rural, agrarian migratory labour system with a seasonal structure. This was



particularly true for the Holland migrants from north-western Germany, more than three-quarters of whom worked in agriculture or peat bogs.”

The biggest migratory system in Southern Europe had its destination region set in central Italy with 100 000 workers making their way to this area every year. Many of these migrants were employed in service sectors and construction (This was true mainly for Rome.), as well as in agriculture, as there was a huge demand for workers who were to harvest grain and other crops. Most of the labourers came from poorer provinces in the east and south and many groups were united by the so-called brigade leaders, whose main job was to negotiate higher wages and adequate working conditions with the potential employers. Another significant destination region in the south was Castile. Since Madrid was one of the main centres of this region, many individuals found jobs as construction workers and household servants. Large portions of the 30 000 migrants arriving to Castile annually also sought employment in agricultural projects situated on the Castilian plateau. Analogically to the French migratory systems, even in this case, most migrants came from hilly regions, but often for slightly different reasons. In the mountainous province of Galicia, for example, large plots of land were controlled by rich landowners, often at the expense of other rural households. Therefore, most of the small local farms were in dire need of additional income (Lucassen, 1988).

Furthermore, roughly 35 000 migrants travelled each year to regions between Catalonia and Provence to seek work as grape pickers during harvesting seasons, and 50 000 workers travelled annually to the Po plain in Italy, where the demand for seasonal labourers in rice production kept on growing (Bade, 2003).

The second form of migration in question is the itinerant trade, which is defined as independent sale of goods from cottage industries. These goods were either purchased, which is defined as indirect itinerant trade or produced, which is defined as direct itinerant trade. Itinerant trade and labour migration often overlapped and both were carried out for the same reasons. Just like labour migrants, itinerant traders would often travel via regional (within one region), interregional (from one region to another) and cross-border (from one country to another) routes from economically depressed agrarian zones. Most cottage industries in these poor regions were able to survive mainly because of the itinerant trade systems, and some of them even thrived. Bade (2003) describes itinerant traders as hardy travellers, who were often without fixed residence. They would sell all kinds of arbitrary

goods (such as clay containers, utensils, wooden items and iron goods) without any clear preference for a certain type of item. Because of this clear lack of concept, they were often mistaken for travelling brigands and beggars. Nonetheless, itinerant trade had been an essential part of the traditional European trading economy. According to Oberpenning (1996), proto-industrial production was almost exclusively dependent on itinerant traders.

Of course, not all the itinerant traders were without fixed residence. In some cases, itinerant trade was a source of off-season subsistence for small family farms. Husbands would often be the ones, who would take on the role of distributors, travelling great distances to sell their products in the closest big cities. Some men did this all-year round, leaving their families to take care of the farms on their own. This often resulted in the emergence of “Packmen” families, which lived mainly from the earnings of peddling family members. The given occupation became so dominant in some European regions that, in many cases, several villages and towns decided to form certain trading unions and associations through formal or informal agreements. Due to the mass industrial developments in the 19<sup>th</sup> century, many of these structures ceased to exist. The successful trading associations that managed to survive this shift, however, usually moved to the destination areas, where the goods were being sold. Here, they often formed thriving trading houses, some of which exist until today. Those traders, who were left behind in the economically depressed rural areas were soon pushed out by the small urban competitors, who were now expanding to the agricultural areas that they originally moved away from, as well as by large companies, that were now able to reach more remote regions due to advances in transportation (Oberpenning, 1996). The traders, who were unable to adapt often returned to the classic labour migration. The more adventurous ones, however, decided to try their luck in America, “where many hoped to regain the Old World they had lost” (Bade, 2003, p. 23).

Moving on, 19<sup>th</sup> century was impacted by the so-called proletarian migration, which is another form of labour migration. The mass proletarian migrations were a result of a shift to industrial societies from the traditional agrarian societies. Of course, this shift did not occur in the same way in all European countries, which was also one of the main driving forces of migration at the time, as the regional differences convinced many to migrate. In countries like Germany and Britain, industrialisation came early on due to high investment rates. “At the other end were countries such as Italy, Spain and Greece where this shift did not take place until after the First or even the Second World War” (Bade, 2003, p. 34). However, there were also differences within the individual states. For instance, in France the

east was far more industrialised than the more agriculturally oriented west, which led to many workers migrating east.

Other important migratory forces were the individual industries, especially coal, steel and textile industries. The latter also destroyed the traditional cottage production, which forced many to seek other sources of subsistence. Coal and steel industries pulled many workers to the more urbanised regions, where they sought employment in railroad construction, canal construction, factory construction, urban projects and mining. In other words, the migrants were to expand the cities which they were attracted to and they would soon become known as the industrial proletariat, the working class. However, it would be false to claim that there was a direct migration of workers from rural regions to the cities. Instead, many repeatedly moved back and forth before they found their permanent residence (Hochstadt, 1996).

Even though there was a high overseas emigration to the United States at the time of industrialisation, the population grew significantly at this time. Many migrants moved to the more industrialised parts of the Europe, where there was an abundance of food and job opportunities. There, families had a better chance at surviving, as many administrations also attempted to implement effective measures, which would decrease the likelihood of famines and other related crises. All of this resulted in the industrial population boom, which in some cases meant, that the populations of cities quadrupled in size. According to Bade (2003, p. 37) “the population of Europe grew approximately 43 percent in the first half of the nineteenth century, and around 50 percent in the second. It rose - in spite of the mass overseas exodus - from around 187 million in 1800 to about 266 million in 1850...” However, the increased population growth would soon result in more migration, as many industrialised regions were unable to satisfy the growing demand for employment, and many workers had to travel even greater distances to satisfy their basic needs. Such movements were often of transnational character. Because of this, Bade (1982) describes them as the early internationalisation of labour. This was possible also due to largely unregulated labour market, as in this period workers were able to cross borders with only few restrictions (Bade, 2003).

The cities with the strongest pull factors (the highest attractiveness) in Europe were London, Vienna, Paris and especially Berlin with its astounding population growth of 872 percent in the 19<sup>th</sup> century, meaning that almost 59 percent of Berlin’s population was not

born within the city's limits (Moch, 1992). As it has been hinted above, the migration to these industrial centres often occurred in certain phases, usually starting in rural regions. Migrants would move from a village to a town, from there to a city and many of them would later move to some of the Europe's largest metropolises, in order to further improve the quality of their lives. These phases lasted for several years, often spanning generations, and they were in no way direct. A fitting example of such migratory cycle would be the long-distance migration of Poles west to the Ruhr Valley, a highly industrialised region in Germany.

## **1.2 Migration in the Late 19<sup>th</sup> Century and the Early 20<sup>th</sup> Century**

The proletarian mass migration continued and intensified greatly till the early 20<sup>th</sup> century. Further facilitations of travel systems made it possible to travel much faster and at much lower costs than before, which, in a long run, also led to higher interregionalisation, as well as internationalisation of labour migration. For example, migration to Paris Basin outlined in the first part became one of the integral parts of the European migratory systems. Thousands of migrants of dominantly Italian origin were also headed to regions of Lyons, Bordeaux and to southern France. However, there was extensive agricultural migration within Italy's borders, as well. Such form of internal mobility was typical for many other European countries, as regions were infrastructurally better interconnected than ever before (Bade, 2003).

One of the main forms of migration in this period is defined as industrial labour migration. This form of mobility focused on the centres of coal and steel industry, such as the quickly growing Ruhr Valley region in Germany. The staggering growth of the European metropolises created a pressing demand for labour in all areas, ranging from the service sector to construction. The aforementioned Italian migrants often sought employment in stone-working and in stone quarries. Such jobs often required little to no qualification. These migrants were also headed to regions in Germany and Switzerland, where foreign labour played an important role, especially in stone cutting and masonry, and, as a result, Italy became one of the significant emigration regions, which means that there were more individuals leaving the country to look for work elsewhere than those, who would enter the country to seek work. This was true for several regions in the south. A fitting example of these migratory processes is the mountainous Friuli region, where at least one fifth of the

population emigrated seasonally to seek employment in construction and agrarian labour (Moch, 1992).

Many European migrants were also employed in infrastructure construction, building railroads, roads, bridges and canals. Due to decrepit living conditions, high mobility on the job and fairly high wages, these jobs attracted mostly highly mobile migrants, who were interested in earning as much as possible without spending as little as possible during their work time. They would use the pay to support their families living in other regions, or to finance their journey to America, as permanent settlement at the worksite was usually impossible. The workers at these vast construction sites were almost always foreign: in UK, it was the Irish, while in Germany it was mostly Poles and Italians, and in France it was Italians, as well as Belgians (Moch, 1992). Furthermore, the relationship between railroads and migratory cycles was, as Bade (2003, p. 60) states, reciprocal: "Railroad construction created numerous jobs in the coal and steel industry, many additional stationary jobs in the areas where suppliers were located, and, at the same time, hundreds of thousands of mobile jobs all over Europe. The expanding rail network in turn offered faster and less expensive transportation for workers, even over long distances, and was simultaneously an instrument of market expansion since it accelerated and lowered the cost of haulage." In other words, railroads boosted the migratory cycles during construction, as well as upon being constructed. For example, in 1875 almost 550 000 people, most of them of foreign origin, worked in the railroad construction in Germany alone, making it one of the biggest industries at the time (Bade, 2003).

The agrarian labour migration changed significantly since the events outlined in the first part of this chapter also due to new advancements in farming, such as the development of new fertilisation methods and monoculture farming. There was an increased need for workers, who would work in fertile regions supplying the European metropolises with food. However, the wages were usually kept quite low due to the development of new capitalist structures in agribusiness. On the other hand, consumer prices for the produce were pushed as high as possible in order to maximize profits at minimum costs. Such practices would result in an emergence of a conscious agricultural proletariat, the members of which advocated higher wages and lower market prices. Still, the interest in employment in agriculture was high, and due to the emergence of proletarian groups, migration to agricultural regions became in many cases much more systematic and organised, which in turn contributed to the general mobilisation of labour potential at the time (Bade, 2003).

Another important driving force of agricultural migration was the further intensification of seasonal organisation in the agribusiness. The wages were the highest during the season peaks, while during off-seasons unemployment and poor wages were more often the case. Technological advancements played an important role in this dynamic, especially the steam threshing machines, which replaced the majority of manual workers in winter, meaning that there was a low demand for labour in the off-season in regions where steam threshing technology was put to use. These regions included East Elbia in Germany, Friesland and Holland in Netherlands, Northern France and also parts of England. However, wage rates during seasons were so high in these parts compared to the rest of Europe (Eastern Europe especially), that migrants would often travel long distances just to seek employment on the local industrialised farms, often paying no heed to the appalling working conditions (Moch, 1992). The regions were, in fact, so attractive that Bade (2003) describes the migratory cycles to these areas as the internationalisation of agricultural labour migration. For example, in Prussia alone, there were more than 600 000 registered foreign labourers in 1906 and this number further increased to 900 000 in just 7 years. More than one third of these workers were employed in agriculture. Seasonalisation of the labour in the aforementioned farming regions was further intensified by the new cultivation methods and crop rotation methods, which, when introduced, reduced the amount of labour needed in the off-season to an absolute minimum. According to Weber (2014) this was true mainly in East Elbia, where the new methods of sugar beet production led to a shift in the organisation of the local agricultural labour market.

When reviewing the aforementioned example of the Prussian state, it becomes quite clear that Germany was one of the biggest labour-importing countries of the 19<sup>th</sup> and early 20<sup>th</sup> century in the world. According to Ferenczi (1930) it was second only to the United States, which received a steady supply of eager adventurers, workers and explorers from all over Europe. However, the functions, which the transnational migration fulfilled in Germany, are well applicable to other countries of Europe, as they were, into certain extent, universal in their nature. Firstly, foreign labour served substitute function. Migrating workers were often employed in areas with wage and living conditions far below the standard of the local workforce, as the locals were usually on the lookout for more attractive jobs with better career and growth options. In most countries of the 19<sup>th</sup> century Europe, foreigners were inherently perceived as second-class labourers, who were eager to do any kind of work. This form of discrimination would sometimes be officially formulated through

memoranda, which, stated (often very bluntly) that foreigners should by all means be hired for the jobs with the worst working conditions, such as coal mining, even if there is a sufficient amount of national labour available. On the other hand, nationals should be employed in more prestigious jobs, which require higher degree of skill and common intelligence. Language requirements were also often used to discriminate against foreign labourers in favour of national labour, as in Germany, for example, the perfect knowledge of written and spoken German language was a must in most leading and managerial positions. In many cases, this would result in a higher level of dependency of the foreign labourers on their German foremen (Bade, 2003).

Furthermore, due to immigrants it was possible to meet the growing demand for cheap workforce on the seasonal labour market in less developed regions, where further cost-saving modernisation of the agriculture was not yet achieved. Since these labourers would seek employment mainly during the seasons, most farms were able to calculate precise labourer figures for the given season, often achieving zero costs during off-seasons. This process is described as a rationalisation of labour without the need for further modernisation. It is to be asserted, that such calculations often took on a more global and long-term form as well, and they were not exclusive only to agriculture. Whenever there was an economic crisis, migrants would usually be the first ones to suffer its consequences. Most employers would dismiss foreign labourers without much thought, thus alleviating the impact of the crisis without ostracizing the national workforce. This procedure was preferred and strongly encouraged by the state institutions in Germany, as well as in France (Bade, 2003).

The early 20<sup>th</sup> century before the First World War is known in the context of migration as a transition era from liberal period, when migrants were relatively free to cross national borders as they wished, to a period dominated by protectionism and restrictive labour market policies. Protectionist states would provide benefits to national workforce while tightening controls on migration. As the modern nation-states started to take a definite shape, the official policies would more intensively distinguish between “national” and “foreign” elements. On the other hand, in the big empires, for example in the Austro-Hungarian Empire, dissent caused by unresolved area disputes and revolutions of ethnic groups would often lead to forced migrations of political refugees. This was, in fact, the time when the term “political refugee” attained official recognition in the political rhetoric of European parties. Such refugees often sought temporary exile in the closest state, which would accept them. This distinguished them from the religious refugees of the 18<sup>th</sup> century

mentioned in the first subchapter, as these migrants were usually looking for a permanent place to stay, where they could practice their faith (Bade, 2003).

Countries offering asylum to revolutionaries, freedom fighters and other political dissenters were mainly France, Belgium, Switzerland and England. They began to articulate political and legal attitudes towards asylum issues. Naturally, their approaches and conditions differed from each other, but all of the presented European policies regarded asylum issues and migration in general as some of the most important matters of the emerging international law. In France, for example, a uniform concept for dealing with the refugees did not exist until the first half of the 19<sup>th</sup> century, and so, many individuals who migrated there to escape the oppressive atmosphere of the German Confederation were often dependent on charity of the people. Governmental financial aid was provided only sporadically and without much organisation. In 1830s the first legally formulated integration policies were aimed at unrestricted integration, as refugees were able to practice any profession, this started to change 1880s and 1890s as many public figures called for tighter controls due to unrestricted influx of political refugees and asylum-seeking became almost impossible in France. Belgium's policy-making, on the other hand, became more consistent earlier on. It focused on friendly asylum policies, accepting large numbers of German and Pole refugees. The refugees were only required to refrain from political activity (Bade, 2003).

As it has been mentioned before, tighter controls began to dominate the European policy-making. In France, this would take on the form of combination of *jus soli* (Citizens are defined by being born within the borders of the given country) and *jus sanguinis* (Citizens are defined by being related to nationals by blood) principles in 1880s. The continuous debate resulted in concessions on behalf of the supporters of the respective principles, as Bade (2003, p. 147) states "The compromise of 1889 consisted of a limited *jus soli* conception with a concession to the *jus sanguinis* position by excluding newly naturalised citizens from voting rights for ten years." *jus soli*, however, strengthened its position much more than *jus sanguinis* and it became an integral part of the French migration legislation in a form, which was repeatedly modified. The acquisition of citizenship was even more limited in Germany, as, at the time of Wilhelminism<sup>1</sup>, there was a prevailing notion of foreigners

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<sup>1</sup> Wilhelminism was a historical era between 1890 and 1918 defined by the reign of Emperor Wilhelm II in the German Empire. Wilhelm's rule exhibited a strong degree of



“flooding” the country. This prediction was aimed mainly against the Polish and Jewish migrants, but it never came true. Interestingly enough, Germany did not put many restrictions on foreign labour prior to WWI due to the increasing need for labour in industrialised regions (Brubaker, 1992). In Britain, the peak era of relative liberalism was definitively ended by the Aliens Act of 1905, which, even though it focused only on specific groups (such as the Gypsies and Jews) was a clear sign of a new restrictive policy-making. The Act was passed in an atmosphere filled with racism and xenophobia, driven by public and media backlash at the arrival of 150 000 Jews to the country in the late 19<sup>th</sup> century. The legislation’s supporters viewed most of the affected groups as destitute criminals, who would eventually destroy the country (Bade, 2003). According to this act, migrants would be withheld at ports and sent back if they were identified as undesired (Legislation.gov, 2011).

### **1.3 Migration in the Period of the World Wars**

The period of and between the world wars was a time defined by state migratory conditions, refugees and forced migration. During the wars, cross-border migration became even more difficult than before through intensified interventionist policies of European countries, which attempted to have a greater control over international migratory processes. Some ethnic groups were also forced to migrate due to their alleged affiliations to the enemy.

In the early stages of The First World War, most countries struggled with the insufficient workforce, as many able-bodied working men were conscripted to serve on the front lines. The total number of the recruited men from 1914 to 1918 in Europe climbed up to 60 million. Germany alone, for example, mobilised over 13 million, which was 20 percent of the population at the time, while in France the number of conscriptions was almost 8 million. Most of the warring countries sought to solve the labour shortages by employing such groups of people, who had not been actively working before, such as women and children. However, this, in many cases, required complex and costly rationalisation of production, so as to allow the new semi-skilled and unskilled labourers to work without any limitations. Therefore, some countries resorted to giving number of their soldiers a leave instead, so that they could be re-employed in their previous jobs, further supporting the war economy. Such solutions would usually not suffice. The situation was dire mainly in agriculture, mining and munitions industry (Hardach, 1987). Since most of the previously

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militarism and chauvinism, which reflected itself in the discourse centred around migration, as well (Bade, 2003).

stated options were not sufficient in resolving the shortages, most of the companies and institutions decided to recruit workforce from overseas. In other words, wars led to further internationalisation of labour. This was true for enlistment, as well, even though the migration within Europe's boundaries remained difficult (Hardach, 1987).

As expected, Britain and France would rely on the population in their colonies, which meant that migratory routes were turned around, as, instead of exporting labour to their colonies, they would focus now on importing labour and potential recruits to Europe. The French recruited mostly from their colonies in North and West Africa, but a smaller portion of recruits and workers came from Madagascar. Britain, on the other hand, drew its recruits mainly from India (Cornelißen, 1997).

One of the biggest labour-importing countries prior to and at the beginning of the First World War was also Germany. Even though the number of voluntary labour migrants remained high even during the war, forced labour became the dominant element of Germany's foreign workforce pool in this period, since many foreigners at the time came from enemy countries. As Bade (2003, p. 172) estimates: "Among the 2.5 to 3 million foreign workers at the end of the war, no fewer than two-thirds were POWs<sup>2</sup>." However, this was not something to be frowned upon in the context of international community, as such practice was enabled by an annex to the Hague Convention valid at the time. War had a huge impact on the free workforce from enemy countries, as well. For instance, Poles from Russian territories living in Germany were prohibited from returning to their homeland and from changing employer. Such practice did not apply to labourers from neutral countries, such as Switzerland, Sweden or Denmark, as they retained all of their pre-war freedom. (Herbert, 1990).

Still, the German war effort required even more labour. As the war progressed and Germany gained some new territories in Belgium and Poland, the government decided to solve the persisting labour shortages through coercion and deportations of potential workers. These deportations, however, proved ineffective, as most deportees refused to work or managed to flee their workplace. Furthermore, such practices were also denounced by most European countries. As a result, the government would implement policies, which were aimed at worsening the economic situation in the occupied territories, forcing the local population to migrate directly to Germany, where they could be used as cheap workforce

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<sup>2</sup> prisoners of war

(Herbert, 1990). This method proved somewhat more effective, but POWs still made up the dominant part of the foreign labour. This strongly dependent group of labourers was largely disorganised, and most of the prisoners were forced to live in very difficult and poor conditions. All of this was caused by a lack of long-term planning, as most of the officials were expecting swift and successful conquest, not a tiring positional warfare that the WWI turned out to be. Furthermore, the POWs were forced to work in mining, which was one of the most dangerous and most feared jobs at the time. Still, these workers were employed in all industries ranging from agriculture to steel industry (Bade, 2003).

Restrictions based on the country of origin were not exclusive to the German policy-making, as many warring countries regarded the migrants from countries they were fighting against as the “enemy aliens”. The British Alien Restrictions Act of 1914, for example, fully reflected this sentiment. Being a product of mass hysteria and fear, this document limited the free movement of foreigners, who were originally from enemy countries. This strongly affected the 60 000 Germans living in Britain at the time, and would result in an internment of most of these foreigners (Panayi, 1988). What followed were nationwide riots against Germans, who were seen as the main reason for war, and the situation got even worse when a German submarine sank the civilian ship *Lusitania*. The riots soon intensified and they would extend to all the foreigners living in Britain. In a sense, The Aliens Restrictions Act fuelled this nationalist aggression, as the document itself had been an official xenophobic statement issued by the ruling party, and it was seen as an element which enabled the violence. The government’s approach was somewhat different in France. The migrants from enemy countries did not face internment here. Instead, their citizenship would be revoked, and they would have to leave the country before the mobilisation period was over. Germany retaliated to England’s and France’s measures by interning foreigners from these countries. By the end of the war the number of interned foreigners in Germany was at 110 000, and the most prominent internment camp was in Ruhleben, a suburban area of Berlin (Bade, 2003).

One of the most important refugee movements during WWI started in Belgium, when almost 1.5 million Belgians fled the country in 1914, fearing the German troops’ brutality, demonstrated in the Belgian town of Dinant. It was there that the German soldiers murdered 672 civilians. Almost 1 million of the refugees fled to Netherlands, making it one of the most important receiving countries of this period. The Dutch communities located near the Dutch-Belgian border were completely unprepared for such an influx of refugees and they soon became heavily overpopulated. Because of this, the Dutch government urged the Belgian

refugees to return to their regions of origin and, as a result, the numbers of refugees in Netherlands started to decline (Leenders, 1993). As Bade (2003, p. 179) estimates “The Belgian refugee population in the Netherlands had amounted to about 1 million people. In December 1914 there were still about 200,000-300,000, and in December 1915 the figure had dropped to about 50,000-100,000, remaining generally around that mark until the end of the war.” The number of refugees in Netherlands remained so low till the end of the war for a quite simple reason – there was no way for the Belgians to get to Netherlands, as Germans had built a high-voltage fences on the Dutch-Belgian borderline to prevent further migration (Bade, 2003).

After WWI, most of the countries retained interventionist policies which were implemented during the years of war. Now that the war was over, they would focus on regulating the foreign labour by restricting the foreigner access to the labour market, while providing welfare options and job opportunities to the nationals. This approach was deemed necessary because of the transformation from war to peace economy, as unemployment rose sharply in this process. Many industries saw decline after the WWI, as their services were no longer required at the time of peace. Furthermore, most dominant countries of Europe were preoccupied with the war-oriented production and they could simply not export as much as before the war, allowing countries outside Europe, such as countries in Latin America, to gain a momentum and increase their own export values in a non-competitive environment. This marked the end of the global economic dominance of Europe. All of these factors created a demand for a state which would take full responsibility for the labour market in a form of tighter migration and labour controls, a state that was very different from the liberal model of the 19<sup>th</sup> century, when international migration was defined by largely unrestricted mass proletarian movements. The dominant policy of this time is defined as protectionism, which focuses mainly on the protection of national labour (Bade, 2003).

This type of policy-making took on various forms in individual countries. For instance, in the newly emerged Weimar Republic, where, in addition to high unemployment, lack of skilled craftsmen further complicated the post-war situation, measures were taken to reduce emigration of these workers. What’s more, employment of foreign labour would be regulated by German labour parties and trade unions, so as to prevent the so-called wage-cutting by migrants, who were willing to work for considerably lower wages than the nationals. Since this greatly increased the migrants’ attractiveness in the eyes of employers, most nationals wished for equal working and wage conditions for everyone, so that they

would not be disadvantaged in comparison with the foreign labour. At the same time, however, they wished to be given priority over migrants when, for example, seeking work. The number of foreign workers decreased rapidly in 1919. Big part of the foreign labour in Germany was made up of the Polish, most of which decided to return to the newly emerged free Polish state. This effect was further reinforced through restrictive quotas, which resulted in a much lower number of annually fluctuating foreign labourers. The given quotas were enforced through the Office for Employment and Unemployment Insurance in Berlin, which came to existence as a result of the employment exchange law of 1922 (Kahrs, 1993). The aim of this new institution was to create “a legal framework for keeping foreign employment within the limits of replacement and additional demand” (Bade, 2003, p. 192). In other words, foreign labourers would receive visa only if it were explicitly proved that there was no local labourer available to do the given task. Employing foreigners without such proof could result in a monetary fine. Work and residence permits were usually granted for one year at a time with few exceptions for migrants of partial German descent, or for those, who had lived in Germany for a longer period of time (Kahrs, 1993).

The situation shortly after the war was somewhat different in France. Due to the destruction caused by the war, the demand for labour was high, and so, France resorted to bilateral agreements with countries such as Italy, Poland and also Czechoslovakia, so as to bring in as many workers as possible. However, migration to France outside of bilateral agreements remained difficult, as such workers needed to have a work contract, which would serve as an entry permit. Even though the migration to France was easier than the migration to Germany, the state focused extensively on controlling the influx of migrants. Still, more than 1 million workers were recruited from 1919 to 1924 to help with the reconstruction of the country. Situation changed dramatically due to the Depression in 1930s. In order to protect its national labour, the government decided to choke off migration almost completely and implement wage-oriented quotas, which were quite similar to the ones being used in Germany (Ferenczi, 1927).

On the other hand, refugee movements continued during the interwar period, as well. This came about as a result of new borders being drawn. Large European empires ceased to exist, and, instead of them, many smaller national states came into existence. These new states usually followed restrictive minority policies, which were fuelled by notion of homogenisation or “unmixing” of ethnic groups, so as to avoid intercultural conflicts that could emerge if the population remained mixed (Bade, 2003). Most of the contemporaries

referred to this process as purification of Central and Eastern Europe. After losing the war, Germany, Hungary and Austria were to take in more than 2 million refugees from their former territories, which were now owned by young sovereign states, such as Czechoslovakia or Romania. For example, due to the Treaty of Versailles, weakened Germany was forced to take in more than 850 000 Germans living in eastern provinces, as these regions were to become a part of the new Polish state (Fleischhauer, Pinkus, 1987).

Another 120 000 Germans were coming to Germany from Russia right after the end of WWI, as the revolution plunged many Russian territories into chaos. However, the total number of refugees escaping the civil war in Russia climbed up to 2 million. These refugees spread worldwide, but most of them fled to Germany, France and Balkans. Receiving such a large number of refugees posed a great challenge for most of the countries and required innovative thinking. Soon, a solution was proposed by League of Nations in a form of new international legislation, which would lead to an emergence of the first international refugee aid organisations. These organisations did all they could to facilitate the migration of refugees all over Europe, but they could not fully solve the lack of housing and other problems, which the receiving countries faced (Bade, 2003). Furthermore, there were far too many other migratory movements taking place at the time, as well. Bade (2003, p. 200) estimates that “the total number of refugees and those forced to resettle in Europe in the mid-1920s was probably no less than 9.5 million.”

However, these migratory cycles more or less receded in 1930s, and they were soon overshadowed by mass emigration caused by the Nazi ideology. Upon seizing the power in Germany in 1933, Nazis tirelessly pursued all those, who were deemed unfit to be a part of the new Reich. Refugees fled the country in several waves until the beginning of the Second World War in 1939, when most of the options for migration were eliminated through autocratic policy-making. Political dissenters, as well as undesired ethnic groups attempted to migrate to other European countries, and later to America. The exact emigration figures from Germany and the territories controlled by Germany are not known, as big portion of this migration was illegal. The Jews are believed to be the largest emigrating group with approximately 600 000 Jews leaving Germany or the regions occupied by Germany (Röder, 1992).

The Second World War exceeded the First World War in its entirety. There were far more civilian casualties also due to the extermination methods employed by Germans, and

there were also more refugees, who were forced to leave their homes. According to Kulischer's (1948) estimation, there were at least 50 million refugees and deportees forcibly relocated in the period from 1939 to 1945. This was equal to 10 percent of the Europe's population at the time. This trend continued in the period after the war, as well. According to Bade (2003) the relocated individuals were mostly refugees fleeing from warzones, ethnic groups interned in concentration camps, forced labourers and those who were expelled after the end of the war. Some of the largest civilian movements during the war included the 5 million fleeing from northern France, Belgium and Netherlands to the central parts of France in 1940, in order to escape the German advance and another 12 million refugees and deportees fleeing from the western parts of Russia, when the Nazis began their offensive there. The Soviets retaliated to the German violation of the mutual pact in 1941 by deporting more than 400 000 Germans living in regions around Volga to Siberia. Later, almost 900 000 Kalmucks, Chechnyans, Crimean Tatars and Ingrians were accused of collaborating with the advancing German invaders and deported, as well.

As opposed to the German unpreparedness for the long and exhausting fighting of WWI, this time they made all the amends, so that they would be able to wage war for several years. The bulk of their wartime economy depended heavily on forced labourers and POW's imported from all the regions claimed during the war. In 1944, there were estimated 8 million forced labourers and POW's working in all the fields of German economy. All sorts of nationalities were represented in this large workforce, but the largest groups were deportees from Soviet Union (more than one third of the total figure), Poland and France. The importance of this type of labour in Nazi Germany can be best proved by the fact, that during the war almost 46 percent of all labourers working in the German agriculture and 36 percent of workers in the German mining industry were forced labourers (Bade, 2003).

In accordance with the so-called "Lebensraum" policy, which was aimed toward securing more living space for the ethnic Germans, Jews and other undesired ethnic groups were deported to isolated ghettos, and many of them were later brought to the infamous concentration camps in cattle trucks. For instance, almost 8 million Poles and 700 000 Jews were deported from the Polish regions occupied by Nazi Germany. However, the deportations encompassed all the German territories and were in no way exclusive to Poland (Other regions were Czechoslovakia and also parts of Soviet Union.), even though this particular region was under very strict scrutiny of the SS itself. Upon deporting the original population, these regions were to be claimed by ethnic Germans who would live here till

1944 (Aly, 1998). It was in this year that the advancing Soviet army forced the majority of German population living in the eastern territories of the crumbling Third Reich to flee west. The total number of those fleeing or being deported back to Germany amounted to 12.5 million by 1950. Nearly 2 million did not survive the deportations and the flight. Many were driven out violently. This was, for example, the case of 800 000 Sudeten Germans in Czechoslovakia. Even though the official expulsions of Germans mandated by the Yalta and Teheran Conferences were supposed to be as orderly and peaceful as possible, this was often not the case (Bade, 2003). As Bade (2003, p. 214) further states, “mass transports in catastrophic supply conditions, brutal guards and constant plundering led once again to countless victims.”

#### **1.4 Migration and Migration Policy in the Second Half of the 20<sup>th</sup> Century**

Second half of the 20<sup>th</sup> century was defined mainly by the so-called Cold War, an intercultural conflict between the Communist east and the Capitalist west. The traditional European emigration systems recovered soon after the wars and this trend continued until 1960s. In the 1950s, for example, there was a net loss of 2.7 million individuals, who left Europe mainly for United States. A major shift occurred in 1970s, when the net emigration transformed into considerable net immigration into Europe. In this decade, the net gain went as high as 1.9 million and continued to increase in the following decades (Santel, 1995).

The main receiving countries in the period of the Cold War were France, West Germany and Britain. Migrants arriving to these countries came mainly via traditional migratory systems from former or disintegrating colonies at the time. However, each of the receiving countries used new coping and regulatory mechanisms to deal with the increasing immigration. The new arrivals were mainly defined as labourers, refugees and asylum seekers and most of these migrants were later joined by their relatives. This specific form of migration became known as the family reunification in the political discourse, and it was one of the central themes related to migration in 1970s and 1980s, when many countries pursued a closed doors policy in regard to labour migration. Therefore, family reunification and asylum were two main ways to migrate to a continent, which started close itself off. The related policies and restrictions were formulated mainly through clear legal definitions, which attempted to characterize various categories of migrants, refugees and asylum seekers in the most cogent and comprehensible manner, but they often failed to capture the specific and unique real-life experiences of migrants, who did not fit into any of the particular



categories (Bade, 2003). Therefore, this subchapter will attempt to describe some of the types of immigrants in the context of this period through other than just legal terms.

The first category of migrants was created by the collapse of colonies, which started to take shape right after WWII. The so-called decolonisation produced two major waves of migrants and both of them were headed for Europe. The first wave was comprised of settlers and administrative workers of European descent, or Euro-colonials, while the other included mainly colonial auxiliary troops and labourers of non-European descent, who remained loyal to the disintegrating colonial systems. The latter was often accused of collaboration with the colonial regime by the rest of native population, and, because of that, these individuals were forced to migrate to the European country that had colonised their homeland (Reinhard, 1988). From 1940 to 1975, more than 7 million Euro-colonials migrated to Europe. However, as far as the migrants of non-European descent are concerned, the related figures are quite imprecise also due to mixing of Europeans with the original population in the colonies. According to Bade (2003, p. 222) most of the migrants of European descent went to the Netherlands, France, Belgium, Portugal and Britain: “The largest contingents of Euro-colonial immigration to Britain came from Kenya, India and Malaysia; in France and Italy they came from North Africa; in Belgium, from the Congo; in the Netherlands, from Indonesia; and in Portugal, from Angola and Mozambique.” This form of migration was accelerated through socioeconomic problems and regional conflicts in the disintegrating colonies, as well as by the interest of the European countries in the cheap semi-skilled or unskilled labour. These countries facilitated migration through citizenship and integration programmes, which treated the Euro-colonial and colonial migrants equally. Still, the racist mindset and colonial mentality survived, and, in many cases, they defined the way the colonial migrants were perceived by the public. Integration and return migration programmes were often frowned upon and many migrants of non-European descent remained socioeconomically disadvantaged long time after migrating (Bade, 2003).

Furthermore, the immigration pressure from the former colonies in the 1970s became so high, that some countries (especially England and France) resorted to strict migration controls centred at migrants of non-European descent. Arguing that such practice was justifiable exclusively by economic reasons would be false, as these new measures did not affect the migrants of European descent as much as they affected the colonials of non-European descent. This sentiment was fuelled by racist and far-right rhetoric of nationalist parties, which prophesized the loss of national character caused by floods of foreigners and

other ethnic groups. In many European countries, these policies soon led to cutting off of any post-colonial migration in the late 20<sup>th</sup> century. Bade (2003, p. 224) refers to this phenomenon as “Euroracism”.

Unlike the colonial migration, labour migration mostly involved movements between nations within Europe. The most common regions of origin were rural areas in countries such as Spain, Italy, Greece, Portugal and Yugoslavia. The need to migrate from these poor regions in South Europe into the more developed and industrialised countries in the north soon evolved into a south-north migratory system. This system was supported and regulated through bilateral agreements by both the receiving countries, which sought cheap labour, and the countries of origin, which saw this system as an opportunity to gain wage remittances. The migrations through these routes were reduced greatly in 1973 through tightening of controls, when most receiving countries were shaken by the “oil price shock”. Even though these countries provided migrants with welfare scheme options and other benefit opportunities, foreign labourers were still regarded as buffers, especially in times of crisis. Migrants, just like many times before, were used to keep the wages low, as they would often do the most difficult and dangerous jobs for much cheaper than the locals. However, this also meant more opportunities for social and career advancement for the local workers, who did not have to seek employment in undesirable jobs with a low prestige (Heckmann, 1981). This was mostly true for the times of economic growth and prosperity, when migrants travelled to the destination countries through chain migrations, meaning that they were usually followed by more migrants, who were attracted by better living conditions. In times of crisis, migrants were often dismissed and, consequently, they travelled to their home regions, often returning to the destination country after some time has passed. This migratory practice is defined as circulatory migration. The aforementioned oil price shock of 1973 fuelled the scepticism of destination countries, which did not believe that transforming work stays into permanent stays would benefit them. This effect was further reinforced by anti-immigration discourse of right-wing parties (Bade, 2003).

Due to immigration restrictions and recruitment bans in 1970s, many foreign labourers were forced to choose between two alternatives: they would either stay or leave permanently. Since the destination countries were considered highly attractive, most migrants decided to stay. Furthermore, they would also bring in their families to live with them permanently, which was a right guaranteed by regulations of the European Community and so, this strict policy-making had a completely adverse impact as the immigration to these

countries would, in many cases, increase. Family reunification became the most common form (Bade, 1994). According to Bade (2003, p. 234) “In the late 1970s to early 1980s, all receiving countries in Central, Western and Northern Europe had become immigration countries at least in a quantitative sense, to the extent that permanent immigrations outnumbered emigrations.”

Even though most European countries, especially in Western Europe, were collectively defined as welfare states, which in respect to migration means that they apply certain policies to regulate and restrict migration, not every immigration country had the same approach to migration policy-making. According to some distinct features, Castles and Miller (1998) offer the so-called structural model, which identifies three main types of countries globally. The first one is the exclusive model, which heavily relies on the principle of descent (*jus sanguinis*) when granting citizenship, making it difficult for migrants with no relations to the destination country to obtain it. Good example of this model is Germany before 1990s. The second type, assimilatory model, regards citizenship as a motivating factor for migrants to embrace the destination country’s culture. This was typical for France, where cultural plurality was not desired in the 20<sup>th</sup> century. Lastly, the third type, known as the multicultural model, applies mainly to 1980s Sweden and Netherlands. This model supports development of multicultural structures, while also sustaining the original culture. Bade (2003), however, believes that this classification is insufficient when it comes to policy-making of European countries, which often combine several aforementioned types of models into a specific set of rules and regulations. Instead, this author prefers the distinction between the formal and the informal immigration countries. Formal countries, such as Sweden, define themselves through legislation and institutional structures which provide comprehensive sets of conditions for immigrants, while the informal ones, for example Netherlands, often consider themselves as receivers of specific immigrant groups (mainly labourers or family reunification migrants), and most immigration scenarios are resolved individually without unified sets of rules. The informal immigration countries are usually the ones with colonial past, and their naturalisation laws are somewhat more relaxed when it comes to migrants from former colonies.

The final group of migrants discussed in this chapter are refugees and asylum seekers. As Northern European immigration states started to restrict controls in 1970s, applying for asylum was in many cases seen as one of the few possible ways to migrate to Europe. During the discussions at the time asylum seekers were often divided into those, who were truly

threatened by political persecution and those, who abused the status of a refugee to migrate to an attractive destination region. There were two main migratory systems in respect to asylum seekers: the east-west migration from the countries of the former eastern bloc and the south-north migration from former colonies in Africa, and most of the refugees were headed for countries in Central and North-western Europe. Even though it was not until the late 1980s that the Asylum issues became demonised due to high figures, the derogatory term “economic refugee” was used for the first time in West Germany some months after WWII. Still, most of the refugees from the Soviet eastern bloc were welcomed as heroes in the countries of Western Europe at the time of the Cold War (Schneider, 1992). However, as the number of asylum petitions grew in 1980s, most countries became sceptical and attempted to curb refugee migration from Eastern Europe and Third World countries through regulations, procedures and changes in legislation similar to those connected with labour and colonial migration. Bade (2003, p. 327) presents the following figures when it comes to accepting refugees in individual countries. “In an overview of the distribution of a total of about 1.7 million asylum seekers in certain countries of Europe from 1983 to 1990, in absolute figures Germany clearly held pride of place (703,318), followed by France (277,474), Sweden (141,864) and Austria (100,330).” As countries started to close off their borders to refugee migration, these figures declined in 1990s and many individuals had no other choice but to migrate to Europe illegally.

The role of supranational policies of the EU on migration issues gained its significance in 1980s. The basic premise of the European law was that integration of migrants could only be achieved by limiting the immigration from outside of the European Union, as unrestricted immigration could easily result in economic instability. While this corresponded with the restrictions created by the individual welfare states, the EU’s legislation tried its best to eliminate restrictions on labour migration from one member state to the other. In other words, external borders were reinforced, while the internal ones were being erased, in order to promote a strong single market of European member states through free movement of labour. This, along with the emergence of collective mentalities clearly aimed against the refugees and migrants from the Third World, contributed to a model often referred to as “Fortress Europe”, an allegory, which fittingly describes the European states’ collective approach to migration. Of course, it would be false to claim that Fortress Europe resulted in a complete isolation of EU from the rest of the world. The aforementioned family reunification and humanitarian aid through asylum-seeking were still two valid options,

through which migration could be sought, but these forms were controlled on national, as well as supranational level. Other accepted forms of migration were education and training migrations, which were aimed at educating population through bilateral agreements with non-European countries, as well as elite migrations, which included migrants with high levels of wealth, social status, cultural influence or political influence. These forms were not perceived as a threat by the right-wing movements, as they could be controlled more easily and would not result in mass immigration these political groups tended to warn against (Santel, 1999). In the context of EU legislation, it is also necessary to clarify the phrase “European integration”. This term is not the same as the integration of migrants within a certain society. Instead, it describes how member states integrate themselves within EU’s legal structures and how they are able to implement EU’s directives.

After the events of refugee crisis in 2014, when Europe received a great number of refugees, it might seem that the member states of EU are attempting to move towards a more relaxed model, which is not so strongly defined by the Fortress Europe. This hypothesis, along with other hypotheses outlined in the introduction will be discussed and analysed in the following chapter in respect to the UK, Germany and France.

## **2 Analysis of the National Migration Policies and Politics**

### **2.1 Britain's Migration Policy and Politics**

Britain's immigration policy is dominantly defined by imperial citizenship, which was officially enabled in 1948 through the Nationality Act, and the so-called downsizing of this citizenship to a more limited form, which began to take shape in 1962. When it comes to clarifying the reasoning behind a move to a more restricted policy, there are two schools of thought. The first one stresses the notion of state racism and the so-called "whitewashing" (the practice of preferring white individuals to individuals of colour in a certain industry). This unleashed public hostility towards former colonials from Asia, Africa and the Caribbean. While this argument emphasises a state-driven policy-making, the supporters of the other school of thought claim that the British migration policy is rather public-driven. That would mean that the public opinion played an important role in shaping the government's approach to migration, and, when reviewing the situation revolving around restricting Nationality Act of 1948, this theory seems highly likely (Paul, 1997).

Even though the British Nationality Act of 1948 was a formal invitation to all the subjects of the Crown stating that every citizen of colonies shall receive the same treatment as the citizens of Britain itself, mass post-war migration to Britain was not planned, and even though it was encouraged by many considerable pull factors, such as the active recruitment of workers from post-colonial countries, it could not be foreseen in its full extent. Furthermore, there was no clear formal preference for former colonials and their arrival was often met with suspicion and some extent of racist hostility. However, both the Labour Party and the Conservatives tried their best to uphold an ideal of a post-imperial Commonwealth (Hansen, 2000). First restrictions were only introduced as a reaction to a series of racially motivated attacks in London and Nottingham, the so-called "race riots" (Pilkington, 1988). Due to such violence, migration became a national issue. Although Hansen (2000) argues that the ideals of a united, free movement Commonwealth enabled by the Act of 1948 faded because economic limits associated with migration became more apparent and increased migration further hindered the economic growth, it was clear that the actual thought process was rather racially motivated and public-driven. Hansen's argumentation, based on the government's official version, is out of question, as, at the time, there was actually net emigration from the UK, meaning that there were more people leaving the UK than the ones entering it (Office for National Statistics, 2013). The anti-immigration public opinion played

a decisive role in the government's decision-making, and so, the 1962 Commonwealth Immigrants Act was introduced to distinguish between citizens of the UK, its colonies, and the independent countries of Commonwealth. Citizens without relevant connections to the UK, such as passports issued directly by the UK government, were subject to strict immigration controls. The system introduced by the Act of 1962 was also based on employment vouchers, which would be issued each year mainly to the potential male migrants, who were seeking employment in the UK. "Immigration law was based on the assumption that men were the breadwinners and women were dependants, who would follow their husbands. This was then the foundation for the British government's attempts to prevent women migrants from enjoying the same family reunification rights" (Geddes, Scholten, 2016, p. 25). This practice was later abolished, but rules connected with family migration remain restrictive until this day.

Interestingly enough, the Act of 1962 was not under scrutiny of courts, as they were unable to point out unconstitutional practices connected with unequal treatment of individuals based on their country of origin, as well as based on their sex. In other countries of EU, courts would surely rely on constitutional protection when making decisions about migrant families. However, in the UK there was no formal written constitution, which the courts could quote, and so, there was no way to condemn the discriminatory practices implemented in the Act of 1962 (Geddes, Scholten, 2016). The situation improved in 1998, when the Labour government finally decided to incorporate the European Convention on Human Rights into British legislation by introducing the Human Rights Act. Under the provisions of this law, discriminatory practices outlined in the Act of 1962 were abolished to their full extent (Pattinson, 2014). However, this humanitarian triumph was preceded by more restrictions. the Act of 1962, along with the restrictive 1968 Commonwealth Immigrants Bill, which would impose restrictions mainly on the citizens of Indian origin, was superseded by the 1971 Immigration Act. Due to this statute, citizens of Commonwealth countries, which were considered independent, were not allowed to enter and settle in Britain, unlike their colonial counterparts, who were still able to do so. Moreover, the 1971 Immigration Act was later amended, so that it would include three kinds of measures that would effectively decrease asylum migration in the years to come. The measures focused mainly on the exclusion of asylum seekers from the welfare state, as well as the labour market, "The argument used to legitimate these exclusions from work and welfare was that

not all asylum seekers were ‘genuine’ because they were really disguised economic migrants trying to circumvent immigration controls” (Geddes and Scholten, 2016, p. 28).

The general anti-immigration policy-making kept on intensifying in the 1980s, as well. In 1981, Margaret Thatcher’s Conservative government made a proposal known as the 1981 British Nationality Act. Thatcher was trying to address the fears of people, who were leaning towards right-wing extremism (Geddes, Scholten, 2016). In its essence, the Act created three categories of British citizens. The citizens with close ties in the UK were entitled to a full British citizenship. The second type was the British Dependent Territories Citizenship, which was meant for the ones living in dependent territories, such as Hong Kong or Gibraltar, while the third category, the British Overseas Citizenship, was simply residual and no real rights were attached to it (Hansen, 2000). As a result, million colonials were unable to enter the country of which they had been formerly citizens. The act also modified the British *jus soli*. Prior to the act, any person born in Britain had been entitled to a citizenship. With the new legislation in force, however, at least one parent of a child born in the UK had to be a citizen of the UK in order for the child to gain citizenship, as well. Even though these measures may seem extreme in today’s context, Thatcher’s restrictive policy-making played an important part in preventing far-right parties from winning a single seat, as there was almost no political space for such organisations (Geddes, Scholten, 2016). In order to further understand the political significance of the Act of 1981, it is also necessary to review the case of Enoch Powell, a conservative politician who gained mass popularity through his populist speech in 1968, which is often referred to as “Rivers of Blood”. In this speech, he criticises the state of the UK, claiming that in 20 years the black man will dominate the white man (Bade, 2003). Being an avid critic of Commonwealth immigration to Britain, Powell posed a formidable rival to the Conservative Government of the Prime Minister Edward Heath, which he was dismissed from. At the same time, however, it may have been Powell’s rhetoric that secured the Conservative victory in 1970 (Bade, 2003). Seen in this light, Thatcher was able to minimise the chance of spawning equally popular rebels in her own government, while making most of the anti-immigration sentiment, which the right-wing radicals, such as Enoch Powell, usually thrive on.

There was a significant change in migration politics in early 2000s, caused mainly by free movement, guaranteed by the EU. Immigration levels increased considerably, which sparked new public concern. Despite the EU’s engagement in this matter, immigration was still regarded as a sole responsibility of the government by the public, which meant that the



ruling Labour Party could soon lose its support as a result of rising immigration figures (Evans, Chzchen, 2013). As Geddes and Scholten (2016, p. 36) inform “between 1997 and 2010 when Labour was in government, there was positive net migration to the UK of 2.76 million people.” This was not caused by a particular policy-making of the governments at the time, despite the fact that their approach was much more open minded than that of the Margaret Thatcher’s government. The Coalition government succeeding the Labour won mainly by promising to address the public’s concerns regarding migration. They were to “reduce net migration from the ‘hundreds of thousands’ to the ‘tens of thousands’” (Geddes, Scholten, 2016, p. 37). However, the figures remained almost as high and even higher during some periods. The control-oriented efforts were renewed by introducing the Conservative Manifesto, which was to serve as a reassurance to the Coalition’s electorate in the 2015 election. This promise was also left unfulfilled and net migration was still far too high (Geddes, Scholten, 2016).

These developments prepared the ground for populist movements, which would challenge the so-called mainstream politicians. The UK Independence Party, one of the strongest populist parties, accused the government of failing to keep its promises to the people. In the European Parliament elections, UKIP shocked mainstream parties, when it managed to secure almost 28 percent of the vote (equal to 24 seats), meaning that the party would become the UK’s leading force in the European Parliament. UKIP’s main focus was on the European policy concerning migration, which played an important role in the disintegration of the British National Party. BNP was a far-right organisation with ties to extremist organisations and with reputation for racism and homophobia, which managed to secure two seats in the European Parliament elections of 2009. This unprecedented victory of a violent and extremist organisation sparked great concern, but due to UKIP’s triumph in 2015, BNP’s relevance faded quickly, and they were unable to secure any further seats. The main difference between these two representatives of the far-right lies in their background. Although this is sometimes questioned based on some of the bolder statements of the party’s leaders, UKIP has never been associated with neo-fascism, which proved to be an important asset in the following years (Ivarsflaten, 2006). Unburdened by such baggage of violence and extremism, the party’s leaders have been able to avoid the label of neo-fascism, while defining themselves as Thatcherites. The party also profited from general disillusionment with the political system and political parties that are often referred to as the political mainstream. Moreover, as Ford and Goodwin (2016) put it, UKIP’s voter base consisted

mainly of “white, working class, elderly male voters feeling ‘left behind’ by societal changes.”, meaning that it drew from a voter base, which was very similar (and in many cases identical) to that of BNP.

UKIP’s prioritisation of important political issues was not coincidental. According to a survey conducted in May 2014, migration was the second most important issue, surpassed only by economic concerns, while the Social Attitudes Survey indicated that almost 80 percent of respondents preferred either mild or considerable reduction of migration (Park et al., 2014). Such sentiment became strong also due to something that Geddes and Scholten (2016) call “big bang”, which was a major enlargement of the European Union in 2004. It was then that the EU welcomed 10 new member states, most of them located in Central and Eastern Europe. Since free movement is a right guaranteed by the EU administration, the two main parties of Britain sought to control the migration through different means, for example by restricting access to welfare state benefits for EU migrants. The salience of the debate was further strengthened by UKIP’s presence and popularity, as both parties wanted to prevent UKIP from profiting from the generally strong anti-immigration sentiment.

“By 2015, the immigration debate centred on EU free movement and the refugee crisis” (Geddes and Scholten, 2016, p. 34). It is possible to observe a certain analogy here with the Labour government’s debates from 2001 to 2005, which focused mainly on asylum. In both cases, the government aimed to achieve more control over these particular forms of migration. As Spencer (2011) states, the discussions in 2005 had such a high priority, that the number of meetings focusing on the issue was second only to the number of meetings focusing on the situation in Iraq. The government’s stand on the issue of asylum at this time relied heavily on the provisions of the amended Immigration Act 1971, which implied that some asylum seekers are opportunists, who are not proper refugees. Such argumentation is quite similar to the one used by UKIP when discussing the refugee crisis of 2015 and it seems that it was during the period from 2001 to 2005 that the idea of a bogus asylum seeker became internalised in the minds of conservative and far-right politicians. To make sure that the stringent asylum policy couldn’t be overridden, Britain also decided not to participate in the second phase of CEAS (the Common European Asylum System), which meant that it was not required to relocate as many asylum applicants as some other European countries at the beginning of the refugee crisis.

Still, it was not the Labour government's intention to antagonise migrants. Rather than actively spreading the bogus asylum seeker concept, they focused on a meaningful model, which became known as managed migration. It was based on a premise that migration can have economic benefits for the country (Consterdine and Hampshire, 2014). During this time, there were shortages in labour market, and migration from other European countries was welcomed with a clear preference for skilled labour. The Conservative Party, however, attempted to seize victory at the 2005 General Election by claiming that the Labour cared little for the unemployed British citizens and supported foreigners instead of addressing their own people's needs. Even though this rhetoric failed to secure the Conservative victory, it was clear that the Labour had to impose more stringent measures. To remedy the situation, a new system was introduced in 2008 by the Labour Prime Minister Gordon Brown, who succeeded Tony Blair. However, the new system was backed by an inappropriate rhetoric, for example when Brown called a Labour supporter who disagreed with his approach to migration "bigoted" publicly, which would result in the Labour's defeat in the 2010 General Election (BBC News, 2010).

The cooperative Coalition Government, which was formed in 2010 after the defeat of the Labour Government, attempted to reduce the numbers greatly, but, ultimately, it was not successful. The target set by the government was unrealistic due to 2 key factors. Firstly, the EU citizens were also recognised as immigrants by the official statistics and since the rights of EU citizens are defined directly by EU Legislation, British government had almost no control over the migratory cycles originating in the member states. Even though the government managed to introduce legislation that would reduce migration outside of EU, the overall decrease was not sufficient. Secondly, there were many organisations and businesses that profited from the continuous migration. The pressure on behalf of pro-migrant lobbyists was far too great. In 2015, new Migration Bill was proposed, the aim of which was to crack down on illegal migrant labour. Still, this was not enough to curb the anti-immigration sentiment and, as it was mentioned before, this effectively paved way for UKIP and the more radical wing of the Conservative Party, which saw Brexit as the only viable solution to the migration problem (Geddes and Scholten, 2016). As of now, it seems that Britain will be reintroducing a points-based system. Applicants will be receiving points for knowledge of English, as well as for relevant education and skills. As BBC (2020) reports "under the new scheme, EU migrants will be treated the same as those from the rest of the world." But even though Britain is explicitly not a part of the European Union, it does not

mean the European integration has not left its evident mark on the country's policy and politics.

### **2.1.1 British Migration Policy in the Context of EU Legislation**

Britain has always been a country of certain cultural specifics. Its social structure had been built on a long and revered tradition of monarchy. This ancient notion has very strong roots even in the modern society of today. Even though these factors are quite often presented as the causes for Brexit (Kalász, 2019), it is clear that they alone are not responsible for the Britain's decision to leave the European Union. Some of the other reasons are far more pragmatic and somewhat more tangible as "taking control of immigration was one of the key themes of the Leave campaign in the 2016 referendum" (BBC News, 2020, p. 1). The government's inability of the governments to reduce the net migration was, thus, one of the most essential trigger mechanisms in the given process. Net migration was at 260 000 in 2016, which was at least 10 times more than what was promised by the Coalition Government in 2010 and the given number was even higher in the previous years (Scholten, Geddes, 2016.) The anti-immigration sentiment, fuelled by unfulfilled promises, became so strong among the population, that David Cameron, Britain's Prime Minister at the time, believed that a referendum would be the best solution to curb such tendencies. However, people decided that Britain was to leave the EU, and Cameron would step down as a Prime Minister.

When looking back at the mutual history of the EU and Britain, it is obvious that the EU's free movement policy had quite often been regarded as an obstruction by the British leaders. In combination with the refugee crisis which peaked at the time of referendum, it is hardly surprising that all the events played out the way they did. As Scholten and Geddes (2016) put it, there can be no European Union without the free movement scheme, as it is central to the organisation's plan and it creates the unique European identity. The Brexiteer rhetoric was often centred around the idea of Britain's economic growth being limited by the EU's free movement policy and by the consequent immigration from the member states, even though the degree of mobility of the EU citizens was only at 3 percent throughout the EU in 2014 (Eurostat, 2016), meaning that only 3 percent of the total EU population did not live in a country, in which they had citizenship. When talking about the economic impact of migration, this number is negligible (Geddes, Scholten, 2016), and so, as it has been

mentioned before, one should look beyond the hard economic facts, when reviewing the UK's case.

Rather than being integrated into the EU core, Britain has always preferred only co-operation, which would allow it to retain a certain degree of Independence from the EU. For instance, because Britain decided to opt out of several asylum provisions at the beginning of the refugee crisis, it was obliged to create its own plan for a relocation of almost 20 000 refugees over a period of five years (Henley, 2016). An analogous situation occurred when the Labour Government decided to opt-out of similar provisions in the 1990s, which concerned migration and asylum. However, Britain was never able to opt out of the free movement provisions, as this had always been the basic right of every EU citizen. Even though the Conservative Government expressed their desire to renegotiate Britain's membership, such process would have been very exhausting and simply unrealistic: "Changes to the EU treaty were very unlikely to occur and would also require arduous ratification processes, including referenda in some member states" (Geddes and Scholten, 2016, p. 44). The EU's uncompromising stance on this issue is best expressed by Jean Claude Juncker's tough approach who said that "there can simply be no single market and no further membership negotiations without the free movement guarantee for all European citizens" (BBC, 2016).

Furthermore, Britain opted out of the Schengen free movement area, which meant that the British officials maintained their ability to control entry at seaports and air, as well as to check passports. This was just another clear trait of the country's Eurosceptic nature, which had always been quite evident, even at the very beginning of Britain's membership (Kalász, 2019). Still, there were several instances, when Britain decided to participate in migration and asylum schemes, but such participation was usually of a more co-operative nature. For example, Britain took part in the Common European Asylum System, but its main aim was to reduce the number of potential asylum seekers to a minimum by offering to help the other member countries, which would participate in the scheme more directly. Out of all the EU measures focused on creating a better migration environment, the UK accepted about one third of them, which is an insignificant number compared to some other countries (Geddes and Scholten, 2016).

When considering the reluctance with which Britain participated in the EU's schemes and plans, it is quite hard to believe that the British politics are, in fact, Europeanised. The

best example of this so-called Europeanisation was briefly outlined in the previous chapter of this thesis and it concerns the Human Rights Act 1998, which was created as a response to the growing pressure from the EU's institutions. In its essence, this Act was a version of the European Convention on Human Rights, which was incorporated directly into the British legal system. Thanks to this new addition to the legislation, the British courts have been able to make more cohesive and humane decisions regarding migrant families, who, until 1998, had no constitutional protection, since Britain's system of laws was (and in many cases still is) heavily based on tradition, rather than on constitution, which never existed in a proper written form (Pattinson, 2014). In other words, the British legislation was brought up to date with the help of European legislation and, as a result, it became considerably Europeanised. Another relevant instance can be observed in the points-based system, which will come into force when the UK leaves the EU. Unlike the Australian points-based system, the British system will not be taking age and qualifications into consideration when awarding points (BBC, 2020). This example points at a certain degree of open mindedness and inclusive approach, which is typical for EU's institutions. As demonstrated in the previous chapter, such degree of tolerance would be unacceptable in 1960s or 1970s, when the UK's policy-making was not as Europeanised, as it is now.

Another feature, which heavily defines Britain's migration politics, is the public's strong anti-immigration sentiment, which may have its origin in the 1930s and 1950s, when all the migrants from former colonies were regarded as citizens of Britain. This meant they could enter it freely and without many restrictions. Conservatives and the right-wing parties have struggled with these tendencies since the UK's ascension to European Community. This can be seen on several instances in the previous chapter of this thesis. Each time there was a growing extremist political entity, it was up to these very politicians to attract the undecided voters, who were prone to supporting groups with fascist and extremist history. Because of this, many Conservative politicians resorted to addressing the issue of migration by promising to reduce it greatly, in order to appeal to the masses. With this rhetoric, Margaret Thatcher, as well as UKIP, managed to keep parties with extremist and fascist history, such as BNP, out of the Parliament, as they became irrelevant and unimportant despite the agenda that many found intriguing (Scholten and Geddes, 2016). Certain analogy with Thatcher and UKIP can be seen in case of the referendum, when David Cameron, just like his predecessors, sought to remedy the problem with high net migration. He knew that the EU's institutions would never agree to a renegotiation of the free movement, as this right

is absolutely essential to the EU's vision, so he proposed the only possible solution – a vote, in which people would be able to express their anti-immigration sentiment. However, Cameron did not expect that he would have to hold such referendum, as he did not think he would win the 2015 elections with a majority vote. Afraid that he would be regarded as a populist, the new Prime Minister fulfilled his promise to an electorate dangerously disaffected by the European policy-making (Boffey, 2016). It has never been Cameron's intention to leave the European Union. Instead, he wanted to maintain a delicate balance, as if torn between two very different worlds.

Due to its Europeanised nature, it seems that the UK's migration policy will be aimed at co-operation with the member states of the EU, as it were often the case during the UK's membership in the EU. As Britain is now in full control of its migratory cycles, it is possible, that it might cede some of its control in the future, for example to hire labour through bilateral agreements, when such need arises. However, due to the strongly public-driven restrictive policy it is questionable whether the UK will ever agree to other free movement schemes similar to those proposed by EU legislation as migration policy in the UK is still perceived as something that should be managed solely by the government and not on a supranational level. This sentiment is also related to Britain's tradition. Britain has historically been regarded as a centre of a strong and independent empire, which makes decisions on its own, and it seems that this notion survives in the minds of its population. Brexit should be seen as a culmination of this public mood, as it was held in a form of referendum, which is the purest expression of public opinion (Kalász, 2019).

## **2.2 Germany's Migration Policy and Politics**

When considering the degree of enthusiasm with which the German government addressed the refugee crisis of 2014, it may seem that Germany identifies itself as an undisputed land of immigration and diversity. This has not always been true and it is disputable, whether it is true for the present state. According to Joppke (1999), the German nation identified itself based on ethnic and cultural ties throughout the course of history. In many cases this meant the individuals of non-German origin found it much harder to successfully integrate themselves within the German community, which predates the modern German state and hints at a system leaning towards the *jus sanguinis* concept. Such ethno-cultural approach also resulted in an intensive naturalisation of migrants, who, in many instances, were required to speak fluent German, have knowledge of the local political

system and prove that they have already lived in the country for several years in order to gain citizenship. The 1977 Naturalisation laws in West Germany were the best proof of such policy-making with its uncompromising motto – “Deutschland ist kein Einwanderungsland” (Germany is not an immigration country). Still, even though this legislation resulted in naturalisation rates of only 0.5 percent of foreign population a year in the 1980s (Geddes, Scholten, 2016), the given motto was in no way a demographic fact, but rather a norm and an aspect of national identity, as there were already 4 million foreigners residing in Germany by 1977 (Brubaker, 1992).

The implementation of a more exclusionary approach may have also had pragmatic reasons, one of which was the intensive post-Second World War immigration, as well as the oil price shocks of 1970s. The post-war migratory cycles had 4 main sources. Immediately after WWII began the so-called “Aussiedler” migration, or the migration of ethnic Germans to West Germany. Almost 12 million people of German descent fled the persecution in countries of the Soviet bloc, and, due to the 1949 Basic Law, many expellees received German citizenship automatically based on the article 116, which stated that “German (...) is a person who possesses German nationality or who has been accepted in the territory of the German Reich as at 31 December 1937 as a refugee or expellee of German stock or as the spouse or descendant of such person” (The Basic Law of FRG, 2015, p. 27). No matter how geographically distant, individuals of German descent were simply seen as part of the German community. The second source of migration were guestworkers, who were to support the German agriculture and industry. West Germany signed recruitment agreements with countries such as Italy, Spain, Greece, Turkey and later Portugal, Tunisia and Morocco. The number of guestworkers entering West Germany would decrease as expected during times of economic recession (for example from 1966 to 1967) and because of the crisis caused by oil price shocks in 1970s, active recruitment of guestworkers was reduced officially through “Anwerbestop” or immigration stop. The next source comprised guestworkers’ family members and the last category were asylum seekers. The last two categories were able to migrate even after the Anwerbestop (Geddes, Scholten, 2016). Their right to migrate was guaranteed by constitutional principles, which the West Germany’s state power strictly adhered to. According to Joppke (1999) the government accepted and embraced its subordination to the constitution and to the 1949 Basic Law, which grants rights to individuals irrespective of their nationality. In practice, this meant that foreigners had equal legal protection, and they had equal access to social rights as Germans. However, the



foreigners' access to naturalisation and full citizenship remained strongly restricted until 2000s. In other words, foreigners, including the guestworkers who were recognised as important contributors to GDP, became a legitimate part of the German society, but they were not truly German. Hammar (2009) defines this status as denizenship.

Upon reunification of West and East Germany and the end of the Cold War in 1989, the new government took steps to reduce immigration of Aussiedler, as well. The German repatriates' right to migrate to West Germany was exercised by so many individuals during the era of the Cold War, that Geddes and Scholten (2016) describe it as the biggest migratory flow organised by one state. Apart from representing the strength and solidarity of the German community in West Germany, this form of migration was also a demonstration of West Germany's economic and social superiority in comparison to East Germany. Simply put, migrants of German origin were granted citizenship because the state could afford it. However, the need to vindicate superiority lost its relevance with the reunification of both parts of Germany and, instead, the state turned its attention to the increasing costs of special measures connected with integration of Aussiedler (Geddes, Scholten, 2016). The first step towards a more restricted policy was the 1990 Ethnic German Reception Law, which stated that "an application to move to Germany had to be made from the country of origin" (Geddes and Scholten, 2016, p. 79). Furthermore, repatriates arriving after 1992 were defined as "Spätaussiedler" or late resettlers. This group of individuals enjoyed less rights than the original Aussiedler and from 1996, authorities were able to disperse Spätaussiedler, as well as to monitor and regulate their lives, meaning that their position was very similar to the position of other migrants. All of these measures in combination with the fact that most repatriates, who wished to do so, had already migrated to Germany, led to a considerable decrease of Aussiedler migration in 1990s (Bommers, 2010).

After the end of the Cold War, the newly unified state government also decided to focus on a redefinition of asylum-seeking migration. This was deemed necessary due to a big increase in applications for asylum shortly after the fall of the iron curtain. For instance, from 1990 to 1994 more than 1.2 million potential migrants applied for asylum in Germany, and due to the aforementioned article 16 of the 1949 Basic Law, all of the applications had to be recognised as legitimate. The state's ability to regulate this form of migration was further weakened by Article 19, which outlined the possibility for legal redress (Hammar, 2009). Moreover, even if an application was rejected after the asylum seeker had entered the country, "deportation would probably be ruled out for humanitarian reasons" (Geddes,

Scholten, 2016, p. 79). This liberal and human-centred approach to the asylum issue originated in the German government's desire to redeem itself after the atrocities of the WWII, as well as the WWI. As a result, the state gave up some of its power to regulate migrants' access to the German territory by upholding very high human rights standards (Joppke, 1999). In 1990s the government decided to reassert its controls on migration despite the provisions of the 1949 Basic Law for two reasons, both of which had their roots in a very high number of asylum applications (There were 438 000 asylum applicants in 1992 alone.). Firstly, there was a growing pressure from some of the regional governments, as they were the ones, who had to cover the expenses connected with integrating and accommodating the asylum seekers. Secondly, extreme right-wing movements were quickly growing in popularity for their criticism of the government's liberal migration policy-making. This worrying trend escalated into outright violence when the supporters of National Democratic Party of Germany attacked asylum seekers staying in a hostel in Rostock. Along with discussions focusing on "bogus" asylum seekers, who were just trying to exploit the system, these factors contributed to the need for a more restricted right to asylum. Ultimately, it was the member states of the EU, which provided a solution to the given issue in a form of Asylum Compromise of 1993. This new approach was not meant to supersede the Article 16. Instead, it would utilise cooperation with the EU, as well as non-EU states through bilateral agreements in order to regain control externally. The given system asserted that asylum applicants had to be registered in the first safe European countries. Furthermore, the Compromise defined safe third countries where applicants could return, and some provisions facilitated adjudication procedures within extra-territorial environment (e.g. inside airports). (Geddes, Scholten, 2016).

The 1990s also saw some changes with regard to naturalisation laws. The new, revamped Foreigners Law allowed naturalisation for migrants, who had lived in Germany for a minimum of 15 years. Moreover, in case of the second and third generation migrants between the ages 16 and 25, the number of years was reduced to 8. However, gaining citizenship through naturalisation still remained very difficult and the number of naturalised foreigners increased only nominally. According to Joppke (1999), in 1995 it stood at 1 percent when excluding the naturalised Aussiedler, whose naturalisation process was somewhat simpler. Still, the new definition of naturalisation through a *jus soli* principle was an important signal, that, instead of relying on a long tradition of a true German community based strictly on *jus sanguinis*, Germany was prepared to become a truly civic nation, which

defined itself through official borders rather than tribal ties. In 1998, the Coalition of SPD<sup>3</sup> and Green<sup>4</sup> also decided to allow dual nationality, but only up to the age of 23, so that the children of foreigners could choose the citizenship which they preferred (Joppke, 1999).

A considerable change came in early 2000s. It was at this time that Germany finally began to reluctantly embrace its role as a country of immigration mainly due to economic reasons such as the ability to compete on the international market. Germany's ageing and declining population was to be reinforced by skilled labourers from abroad. At first, the SPD/Green Coalition resorted to issuing 5-year work visas to IT specialists from India, but this approach was criticised by the opposition mainly due to the fact that the unemployment in Germany was already high, and because of that there should have been a more intensive focus on German workers instead of immigrants. This was also an approach more favoured by the public (Martin, 2014). Geddes and Scholten (2016) also argue that the given scheme was ambivalent in its nature, as in other countries (such as Canada or USA) work visas in a form of green cards were issued indefinitely, and so, it was not clear whether the migrants from India were actually welcome in Germany. Moreover, the German scheme did not offer an easy way to permanent resident status. In 2001 the Interior Minister, Otto Schilly, proposed legislation aimed at creating the first regulated national immigration system, which would open country to immigration. According to Schönwälder (2010), the previous system was not sufficiently uniform in all regions, and every local government had a bit different approach to migration. For example, Berlin had begun to embrace its diversity as one of its defining aspects since 1981 by appointing a Commissioner for Migration and Integration. Other cities, however, were not as accepting towards foreigners (Alexander, 2007). The new system was vehemently directed at Germany's economic interests. Just like in case of the British legislation, it is possible to observe here an important connection between migration policy and the labour market and, ultimately, the welfare state policy, which is aimed at systematically regulating immigration, as well. However, the new legislation was not passed in the form in which it was intended, as the anti-immigration sentiment at the time was far too strong to increase immigration safely without further empowering right-wing movements. For instance, 66 percent respondents in an opinion poll in 2000 believed that the immigration was too high. This sentiment may have been reinforced by high unemployment numbers (4 million at the time), as well as by the 9/11 attacks on the US

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<sup>3</sup> Social Democratic Party of Germany

<sup>4</sup> Green Party of Germany

(Martin, 2014). Moreover, CDU/CSU<sup>5</sup> opposition criticised the proposal by pointing out the importance of a “Leitkultur” (guiding national culture), through which they emphasised loyalty to Germany, knowledge of German language and an ability to accept and understand social and political institutions of the country (Klusmeyer, Papademetriou, 2009). And so, instead of opening the country to immigration, the legislation changed “to a law that stated its main purpose as being to control the influx of foreigners into the Federal Republic” (Geddes, Scholten, 2016, p. 83).

Still, the Federal Office for Migration and Refugees (BAMF), which came about as a result of the augmented legislation, took on a quite open approach, when it came to migrant workers and students from abroad who had studied at German universities. Another new aspect was the granting of asylum requests to individuals, who were persecuted based on gender. The further legislation, such as the Immigration Law of 2005 focused mainly on skilled and educated labour. According to Martin (2014) workers earning at least 66 000 euros a year were granted unlimited visas and students graduating from German universities were given a period of one year to look for work. However, other forms of migration, such as family reunification, were restricted through various requirements for integration. This was a somewhat common practice shared between many European countries, but it would be false to claim that this approach was a direct impact of EU legislation. In Germany, these requirements would take on a form of pre-entry and post-entry tests, which, in some cases, were connected with more than 1200 hours of mandatory language training and 60 hours of mandatory civic courses. In 2007, the government introduced a citizenship test which consisted of questions focusing on German society. In addition to that, a pre-entry integration test, which focused mainly on language skills and was meant mainly for family migrants was created, as well. Such practices clearly demonstrated the important link between integration and admission of migrants, and how such measures were created not only to integrate migrants, but also to shape the very nature of migration. This approach is analogical to that of the UK, where migration controls have always played an important role when assuring the quality of migrant integration (Geddes, Scholten, 2016). Also, many measures connected with the integration of migrants were not explicitly included in the integration laws. Instead, they were being continuously implemented into laws related to education (for example language education for migrants of Turkish origin in order not to exclude them from the

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<sup>5</sup> Coalition of Christian Democratic Union of Germany and the Christian Social Union in Bavaria

labour market), employment and housing, meaning that there were no sudden and radical changes when it came to the role the welfare state played in the integration of migrants (Bommes, 2010).

Despite the government's many attempts in 2000s to develop dialogues on integration issues with the migrant communities (for example through co-ordination of the Council of Muslims, an organisation which greatly contributed to the training of religious representatives of the Muslim community) as well as with the migrant NGO's, it was evident that populist and extremist parties were gradually gaining foothold in Germany (Musch, 2011). Even though the far-right movements were not as prominent as in other member states, the anti-immigration sentiment was strong in case of the opposition to Islam in Germany. For example, Thilo Sarrazin's (2010) book "Deutschland schafft sich ab" (Germany Abolishes Itself), where he describes the Turkish as welfare dependents, who often turn to crime, provoked much debate, and even though the leaders of SPD and CDU denounced Sarrazin's standpoint publicly, the debate revolving around his work closely reflected the discussion about "Leitkultur" initiated by CDU/CSU in the early 2000s. It was clear that even the standard political parties were concerned about the effects of immigration (Wasmer, 2013). Further controversy was caused by series of racially motivated attacks on Greek and Turkish immigrants, who were allegedly murdered by neo-Nazi terrorists, and even though support for diversity grew into certain extent, many politicians were convinced that the multicultural society had utterly failed in Germany (Geddes, Scholten, 2016).

At the beginning of the refugee crisis, Germany once again assumed a role of the key destination for asylum seekers, a role which had held a traditional position in the German policy -making since the end of WWII. The Germany's Chancellor, Angela Merkel, decided to override the system of the closest safe countries, to which the asylum seekers could migrate by "announcing that Syrian asylum applicants could make a claim in Germany irrespective of where they entered the EU" (Scholten, Geddes, 2016, p. 85). This served as a very strong incentive for migration. However, the admission of such high number of refugees was so demanding from the perspective of resources, housing and healthcare on a regional level, that the government had to reintroduce most of its border controls in order to appease political opposition (some of which was of right-wing nature), the public and regional governments. This was also a clear signal, that Germany was not willing to bear the costs of the refugee crisis alone and that this responsibility was to be shared among all member states. Based on the German government's desire, a relocation system was approved

at an EU Council meeting in 2015. This system was to relocate up to 160 000 applicants from Italy, Hungary and Greece and it was met with criticism from countries of Central and Eastern Europe, such as Slovakia and Czech Republic. However, these countries were outvoted by the rest and the final decision was binding for all the member states of the EU (Geddes, Scholten, 2016).

The consequences of refugee crisis further empowered right-wing movements. PEGIDA (Patriotic Europeans Against the Islamisation of the West) became one of the most prominent anti-Islamic groups when it organised marches with tens of thousands of participants in 2014. The organisation's main agenda was to stop the so-called Islamisation of Germany and despite numerous claims of its members, the group's leaders had a history of far-right instigation. Moreover, the whole organisation was fuelled by a general anti-immigration sentiment. PEGIDA's cause gained even more popularity after the Islamic fundamentalist murders at the offices of the Charlie Hebdo Magazine in Paris. This resulted in the emergence of other smaller groups with the same right-wing philosophy and it became evident, that PEGIDA had supporters on all levels of the German society. In 2014 polls organised by the Government, 49 percent of participants supported demonstrations organised by PEGIDA, while only 23 percent rejected PEGIDA's argumentation (Geddes, Scholten, 2016). What is more, political tensions related to immigration and refugee crisis were heightened even further after the 2015-16 New Year celebrations in Cologne, when attackers of North African and Arab origin physically and sexually assaulted a large number of women. Even though Merkel had publicly condemned any sort of stigmatization of the refugees, she was aware of a strong anti-immigration sentiment among the population and because of this, Chancellor promised to intensify the efforts to deport the immigrant perpetrators (Wagstyl, 2016). This event, along with PEGIDA's growing popularity, are also often seen as reasons for a return to a less welcoming approach. While in 2015 and 2016 Germany received over 1 million refugees, in 2017 the number of granted claims was 200 000 and just over 150 000 in 2018 (Dempster, Keita, 2020).

Most right-wing organisations similar to PEGIDA would probably be able to thrive on a public mood defined by anti-immigration sentiment. At the given time, however, PEGIDA's significance began to fade, as the extremist associations of some of its founding members became even more apparent. For instance, general public was alienated by photos of PEGIDA leader, Lutz Bachmann, dressed as Adolf Hitler, as well as by violent attacks on refugee accommodation allegedly organised by the movement. Despite feeling certain

degree of sympathy to PEGIDA's goals, many people were not willing to further support them at the cost of resurrecting Germany's problematic past related to the period of the Third Reich (Geddes, Scholten, 2016). Still, this did not deter many from voting for another right-wing party, Alternativ für Deutschland. Ties to Nazism and nationalism were simply not as apparent in this case, and even though the party's rhetoric has often reflected far-right ideologies (For example, "invasion of foreigners" was a recurrent theme), AfD managed to gain 17 percent of the vote in 2017 parliamentary elections, thriving on the people's disillusionment with Germany's multicultural policy (Brady, 2020). As of now, however their popularity seems to be waning due to similar reasons as PEGIDA, as AfD has been linked to many violent events throughout the country, which shocked their voters. Many see a clear link between AfD's agitation and the shooting in Hanau, where a far-right extremist killed 10 people. Another clear issue is the now proven history of some members' affiliation with extreme right groups and so, the dynamic at play in this case was very similar to the case of PEGIDA's downfall. Many voters are now returning to CDU, which fulfilled the public-driven promise of reducing the immigration of refugees. This was done through application of pressure on other European member states and without alienating refugees through far-right rhetoric or far-right policy (Brady, 2020).

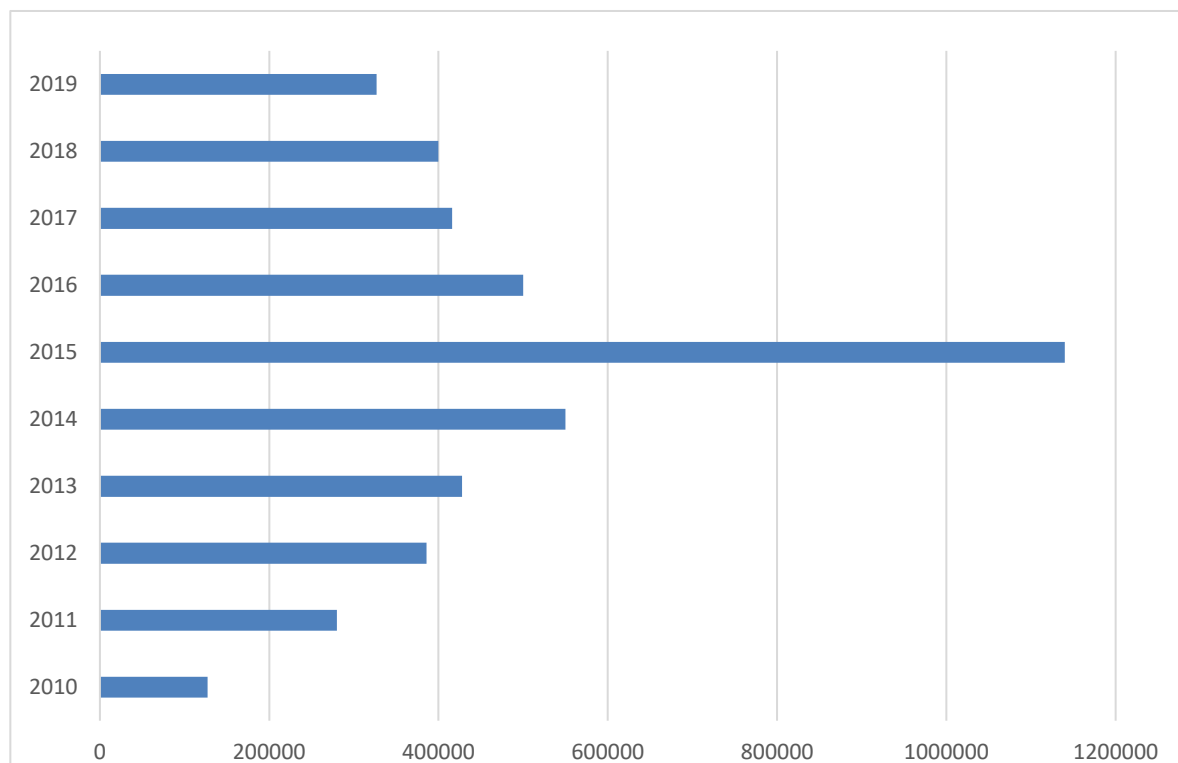


Table 1.: Net migration to Germany from 2010 to 2019; Source: Statistisches Bundesamt, 2020.

Even though the Germany's response to the refugee crisis of 2014 could be considered as a sign that Germany is a country which welcomes migrants in an almost unrestricted way, this is not true. As shown by the figures on the table 2. refugee crisis period was the first time in 10 years when net migration reached over 500 000. In 2019 the number was a little over 327 000, which is lower than in the number of arrivals in 2012 and according to the estimates for 2020, this number is bound to decrease even more, also due to the COVID-19 crisis (Statistisches Bundesamt, 2020). Meanwhile, Germany's naturalisation laws still remain strict, as language proficiency and civic knowledge remain an important prerequisite for individuals not born in Germany or for those not married to a German citizen. Moreover, gaining access to German dual citizenship is problematic if an individual is not an ethnic German or a citizen of other EU member state (Germany Visa, 2021). Such state is not surprising if Germany's history from the first chapter of the thesis is taken into consideration and it is somewhat analogical to the restrictive policy of 19<sup>th</sup> century. Consequently, it seems that the government's open approach to migration during refugee crisis was a result of Germany's adherence to the Basic Law, which came about as a result of the Germany's desire to redeem itself after WWII, rather than a shift towards unrestricted immigration policy. As it has been mentioned at the beginning of this subchapter, the Basic Law's provisions granted special rights to asylum seekers and it is to be asserted that the given trend will continue, since such approach is a defining feature of Germany's asylum policy. In its entirety, however, the German system reflects and most probably will reflect the notion of Fortress Europe and the so-called exclusive model on a national level with its strict naturalization laws, reinstalment of border controls and support of relocation schemes, which are aimed at redistributing refugees equitably among all member states. This approach is strongly favoured by the people of Germany, who still take great pride in the German *Leitkultur* based on cultural ties and who believe that there is a clear relationship between the number of admissions and the quality of integration of immigrants. The aforementioned violent events connected with the refugee crisis strengthened this belief (Scholz, 2017). One possible way to transform the given perception would be from below by administrations of progressive cities such as Berlin, although such process may be slow, or from above through EU agreements, as it is often the case with France. Still, this does not mean that the government treats immigrants who are already in the country badly or inappropriately, as most categories (especially the active contributors to the GDP) are entitled to a denizenship guaranteed by the welfare state, as it has been stated above.



### **2.2.1 German Migration Policy in the Context of EU Legislation**

When reviewing the relationship between Germany and the European Union, it becomes apparent that it is not just the European legislation that shapes the migration policy of the member states. In fact, individual states are also capable of influencing and shaping the unified European approach to migration by proposing their own solutions and by implementing them into EU legislation. In case of Germany, this relationship has been reciprocal with both systems influencing each other.

Scholten and Geddes (2016) claim that Germany became actively engaged in the creation of the EU migration policies mainly because it lacked a unified system of its own and so, the legislation of the EU was to provide a solution. The first example would be the Asylum Compromise of 1993 mentioned in the first part of the analysis, which reduced the numbers of asylum seekers in Germany by utilising a system of countries, which were responsible for individual asylum claims. Still, this was an instance of other European countries (not the European legislation itself) influencing the German legislation by providing a solution to an asylum crisis, because the Asylum Compromise was based on the EU's Dublin Convention 1990, which, at the time, was just being implemented in countries such as Belgium or Netherlands. Therefore, it was the shared experience and advice of these countries that shaped Germany's legislation in case of the Asylum Compromise. The first case of Germany actively influencing the EU policy-making was the creation of Schengen Agreement, since Germany was one of the founding members. The consequent Maastricht and Amsterdam treaties, which, among many other things, created unified conditions for movement between borders within and into the Schengen Area (the European Parliament, 2020), were thus products of Germany's active cooperation. More recently, Germany has supported the notion of all the European countries sharing the responsibility for the admission of asylum seekers during the refugee crisis which started in 2014. In fact, it played a key role in shaping the European response in this case by welcoming 1 million refugees in 2015 and 2016. As one of the key member states, Germany put immense political pressure on the rest of member states to create a new relocation system for asylum seekers and refugees also by reintroducing controls at their borders (Geddes, Scholten, 2016).

In case of Germany, European integration has also validated historical migration flows. The traditionally significant migration from Poland increased further upon Poland's accession to the EU in 2004. Still, "Germany imposed the maximum seven-year restriction

on free movement of workers” (Geddes, Scholten, 2016, p. 96) until 2011, which can be perceived as yet another example of controls being closely related to integration as an integral part of the German immigrant philosophy. After this period’s expiry, the number of the Polish moving to Germany increased steeply. Even though the right of free movement within the EU’s borders was fully recognised and supported by the government, there was a growing concern, that most of the immigrants from Eastern Europe migrated to Germany only to enjoy the advantages of the German welfare state. One way to limit the migrants’ access to the welfare state was to, for example, restrict the individuals’ ability to send child benefits back to the country of origin. CJEU (The Court of Justice of the European Union) further reinforced such notions by denying access to welfare benefits to a woman from Romania living in Germany. The ruling was based on the grounds that she was not actively looking for work. Even though this case set significant precedent about the denizens of Eastern Europe, labour migrants are predominantly positive contributors to the country’s GDP and, in general, free movement is seen as a positive aspect of European integration (Geddes, Scholten, 2016). The implicit discrimination against the Polish and other nationalities of Eastern Europe is based on historical experience (for example from the Wilhelminism era), rather than relevant figures, and such argumentation is quickly losing its relevance (Bade, 2003).

Being a member of the EU is a defining feature of the modern German state identity (Geddes, Scholten, 2016). This can also be observed on the phenomenon that Joppke (1999, p. 87) describes as “Escape to Europe”. The given theory asserts that some leaders of member states are willing to cede their political power as a part of an interest-driven act, which allows them to exert controls on migration through external means offered by the institutions and legislation of the EU. This way, a government of a given member state is able “to avoid domestic legal and political constraints” by acting through venues on a supranational level (Geddes, Scholten, 2016, p. 148). This, however, should not be seen as relinquishing control completely, but instead reasserting it and adjusting it on the EU level. Asylum compromise is a clear example of such practices, as with it, Germany was able to circumvent the power of Article 16 of the 1949 Basic Law in terms of asylum claims without having to supersede the given law directly through further national legislation. This further strengthened the ties between Germany and the institutions of the EU (Freeman, 1998). The aforementioned ruling of CJEU in case of the Roman woman can also be named as an example of this approach, as, instead of deciding themselves, German government would

pass the given case on to a corresponding European institution. And so, it seems that Germany welcomes the opportunities that EU legislation and EU institutions offer and does not perceive them as a threat, but rather a way to formulate a unified (and at times restricted) approach towards migration based on international cooperation. What is more, by being able to upload the German preference on a European level during the refugee crisis, the ruling CDU has been able to reduce the popularity of far-right parties and de-escalate the hostile public mood and even now, during the COVID-19 crisis, the party is seen as the safest option for the voters (Brady, 2020). In case of Germany, “Escape to Europe” is becoming a proven strategy, and it is highly likely that the German government will stick to it in the future, as well, when addressing the public concerns regarding the migration. In combination with a balanced and calming rhetoric and cooperation with migrant groups, the German case seems to be a good example of how a member state should handle migration policy.

## **2.3 France’s Migration Policy and Politics**

In order to understand the French approach to migration and immigration, it is firstly necessary to grasp the French understanding of citizenship. Brubaker (1992) explains that, unlike the German notion of citizenship based mainly on descent and ethnicity, citizenship in France is perceived as a kind of social contract between the state and the individual, which promotes political and cultural unity. This is reflected in the country’s Constitution (1958, Constitutional Council, p. 4), as well, which states that “France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.” Therefore, state institutions are to proceed as if they were colour blind when dealing with various minorities. Such approach strongly contrasts with the UK, where the integration of minorities is often legally perceived based on varying parameters. Furthermore, France’s Republicanism is also defined by the so-called *laïcité*, which is the French understanding of secularism. As expected, in debates focusing on Islam in France, *laïcité* plays an important role and is often understood as a basic point of reference. Nonetheless, the notion of Republicanism rooted in indivisibility of the state’s population is being challenged by three decisive factors. Firstly, it is the state institutions on a sub-national level, which are changing the system from below by responding innovatively to growing diversity in the country. Secondly, there is a considerable pressure put on the French Republicanism from the inside by extreme right parties, one of the most notable ones being the National Rally, formerly known as the National Front, whose leader, Marine Le Pen, is gaining mass popularity due

to her criticism of the traditional political class and their approach to immigration and integration. Lastly, French policies are often constrained by EU legislation (Geddes, Scholten, 2016). These factors, along with other relevant aspects of the French case, will be discussed in greater detail below.

Upon reviewing the first chapter, it becomes evident that France has always welcomed migrants, who were to reinforce the country's domestic labour. The expansive nationality laws of the 19<sup>th</sup> century allowed many foreigners to become French citizens (Noiriel, 1996). For example, the 1889 nationality law granted citizenship to all migrants' children born in France at the age of majority without any formal procedures and since 1927, even the first generation of migrants was able to access French nationality easily due to "liberalisation of naturalisation laws" (Geddes, Scholten, 2016, p. 51). In 1945, all of these laws were reaffirmed through a renewed nationality code, which stated that birth and/or residence were needed to gain French nationality, which can be perceived as a combination of *jus soli* and *jus sanguinis* principles. In case of integration, there was almost no ethnic selectivity and the immigration debate was won by the so-called "economists" who supported recruitment of workers to cover labour shortages with no clearly preferred country of origin. Due to a relatively liberal migration policy, labour migration was organised mainly by the private sector until 1970s. Foreign labourers were simply able to enter the country without any corresponding documents and most of them made their status regular only after settling on the French territory. This trend was further supported by labour agreements with 16 countries. These agreements, however, only reflected the migration flows and did not lead to a significant increase of labour immigration. Many migrants were also headed to France from the former French colonies and protectorates, since they were also perceived as citizens of France. Algeria, for example, was regarded as a part of France until its declaration of independence in 1962. Consequently, until 2010 there were 471 300 individuals of Algerian origin in France and a total of 5 676 000 immigrants of French nationality born outside France (Geddes, Scholten, 2016).

The period of expansive migrant policy was, similarly to Germany, stopped in 1974 due to economic recession caused by oil price shocks. As it has been asserted in the first chapter, such approach was historically typical of many European immigration countries, which used labour migrants as economic buffers in times of crisis. The French government used two circulars to suspend family and labour migration. However, to suspend family migration was not in accordance with the constitutional law and due to the Council of State's

extensive scrutiny, this proposal was overturned. Just like in the previous analyses, courts played here an important role in modifying migration laws, so as to make them constitutionally acceptable and rights-based (Hollifield, 1992). The suspension of labour, which was passed, created illegal immigration, as migrants who had been able to easily regularise their status before found it increasingly difficult with the new law in place. Also, this way, many labour migrants were encouraged to stay in France for good, as the possibility of return was not guaranteed. Therefore, the given circular further strengthened the trend of unrestricted migration and settlement, even though not as significantly as the legislation of the 19<sup>th</sup> century. The circulars were, however, bureaucratic devices, which were not discussed as widely as regular laws. By creating a new layer of regulations concealed by bureaucratic discretion, French government was able to develop more restrictions, which concentrated mainly on non-European migrants, especially Muslims, who were seen as the least assimilable migrants. For instance, some of the consequent laws made it possible for the police to use a person's skin or hair colour when deciding who to stop for ID checks (Schain, 1999).

Migration, as well as nationality, were perceived mainly as administrative problems and were not subject to wider discussion in 1960s and 1970s. In 1980s, an integration crisis sparked a debate on the issue of Muslim integration and it was at this time that migration policy became highly politicised and more public than ever before. Political parties, especially the newly emerged National Front, were seen as the main agents of this politicisation. As most similar organisations, the National Front had accused mainstream parties of betraying the ordinary people by allowing unrestricted migration. Through dramatic populist rhetoric, they were able to seize victory in 1983 municipal elections. The leaders of the National Front managed to form a connection between concerns about the nation state and immigration in the minds of its electorate. To them, integration of migrants was a question of national identity, something which holds great value in the French Republican tradition (Geddes, Scholten, 2016). However, citizenship perceived from a more nationalist perspective was a notion shared across the whole political spectrum, including the mainstream parties, as well, and it was in no way exclusive to the far-right. This was caused by two key factors, which are to be identified as a backdrop to the crisis of integration and the consequent politicisation. Firstly, the debate about the permanently settled migrants was often connected with economic problems and increased unemployment, as migrants were believed to be the factor which exacerbated these problems. This, however, was a

public opinion rather than a fact (Geddes, Scholten, 2016). Secondly, Muslim population, which was regarded as relatively new to France, was commonly seen as an inassimilable and subversive part of society. According to Hussey (2014) young Muslim individuals often had to deal with housing authorities, social workers and criminal justice system. Moreover, *laïcité*, one of the important pillars of Republican institutions in France, is regarded negatively by religious fundamentalists, as well as by some ordinary Muslims, and, at the time, it was clear that this aspect of French Republicanism led to further deterioration of relations with Muslim migrants. As demonstrated in the first chapter of this thesis, new groups of migrants were historically often regarded with hostility and this case was no different. This situation, however, was specific by lack of trust in institutions, which were responsible for the integration of these immigrants (Geddes, Scholten, 2016).

The given debate resulted in a strict legislation focusing on entry and stay in France known as the Pasqua law of 1994, which made changes to the Article 44 of the Nationality Code. Prior to the law, anyone born on the French soil would automatically acquire French citizenship. Now, however, children of foreign parents were required to file a formal request for citizenship between the ages of 16 and 21. Moreover, they would also need to formally demonstrate their desire to become French. This act was clearly supported by nationalist arguments, which revolved around a suspicion that some French citizens were not fully committed to their country. Pasqua Law also put more restrictions on family reunification. Students and foreign workers were now required to wait 2 years before their families could join them. Moreover, undocumented migrants were not entitled to welfare benefits and regularisation of status was no longer possible through a marriage to French citizens. The following Debré law of 1997 brought with it even more restrictions, some of which were deemed unconstitutional and consequently overturned by the Constitutional Council. This was the case of provisions which stipulated that immigrants would have to demonstrate that they were not a threat to the public order by proving their innocence. Still, the final version of the law stated that the children under the age of 16 would need to prove ten years of residence when becoming citizens, and that some non-EU foreigners would have to report their movements to the authorities when visiting France (Geddes, Scholten, 2016).

However, most of the aforementioned laws were reversed in 1997 after the victory of the left in parliamentary elections. The new Guigou law of 1998 “cancelled the expression of the will to become French (...) and restored automatic access to French nationality for the majority of those born in France...” (Geddes, Scholten, 2016, p. 56). Undocumented

immigrants were thus once again regularised and by the end of 1998, the Government granted 80 000 residence permits, along with 143 000 nationality applications. The new legislation also focused on updating asylum policy by creating EU-inspired system, based on which it would be possible to refuse asylum seekers from countries deemed safe (Weil, 1997).

The 2000s saw yet another shift towards a more restricted policy by Nicolas Sarkozy, first as the interior minister and later as President of the Republic. Due to the National Front's strong presence, a restricted approach was necessary, as a too relaxed policy could easily result in the National Front's victory in parliamentary elections. Sarkozy's main objective was to strengthen the so-called immigration choisie or chosen immigration. Choisie was a clear expression of preference for skilled labour rather than family migration, which was described as a part of subie, a less desired form of migration. In other words, family reunification was made more difficult and the waiting period for obtaining a residence permit was extended. Analogically to Germany, even in this case it is possible to observe here an attempt to limit immigration by focusing on the relationship of immigrant admissions and integration of migrants. Based on the 2007 law on immigration, newcomers were required to take language courses as well as courses focusing on basic knowledge of French society. The given laws focused on undocumented migrants, as well. Due to repatriation of these migrants, the number of deportations rose to almost 30 000 in 2008. This was made possible through agreements with countries of origin such as Mali, Ghana or Senegal (Geddes, Scholten, 2016).

The softening of discourse came with the victory of Francois Hollande in Presidential elections, who defined himself as a Socialist. It was also during his presidency that France had to formulate a response to the refugee crisis of 2014. Until 2015 the public support for letting more refugees into France was strong. At the same time, however, Hollande spoke in favour of a relocation system alongside Germany. Moreover, the government decided to reinstall border checks after the terrorist attacks in Paris in November 2015, due to security concerns, as well as due to the fact that the accused terrorists were citizens of the EU member states. Therefore, France supported border and security controls in the Schengen area and improved sharing of knowledge about criminals and suspects, as it became clear that terrorists had been able to travel in and out of the European Union as they wished (Geddes, Scholten, 2016).

As seen on different approaches of the left and the right in France, the French Republican tradition can be interpreted in many ways and if migration is to be viewed through the universal device of Republicanism, it may cause problems (Bertossi, 2001). Through Republicanism, it is possible to justify restrictive, as well as expansive policy-making and nationality laws, and, as a result, the given term is in no way analytical, but rather political. Consequently, rather than being a practical approach, the term Republicanism functions mainly as a rhetorical theme (Schain, 1999). Still, even though the term itself may be ambiguous, the politicisation of migration in 1980s created a strong context for what it should mean in connection with immigration and integration. Both the left and the right were united in their understanding of Republicanism as a model, which would not and should not take the differences of ethnic minorities into consideration when creating migrant policy (Feldblum, 1999). Also, there was a clear consensus that French nationality code should be reformed in order to outline a clear relationship between Republicanism and migrant policy. As a result, a High Council for Integration was established, which was to advise government on integration policies and nationality law. The Council's very first report reflected the logic of equality among citizens rather than the dynamic of ethnic minorities and it put great emphasis on similarities rather than cultural specifics of various groups (Simon, 2014), which was, in a sense, reflection of the aforementioned political consensus.

According to Scholten and Geddes (2016), the modern notion of Republicanism was remade through two other factors. Firstly, it was the public intellectuals, who have for a long time held a traditional position of authority in France. Through their academic backgrounds and connections, these individuals were able to assert their own perception of Republicanism in commissions and research projects funded by the government. The second factor consisted of the so-called headscarf debate and it was a telling demonstration of how ambiguous and malleable Republicanism can be when it is attempting to solve ethnic issues. The given debate was started in 1989 when three Muslim girls were expelled from a secondary school because of wearing headscarves. The school's director argued that headscarves were a sign of religious affiliation. Because of this, the girls violated the principle of *laïcité*, the separation of religion and state, since schools are considered a public space. The Council of State ruled that prohibiting the headscarf universally was unconstitutional. However, there were no further recognitions of diversity. In fact, the leftist government was clearly attempting to avoid any debate on diversity by stating that such approach would lead to



division and cultural ghettos (Feldblum, 1999). The debate was revived in 2000s after similar incidents. What came about was a law prohibiting any signs or clothes displaying religious affiliation in public and high schools. Once again, there was no reflection on deeper social and economic issues that plagued the minority communities, such as discrimination and poverty, as, according to Republican approach, the people of France were united and indivisible, and thus, there was no need to acknowledge cultural specifics through a profound legislation (Joppke, 2009).

It is to be asserted, that ethnicity-based approach remains a taboo into certain extent until today. In 2007, the French Constitutional Council managed to overturn the proposal of gathering data for ethnic statistics claiming that it would contradict the Republican idea of equality. The given practice was finally allowed in 2010 due to a report on inequality and discrimination, but only for the purpose of research. It seems, however, that ethnicity-based approach has been favoured by many municipalities on a local level. In 1981, for example, Priority Educational Zones were established in certain neighbourhoods in order to fight social exclusion the given neighbourhoods are often subjected to. Later renamed as Sensitive Urban Zones, these areas covered almost 20 percent of all pupils and students in France (Geddes, Scholten, 2016). During the selection of these Zones, the estimates on the number of individuals of migrant-origin people living there played an important role, which hints at a partial ethnicity-oriented approach. This approach was further reinforced through the High Authority for the Fight Against Discrimination, which was an independent body focusing on the protection of rights of certain ethnic groups. Therefore, it seems that the colour-blind approach of the French institutions is slowly being redefined from below, on a local level, where most of the social policy is being practically implemented (Schain, 1999).

Malleability of the Republicanism can be further demonstrated on Sarkozy's presidency, who used the notion of Republicanism in order to justify his right-wing agenda and right-wing rhetoric (Brunet, 2021) aimed against multiculturalism (even though France never acknowledged multiculturalism as a part of its Republican model), part of which was to reinforce national immigrant policy and even though his successor, Francois Hollande, used a somewhat milder rhetoric when talking about migrants, it was clear that Sarkozy set a theme, which was favoured by his successor, as well (Geddes, Scholten, 2016). Geddes and Scholten (2016) state that a firm stance on migration was deemed necessary by both administrations mainly due to the growing popularity of the National Front, which sought to redefine itself by condemning extreme racism and anti-Semitism, both of which were typical

features of the National Front's leadership in 1980s and 1990s. Even though Marine Le Pen, the main leader of the party, has not managed to win any presidential elections so far, it is clear that her approach to redefining the party's values has been successful, as their election results have never been better. Moreover, the National Front became the strongest French party in the European Parliament in 2014 elections with 25 percent of the vote. This was a clear reflection of the power of the anti-immigrant concerns in France. Similar to Germany, right-wing movements were even further empowered by terrorist attack on Charlie Hebdo, the satirical magazine in 2015 as well as by the terrorist attacks in November of the same year. Therefore, even though Hollande defines himself as a socialist with an open approach to migration (Samuel, 2014), during his presidency, France was one of the main supporters of the tightening of Schengen controls and exceptional security measures in the light of events, which created a very strong anti-Muslim sentiment (Geddes, Scholten, 2016).

The situation during Emmanuel Macron's presidency is analogical to Hollande's and Sarkozy's presidencies, and it points towards a clear trend of migrant and integration policy being imminently public-driven. Even though Emmanuel Macron started off his presidential campaign and the consequent presidency as a firm centrist, his administration is now showing strong signs of right-wing orientation. This became clear during a televised debate between Marine Le Pen and Gerald Darmanin, Macron's Interior Minister. The most important point of the debate was a new controversial government bill aimed at uprooting radical Islam. "In ways small and large, the bill seeks oversight in the functioning of associations and mosques, including foreign financing, and aims to plug up entry points for Islamist ideology in the lives of Muslims" (Brunet, 2021, p. 1). As a result, the given proposal is perceived by many Muslims as a stigmatization of Islam. Moreover, the bill contradicts the secularist principle of *laïcité*, as it is an attempt at creating state-controlled version of Islam, even though the legislation's initial intention was to protect it. At the same time, however, the debate centred on this piece of legislation seems to be a culmination of the headscarf conflict and it can be seen as a further example of the malleability of the French Republican tradition, which, arguably, only has rhetorical function as of now. Despite their allegedly differing political views, both debaters seemed to share many values and opinions on the bill, praising each other on several occasions. According to the sociologist Ugo Palheta (Brunet, 2021), the French government is now attempting to utilise the strong anti-immigration and anti-Islam sentiment throughout the country by appealing to the National Rally's voters. This approach was probably deemed necessary, because the ruling party has

been lately losing its majority. In other words, “The government is trying to reclaim the population’s trust by adopting much of the vocabulary and proposals of the far right in a blatant attempt to win votes” (Brunet, 2021, p. 1). At the same time, however, using the same rhetoric as the far-right seems to make Marie Le Pen’s party even more popular, as she gained 48 percent in the recent polls, which is an all-time high for the party (Brunet, 2021). Therefore, it is clear that aside from adjusting their policies to anti-immigration mood, Macron’s administration also further strengthened the given sentiment, thus empowering the National Rally’s position as an undesired side effect. This was also the case during the Sarkozy’s Presidency, who, apart from thriving on the general anti-immigration sentiment, managed to empower the National Rally’s leader, Marine Le Pen, who gained the 17 percent of the vote in the 2012 presidential elections (Brunet, 2021), which, historically, was the party’s best result.

The change in rhetoric can be also observed on Macron’s statements in 2019, when he stated that “France cannot host everyone, if it wants to host people well” (Aljazeera, 2019, p. 1). This was a reaction to high number of asylum applications in 2019 and it demonstrates his understanding of the number of migrants, who are admitted, being related to the quality of their consequent integration. In order to achieve this, Macron wants to reduce medical aid offered to migrants, so as to make France less attractive to migrants (Aljazeera, 2019) and it is apparent that in an attempt to win the public favour the government will attempt to further a restrictive policy in the future, as well. However, as it is stated in the following subchapter, it is not clear whether a significant reduction of immigration will be possible through national legislation.

### **2.3.1 French Migration Policy in the Context of EU Legislation**

As one of the founding signatories of the Schengen agreement in 1985, it is valid to state that France considers itself as an important member state of the EU. As of now, however, it is possible to also observe how France’s Republicanism is being continuously challenged by EU legislation on a supranational level.

As it has been mentioned in the previous subchapter, the French government began to encounter certain legal constraints on its capacity to control migration in 1970s, 1980s and 1990s. According to Hollifield (1992) this was the main reason why France began to strongly support common European response to asylum and immigration in 1980s. The European Union was, similar to Germany, seen as a way to externalise controls without

having to deal with national courts or political institutions directly. In conclusion, this was done through bilateral and multilateral agreements such as the Schengen zone. By participating in the EU structures, the France was also able to decrease the number of some asylum seekers and other less desired migrants to enter French territory despite the Constitutional Council's claims that individuals, whose freedom was violated, had the constitutional right to receive asylum on the French territory. This was possible especially through the 2008 EU Pact on Immigration and Asylum, which was strongly supported by the French government. The given scheme was meant to "construct a Europe of Asylum" (The Council of the EU, 2008, p. 11) by promoting a relocation of asylum seekers in order to create an even pressure on all the member states as a part of the completion of the Common European Asylum System. Therefore, as one of the most important immigration countries, France was able to relocate some of the asylum seekers to other countries. Moreover, some of the provisions of the Pact also stated that family migration could be limited if the country's reception capacities were not sufficient to successfully integrate the given family members (The Council of the EU, 2008). Since family reunification was considered to be a subie migration or the less desired form of migration, these provisions were in accord with the president's Sarkozy's restrictive strategy, who adopted a right-wing approach motivated by the National Front's popularity. Therefore, Geddes and Scholten (2016) describe the Pact as a clear example of France enforcing and justifying their policy preferences on the supranational level of the EU.

Still, by actively partaking in the creation of EU legislation and its many agreements, France also constricts its ability to control migration directly without being limited by external conditions. Simon (2014) estimates that the French government is de facto capable of controlling only 5 percent of all the migratory cycles directed at France. For instance, the directive on family reunification issued by the EU in 2003 which "applies to all member states except Denmark, Ireland, and the UK" (Commission to the European Parliament and the Council, 2019, p. 3), as these states opted out of the common initiatives such as CEAS, imposes concrete responsibilities of member states in the field of family reunification. Due to the directive, France had to decrease the waiting time before family members of immigrants could join them from 2 years (provision of Pasqua law) to 1 year. The national government's options are limited in case of expulsion and deportation of illegal immigrants as well, as this aspect of migration policy is covered by the EU's return directive of 2008. The document states that countries are required to adopt a sensitive case-by-case approach

when dealing with illegal immigrants and that all corresponding considerations should “go beyond the mere fact of an illegal stay” (Commission to the European Parliament and the Council, 2008, p. 1). This limited Sarkozy’s crackdown on illegal immigration commenced in 2007, and it is to be asserted that both of these directives continue to constrain the government’s ability to decrease subie migration.

If Simon’s (2014) aforementioned premise is to be taken into consideration when reviewing Macron’s presidency, the government’s constrained ability to control migration might pose a threat to the current government’s agenda. Macron, similarly to Merkel, called for tighter controls at the Schengen borders after the terrorist attacks in 2020 and it seems that, at the moment, he is bent on decreasing migration through other means as well, for example through the reduction of medical aid for asylum seekers (Lough, Rose, 2020). The given anti-immigration approach is strongly motivated by the National Rally’s unprecedented popularity and by the anti-immigration public opinion, which the Macron’s administration is attempting to utilise. The current president is simply trying to demonstrate to the public that the government is in full control of migration policy, as this is what most of the right-wing electorate expects from their candidates. Lack of control on immigration was also an issue in the UK. It is, however, questionable, whether this is possible if the French government is in direct control of only 5 percent of all the immigration to France and the rest is bound to EU legislation, contracts and directives (Simon, 2014). And since a part of Macron’s strategy mentioned in the previous part is to use the given public mood in any way possible instead of appeasing it through a more restricted approach without applying the extreme right tactics, as it were the case of Angela Merkel, it is quite possible that he will resort to strong far-right measures, one such being the Frexit<sup>6</sup>. This step is gaining great popularity among the right-wing electorate mainly due to the alleged premise of taking back control over the country. According to Charles Henri Gallois, the president of the Generation Frexit, Frexit is highly likely if it gets the debate it deserves (Withers, 2021). Moreover, if supported by a strong party leaning towards right-wing ideals, as it was the case of UKIP in the UK, this outcome becomes even more realistic.

Another interesting aspect of the relationship between the EU and France was the emergence of an anti-discrimination framework motivated by the UK and Dutch governments in 2000. By implementing the 2000 EU directive developed from the article of

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<sup>6</sup> France leaving the European Union as an analogy to Brexit.

the Amsterdam treaty which deals with direct and indirect discrimination based on religion, race and ethnicity, France moved closer towards an ethnicity-based approach. This step was so significant mainly because ethnic statistics had been for a long time regarded as a taboo when reviewed through the lens of Republican principles. However, France was able to avoid some of the directive's requirements, as it was not obliged to collect ethnicity-based data when monitoring the effectiveness of the new measures in place. Still, the consequent EU laws in June 2000 incited further debate on anti-discrimination rules focusing on the workplace and public services. Therefore, the directive of 2000 and the laws that followed should be seen as the EU's attempt to challenge and reshape the notion of Republicanism, by forcing France to update its social policy to a modern, statistics-oriented level. As it had been mentioned in the previous subchapter, this pressure is being applied in France from below on a local level, as well. As a result, the combined efforts of the local level administration and EU legislation may lead to a redefinition of the Republican "colour-blind" approach to ethnicity in the future, bringing the French approach close to that of the UK. As seen on the example of the Sensitive Urban Zones, this strategy leads to minorities having a better access to social rights, such as education or housing, making the integration smoother as a result (Geddes, Scholten, 2016).

## Conclusion

The first part of the thesis focused mainly on an overview of the history of European migration since the 18<sup>th</sup> century and was designed to be a point of reference, which includes the basic terms and facts relevant to the debate on migration policy, politics and migration itself.

The first subchapter of this part explained how interregional migration gradually transformed to international migration in the late 18<sup>th</sup> and the early 19<sup>th</sup> century. The era of industrialisation was an era of great developments and growth. Huge amount of labour was necessary in order to make these advancements possible, and, therefore, the given segment is a demonstration of how migration in these times was almost unrestricted by migrant policies and how it was driven mainly by the need for labour and job opportunities offered in the rich regions of Europe. The regional differences in wages also played a great role, as most of the migrants were willing to work more for less than the native population. Therefore, since migration is, in its very essence, fuelled by the desire for a better life, it is to be argued that migration unrestricted by national regulations and policy, such as border controls, will imminently become economy-driven, as flourishing and rich regions with many job opportunities and relatively higher wages are able to provide better living conditions to their newcomers. Analogically, struggling regions with a lack of job opportunities will become even poorer, as they are abandoned by an increasing amount of people.

Consequently, the first policies centred on migration, which started to take shape in the late 19<sup>th</sup> century were driven by economic reasons. For example, many state institutions of Western Europe preferred to dismiss immigrant labourers rather than the national workforce in order to alleviate the impact of depressions and crises. Moreover, nationals would also typically receive better jobs than the immigrants, who often settled for jobs with much lower wages. This approach went hand-in-hand with the emergence of the modern nation states in Europe and the boundary between the national and the foreign was becoming clearer than ever before. The relatively liberal era of the late 19<sup>th</sup> century ended in the early 20<sup>th</sup> as many countries of Western Europe took on a more restrictive approach to migration often driven by xenophobia and downright racism. For instance, in Britain, this took on a form of the 1905 Aliens Act driven by the strong anti-Semitic sentiment, demonstrated through nationwide petitions and marches. In this regard, this period can be viewed as a time

when the official migration and migrant policies started to show first signs of being public-driven rather than economy-driven, especially in immigration countries such as Germany or Britain, where the salience of the given issue was high.

The period of the world wars was a time when Europe started to become a continent of immigration. In order to support the wartime economies of the warring countries, many colonial powers would import labour from their colonies, instead of exporting it there, which meant that the migratory cycles were turned around. The German government, on the other hand, resorted to forced labour, as Germany had no colonies which it could draw its workers from. Therefore, it seems that during this time policy again returned to being more economy-driven as a result of an ongoing and tiring war, which had to be fuelled by tireless and well-staffed industry. Still, public opinion manifested through mass hysteria and hostility towards all the foreigners from enemy countries contributed to internment of these migrants in Britain and Germany. Analogically, the French government decided to revoke citizenships of individuals from enemy countries. Therefore, it can be argued that the wartime migration policy was driven by economic factors, which were complemented by public expressions of hate and disdain towards individuals referred to as enemy aliens. A fitting example of this was the Alien Restrictions Act of 1914 aimed against the Germans in Britain. However, aside from being a product of the xenophobic public opinion, Alien Restrictions Act also fuelled open physical violence towards the Germans by officially marking them as the enemy of the state. Therefore, it is possible to observe here a dynamic in which legislation motivated by a certain public mood further strengthens and intensifies the given mood. As a result, the relationship between xenophobic public opinion and xenophobic policy may result in a vicious cycle, in which both of these aspects perpetually exacerbate each other.

It is evident that during the shift from wartime to peacetime economy, migration policy became more dominated by the public opinion as measures were taken to protect nationals, who had access to welfare state and better job opportunities compared to immigrants, who, now, during the time of post-war decline, were considered redundant. In Germany, this also took on a form of laws, which prevented wage-cutting by migrants, who usually worked for less than the nationals. Therefore, during time of peace, when economic development started to recede, the opinion of nationals was strongly considered when developing migration policy. The last subchapter of the first part was meant to establish a common ground for the discussion in the second chapter and it focused mainly on a more



modern classification of migrants and terms, which are relevant to EU legislation, as well as national legislation of the individual states.

Based on the following analyses of the UK, Germany and France it is possible to establish a common conclusion. The migration and immigration policy of these countries is strongly driven by the power of public opinion. As it has been asserted in the first chapter of the thesis, these countries became countries of immigration through historical developments, for example as a result of colonialism and also as a result of industrialisation and the need to fuel wartime economies. In the broadest of terms, this means that there is a considerable net immigration to the country, and, because of this, the population of the given country considers migration to be one of the salient issues, which require extensive debate. This can be observed on the case of Britain, where migration policy became subject to public opinion in the early stages of post-war era, especially during the creation of the Nationality Act of 1948, which was aimed at limiting access to citizenship by the population in colonies and also the later Commonwealth Immigrants Act of 1962, which made further distinction between the direct citizens of Britain and the citizens of Commonwealth. It is clear that the public opinion was aimed against migrants and these beliefs were further demonstrated by racially motivated riots and attacks in London and Nottingham.

Another factor, which determines the public-driven nature of the migration policy is the ever-looming threat of anti-immigrant sentiment in a form of far-right organisations and parties. When observing the case of Britain, it becomes evident that restrictive policy is used mainly as a measure, which is supposed to calm down nationalist and extremist tendencies among the population. The formulation, which best describes this approach was coined by Margaret Thatcher as “addressing the needs of people” (Scholten, Geddes, 2016, p. 23). With her British Nationality Act of 1981, which further restricted access to citizenship and migration to UK, it was possible to retain balance in her cabinet and prevent any right-wing movements from gaining popularity. Therefore, if seen in this light, it is to be argued that the restrictive measures of migration policies in the analysed countries are driven by the desire to prevent right-wing parties from gaining popularity through public opinion. This can be further proven by the example of the combined efforts of Labour, Coalition and Conservative governments in 2000s and also by Brexit, which should be regarded as climax of the public-driven immigration policy. The public demanded a decrease in migration and Brexit was one of the ways to achieve this, as EU Legislation had long been regarded as a hindrance to the country’s ability to control migratory cycles.

In Germany, this can be observed on 1993 Asylum compromise and also on legislation changes in 2000s, which made the new laws more restricted when compared to their original form. A more recent example is the relocation scheme proposed in 2015, which was, again, a reaction to a growing anti-immigrant sentiment. The German example shows an interesting ambiguity. On the one hand, Germany's policy is driven by the population's perception of the *Leitkultur*, or the guiding culture, which carries great weight until today. This can be seen on the difficult naturalisation process of migrants being connected with embracing the Germany's culture, as well as on the reinstalment of border controls in 2015. Arguably, these aspects are related to Germany's history and tribal ties, and through the population it has immense impact on the legislation. From this perspective, Germany can be defined as an exclusive model driven by its population and, by extension, by its culture. On the other hand, however, Germany also developed a 1949 Basic Law, which was strongly inspired by the new Government's commitment to correcting the atrocities caused by Germany in the first half of the 20<sup>th</sup> century, outlined in the first chapter. The collective guilt from this period translated into liberal provisions on asylum seeking, and when it came to this particular form of migration, Germany had always approached it with great deal of humanity and open-mindedness. Still when, considering which one of the aspects is stronger, it is clear that *Leitkultur* wins, as it can be seen on the current situation in Germany. Through restrictive policy and relocation schemes, the immigration figures in 2019 returned to the state they were in in 2012. However, the implementation of restrictions was done in the most sensitive way. Through meaningful European cooperation, appropriate rhetoric and dialogue with migrant groups, the ruling party, CDU, was able to correctly address the public concerns without increasing the political influence of right-wing parties.

In conclusion, both the German and British cases demonstrate that the public right now believes in the process of integration being closely related to the number of immigrants, who are allowed to enter the country and this leads to restrictive policies in both countries. However, the results of adhering to the public opinion vary in both countries. While in Britain this led to Brexit, Germany managed to impose restrictions on its policies through the membership in the European Union, by creating external means of lowering migration. This is, of course, determined by the fact that, while Germany is an integral part of the European Union, and it welcomes every opportunity connected with the membership, Britain always considered itself a country, which mainly preferred co-operation with the EU. Nonetheless, the legislation of the UK was altered as a result of its membership and it is to

be asserted that EU's institutions made it more humane in the context of migration. The best example of this is the Human Rights Act, which was a result of implementing EU policy directly into the British laws. Thanks to this Act, courts in Britain could finally point out unconstitutional practices in case of the migrants. Therefore, it is to be asserted that the European Union is capable of humanising and updating national legislation of its member states. This function of the EU will definitely prove imperative upon accession of the potential new member states, such as Turkey, Albania or Macedonia, and so, in the future, the EU may take on a role of a reformer, which alters the legislation of member states to a more humane form.

The European Union also offers a way to lower immigration, as was the case of Germany and France as, through the supranational level of the EU, it is possible to avoid the legal and constitutional constraints on a national level. However, the so-called "Escape to Europe" strategy is not perfect, as it also means that the national governments cede some of their direct control over immigration and give it directly to EU institutions. Therefore, by utilising this mechanism in the field of migration, the member states are furthering the process of European Union becoming more unified and the borders between states are bound to gradually disappear, if the given practices continue in their current intensity. And since loss of control over who will be admitted to the country was one of the main causes of Brexit, it is important to ask, whether this process will not result in more member states leaving the EU, as well.

This question is relevant especially in connection with France as the French case is a good example of how politicisation of a topic leads to it being subjected to public opinion, and how it is possible to exacerbate a certain effect through far-right rhetoric and policy-making. In France, the topic of immigration and migrant integration was made public through discussions strongly dominated by the National Front in 1970s. Since then, there has been a trend of governments trying to appease those, who would vote the National Front by implementing restrictive policy-making. However, instead of de-escalation, it seems that when the restrictive policy-making is complemented by far-right rhetoric and stigmatisation of a certain group of individuals (in this case, the Muslims), instead of cooperation and open dialogue with these groups, as was the case in Germany, the far-right parties gain even more power and more popularity as an undesired effect. And so, as a result the presidents of France are furthering the far-right's rise to power. This can be observed on Sarkozy's divisive strategy, as well as on the current rhetoric of Macron's party. In conclusion, the thin line

between appeasing and exacerbating the public mood through migrant policy lies in the power of words, as well, and the effect here is very similar to the vicious cycle mentioned in connection with the Britain's Aliens Act. In France, the situation is further complicated by the rhetorical power of the term Republicanism, which carries great weight in the collective, cultural memory of the people. But as presented on the examples of French policy-making, this term is so profane and has been used in so many contradictory ways, that a conscious statesman would do well to avoid it completely. A well-informed voter, on the other hand, should look through the veil of this rhetorical device and, instead, find out what the real implications of the given rhetoric are by reviewing the concrete legislation connected with it. Still, the malleability of Republican tradition may also result in some positive changes. This can be seen on France slowly accepting a more ethnicity-oriented approach, which is being strongly promoted by other member states of the EU, as well by local administration in France. By adopting the given concept, France may continue to improve the quality of its integration strategy.

Nonetheless, it is clear that the relationship between the number of admissions and the quality of integration plays a significant role in the minds of French people. The most vocal proof of this is Macron's statement, who said that France cannot accept everyone (Aljazeera, 2019). Even though Macron can decrease the attractiveness of France to migrants by putting more restrictions on the welfare state, it is not clear, whether this will lead to significant decrease of net migration, as France is in direct control of only 5 percent of its immigration. The rest of control has been ceded by taking part in EU schemes. Therefore, if Macron continues leaning towards right the way he does now, Frexit will become a very realistic step, and it is to be argued that the French President may begin with the negotiations on the French membership in the EU in order to decrease migration to the country. The second possible outcome would be that these negotiations will be carried out by the National Rally, which, due to Macron's escalation of the migration issue through right-wing legislation and rhetoric, has a great chance at winning the elections and becoming the next governing party. In the third possible instance, France will attempt to opt out of EU migrant schemes, but this case might also lead to Frexit, analogically to the case of the UK.

While all the three cases highlight the significance of the public opinion in the creation of the legislation, ultimately, it is up to the governments to decide how to translate the public mood into concrete legislation and how to implement it without further worsening the anti-immigrant sentiment. Also, if the public plays such a decisive role in the whole

process, it is very important that it stays informed and educated on the important issues. This way, it is possible to decrease the strength of emotional exaggeration many right-wing and populist parties rely on. Governmental institutions on a local and national level, as well as non-governmental organisations should work on creating information systems fuelled by media campaigns, lectures and seminars, which would educate people on the issue of migration in an appropriate and objective manner to increase the credibility of the public opinion. From a long-term point of view, lessons on diversity and migration should also become an integral part of the school curriculum, so as to create a conscious generation of voters, who understand the sensitivity of the given topic. If the given measures are not implemented as soon as possible, migration politics will remain strongly dominated by the notion of retaining balance by curbing anti-immigration sentiment instead of aiming towards a sensible integration and migration legislation.

## Resumé

V dnešných časoch, pre ktoré je príznačná vysoká miera mobility a globalizácie ostáva migrácia dôležitou témou tak verejných, ako aj politických debát. Cieľom tejto magisterskej práce je dokázať, že práve verejná mienka zohráva pri tvorbe migračnej politiky dôležitú úlohu, a že ju v mnohých prípadoch priamo vytvára a ovplyvňuje. Taktiež sa sústreďme na to, akým spôsobom do tohto procesu vstupuje legislatíva Európskej únie, ktorú štátnici môžu vnímať buď ako prekážku pri tvorbe národnej legislatívy, alebo ako novú príležitosť meniť legislatívu na nadnárodnej úrovni. Práca sa zameriava na Spojené kráľovstvo, Nemecko a Francúzsko, nakoľko ide o dôležité cieľové krajiny mnohých migrantov po celom svete.

Pri vypracovávaní danej práce bola využitá najmä argumentačná a komparatívna metóda. Teoretické podklady boli vytvorené na najmä na základe publikácií od odborníkov v oblasti migrácie, ako Andrew Geddes, Peter Scholten (2016), Klaus J. Bade (2003), Rogers Brubaker (1992) a Christian Joppke (1999). Ako sekundárne zdroje poslúžili publikácie následovných autorov: Bertossi (2003), Bommers, Thranhardt (2010), Aly (1998), Freeman (1998), Hammar (2009), Hansen, (2000) Hardach (1987), Heckmann (1981), Henley (2016), Ivarsflaten (2006), Hussey (2014), Hollifield (1992), Kulischer (1948), Leenders (1993), Lucassen (1988), Moch (1992), Musch (2011) a Martin (2014). Spravodajské stránky ako BBC, DW, Aljazeera, Eurostat a Germany Visa boli využité v druhej kapitole za účelom poskytnutia aktuálnych a relevantných údajov v jednotlivých krajinách.

Prvá kapitola magisterskej práce by mala byť vnímaná predovšetkým ako teoretický úvod, ktorý má čitateľovi poskytnúť všetky dôležité informácie a pojmy potrebné k pochopeniu rozborov v druhej kapitole. Daná kapitola sa venuje historickému vývoju migrácie v Európe od neskorého 18. storočia, teda od začiatku industrializácie, až po studenú vojnu 20. storočia. V prvej podkapitole sa venujeme dvom najčastejším formám migrácie v 18. storočí, a to obchodným cestám a pracovnej migrácii. Mechanizmy popísané v tejto časti poukazujú na skutočnosť, že migrácia, ktorá nie je obmedzovaná migračnou politikou v podobe pohraničných kontrol a iných zákonov, bude riadená hlavne ekonomickými faktormi. To je možné pozorovať na príklade mnohých farmárov z pomerne chudobného francúzskeho regiónu Centrálne masívy, ktorí migrovali do parížskej oblasti za lepšími platovými podmienkami. Migrácia bola v danom období vnímaná najmä ako spôsob, ktorým mohli jednotlivci podporiť svoje rodinné farmy mimo sezónu a v obdobiach neúrody, a preto

sa väčšina pracujúcich migrantov a obchodných cestujúcich vracala na miesta pôvodu. Permanentná migrácia teda nebola častá. Napriek tomu však boli migranti vnímaní pôvodným obyvateľstvom negatívne, nakoľko boli ochotní pracovať za omnoho nižšie platy, a preto boli v očiach zamestnávateľov atraktívnejší.

V druhej podkapitole poukazujeme na to, ako technologický pokrok 19. storočia urýchlil proces globalizácie. Vďaka novej infraštruktúre v podobe medzinárodných železníc a ciest bolo možné migrovať rýchlejšie a vo väčších počtoch. Vzťah medzi technologickým vývojom a migráciou bol však recipročný, keďže práve migranti tvorili jadro pracovnej sily pri budovaní veľkých infraštruktúrnych projektov po celej Európe. Migranti sa taktiež cyklicky presúvali do veľkých európskych miest. Tento proces je známy ako proletárska masová migrácia. Napriek tomu, že hlavným motívom týchto populačných pohybov bolo zlepšovanie životných podmienok, veľké množstvo migrantov padlo za obeť racionalizačným metódam, ktoré zamestnávateľom umožňovali zefektívniť pracovný proces bez potreby ďalšej modernizácie. Okrem toho, že boli vnímaní ako lacná pracovná sila, migranti boli taktiež znevýhodnení svojou neznalosťou jazyka. To bol prípad Nemecka, v ktorom sa diskriminácia migrantov odrážala v zákonoch, ktoré jasne zvýhodňovali miestnu pracovnú silu na úkor cudzincov. Tí sa stávali nenávratne závislí na svojich nadriadených. V Anglicku sa počiatky reštriktívnej politiky datujú od roku 1905, kedy vyšiel zákon zameraný proti židovským prisťahovalcom z východnej Európy. Oba uvedené prípady môžeme vnímať ako začiatky legislatívy riadenej verejnou mienkou, nakoľko dané zákony odrážali rasistické tendencie pôvodného obyvateľstva.

Tretia podkapitola sa zameriava na obdobie svetových vojen, počas ktorých sa migračná politika riadila najmä dopytom po pracovnej sile z kolónii, nakoľko bojujúce krajiny Európy museli väčšinu svojej domácej pracovnej sily naverbovať do armády. Ide o obdobie, kedy sa krajiny ako Nemecko, Anglicko a Francúzsko definitívne vyprofilovali ako imigračné krajiny. Je teda nutné poznamenať, že migračná politika v čase vojny je riadená najmä ekonomickými faktormi, akými je napríklad dopyt po cudzineckej pracovnej sile, ktorá má za úlohu poháňať vojnové hospodárstvo. Aj v období vojen je však možné pozorovať istý vplyv verejnej mienky, a to najmä v prípadoch, kedy vlády bojujúcich krajín pod vplyvom masovej hystérie a xenofóbie internovali migrantov z nepriateľských krajín. Napríklad Anglický Alien Restrictions Act z roku 1914 nacielený proti migrantom z Nemecka bol výsledkom verejnej mienky, no taktiež sa podpísal na ďalšom zhoršení vzťahov s nemeckými migrantmi. Môžeme teda konštatovať, že legislatíva migračnej

politiky na verejnú mienku reflektuje, no zároveň ju môže posilniť, napríklad v neznášanlivosti voči cudzincom. V období medzi vojnami si väčšina štátov ponechala restriktívny charakter migračnej politiky, ktorá bola príznačná pre predvojnové obdobie. Miestna pracovná sila bola preferovaná pred migrantmi. To sa odrážalo v sociálnych istotách a lepších pracovných ponukách pre pôvodné obyvateľstvo a je zrejmé, že ide o politiku riadenú verejnou mienkou. Situácia po druhej svetovej vojne bola podobná tej medzi vojnami, ale napriek tomu bol dopyt po lacnej pracovnej sile z cudziny vysoký, keďže väčšina krajín usilovala o obnovu hospodárstva a návrat k mierovému hospodárstvu.

Posledná časť prvej kapitoly popisuje obdobie studenej vojny a najpočetnejšie skupiny migrantov, ktoré smerovali do Európy. Išlo najmä o azylantov, rodinných príslušníkov imigrantov a občanov bývalých kolónií. Daná podkapitola predstavuje typológie krajín podľa migračnej politiky, ako napríklad delenie na krajiny s formálnou legislatívou a na krajiny s menej formálnym prístupom k prijímaniu imigrantov. Vďaka vzniku Európskeho spoločenstva, krajiny Európy začali stále častejšie zaujímať jednotný prístup k otázkam migrácie, čo niekedy znamenalo aj zatváranie vonkajších hraníc. Tento koncept je v práci popísaný ako pevnosť Európa a nasledujúca kapitola sa zaoberá aj tým, do akej miery je daný pojem relevantný pre súčasnosť.

Ako prvú krajinu analyzujeme v druhej kapitole Spojené Kráľovstvo. Migračná politika danej krajiny pozostáva z veľkého množstva zákonov, ktoré usilujú o usmernenie imigrácie z bývalých kolónií. Táto forma migrácie bola od druhej svetovej vojny značne obmedzovaná najmä kvôli pomerne silným protiimigračným tendenciám verejnosti. Či už ide o Nationality Act z roku 1948, Commonwealth Immigrants Act z roku 1962 alebo British Nationality Act z roku 1981, zdá sa, že britskí štátnici sa pokúšajú o obmedzenie migrácie do najväčšej možnej miery, aby tak vyhovelí obyvateľstvu, ktoré si neželá zvýšenú mieru imigrácie. V tomto kontexte treba vnímať aj vyjadrenia Margaret Thatcherovej, ktorá tvrdila, že jej protiimigračná politika je tou správnou odpoveďou na požiadavky verejnosti. Euroskepticizmus, ktorý bol pre Spojené kráľovstvo takým príznačným aj v kontexte migrácie je teda len pokračovaním podobne ladenej politiky. Väčšina vlád od roku 2000 do roku 2015 usilovala najmä o obmedzenie migrácie aj z ostatných štátov Európskej únie. Túto formu migrácie však nebolo možné vo väčšej miere znížiť, keďže voľný pohyb v rámci krajín Európskej únie je jedným zo základných práv jej občanov. Otázka migrácie však vždy bola a je v očiach britskej verejnosti vnímaná ako oblasť, nad ktorou má mať plnú kontrolu vláda, a práve preto možno vnímať Brexit ako vyvrcholenie verejnosťou riadenej migračnej



politiky. Tento výsledok samozrejme súvisí aj s kultúrou Británie, keďže jej suverenita a samostatnosť je úzko spätá s jej slávnou imperiálnou minulosťou.

Avšak napriek tomu, že Spojené Kráľovstvo oficiálne odišlo z Európskej únie, možno konštatovať, že britská migračná legislatíva je značne europanizovaná. Dobrým príkladom toho je Human Rights Act, ktorý bol bezprostredne inšpirovaný legislatívou EÚ. Daný zákon priamo nahrádzal chýbajúcu ústavu, a preto sa oňho mohli opierať súdy v prípade nehumánnych praktík na migrantoch. Takým spôsobom bolo napríklad možné upraviť Commonwealth Immigrants Act z roku 1962, ktorý dovtedy priamo diskriminoval ženských imigrantov. Ďalším znakom europanizovanej politiky v Spojenom kráľovstve je nový bodový systém, ktorý nezohľadňuje vek imigrantov, na rozdiel od toho austrálskeho, ktorý udeľuje viac bodov mladším uchádzačom. Ide teda o humannejší model reflektujúci hodnoty Európskej únie, ako sú tolerancia a inklúzia. Z týchto skutočností môžeme usúdiť, že Spojené kráľovstvo bude v budúcnosti otvorené spolupráci s krajinami Európskej únie, napríklad prostredníctvom bilaterálnych zmlúv. Taktiež je nutné poukázať na efekt legislatívy a inštitúcií EÚ, ktoré mali na britské zákony poľudšťujúci efekt. Táto reformačná schopnosť EÚ bude určite v plnej miere využitá pri prijímaní potenciálnych členských štátov, ako Albánsko, Macedónsko alebo Turecko.

Nemecko taktiež odvíja svoju migračnú politiku od verejnej mienky. Podobne ako v prípade Spojeného kráľovstva, aj nemecká vláda vníma tento prístup ako poistku proti extrémnym pravicovým stranám, ktorých popularita rastie najmä vďaka antiimigračným tendenciám verejnosti, na ktoré vláda nereflektuje príslušnými opatreniami. Povojnová migrácia azylantov do Nemecka bola napríklad značne redukovaná azylovým kompromisom z roku 1993. Podobným prípadom bol nový imigračný systém zákonov z roku 2000, ktorého pôvodná podoba bola omnoho liberálnejšia, ako tá, ktorá nakoniec vyšla v podobe platnej legislatívy. Ešte aktuálnejším príkladom je relokačná schéma EÚ z roku 2015, ktorú Nemecko podporovalo za účelom zníženia počtu utečencov smerujúcich do krajiny. Nemecké integračné zákony taktiež poukazujú na to, že aj keď je Nemecko modernou občianskou spoločnosťou, stále si čiastočne ponecháva charakter kultúry, ktorá je definovaná najmä pokrvnými kmeňovými väzbami. Imigranti musia napríklad absolvovať kurzy nemeckého jazyka a taktiež sa musia vzdelávať v nemeckých reáliách. Možno teda konštatovať, že tak v Nemecku, ako aj v Spojenom kráľovstve, je imigrácia a jej regulácia vnímaná cez optiku kultúry, ktorá vyplýva z histórie danej krajiny. V oboch krajinách sa k integrácii migrantov pristupuje ako k niečomu, čo priamo súvisí s počtom migrantov,

ktorých je možné prijať. V tomto zmysle teda prežíva v mysliach obyvateľov aj už predtým spomínaný koncept pevnosť Európa.

Nemecký prípad však vykazuje aj istú mieru nejednoznačnosti, nakoľko k vyššie spomenutému reštriktívnemu prístupu sa často pripája Nemecký pro-europанизmus. Členstvo v EÚ je pre moderné Nemecko integrálnou súčasťou národnej identity. Európska legislatíva teda nie je nemeckými štátnikmi vnímaná ako prekážka. Namiesto toho je vítaná ako nástroj, ktorým je možné obísť obmedzenia národnej legislatívy a presadiť migračnú politiku na nadnárodnej úrovni. To však platí aj pre zákony, ktoré majú za účel obmedziť imigráciu. Tak tomu bolo v prípade azylového kompromisu z roku 1968, ktorý vznikol na podnet ostatných členských štátov a mal slúžiť na obmedzenie nemeckej ústavy z roku 1949, ktorá garantovala azylové právo takmer všetkým uchádzačom. Podobným príkladom je relokačná schéma z roku 2015, nakoľko tento systém znížil počet imigrantov do Nemecka tým, že ich prerozdelením do ostatných členských krajín EÚ. Môžeme teda konštatovať, že tak Spojené kráľovstvo, ako aj Nemecko usilovali o zníženie imigrácie, no oba štáty si na dosiahnutie tohoto cieľa vybrali diametrálne odlišné spôsoby. V súčasnosti je zrejmé, že pro-európsky prístup zaistil nemeckej vládnej koalícii CDU/CSU neochvejnú popularitu. Obmedzením migrácie prostredníctvom nástrojov európskej legislatívy sa CDU/CSU vyprofilovala ako strana, ktorá sa vie korektne vysporiadať s pravicovým extrémizmom a aj vďaka tomu je v súčasnosti vnímaná ako najstabilnejšia a najlepšia možnosť do budúcich volieb.

Prístup nemeckých štátnikov, ktorý sa vehementne opiera o európske inštitúcie, má však za následok aj to, že národná vláda sa vzdáva priamej kontroly nad migráciou, keďže tá sa v procese externalizácie na nadnárodnej úrovni presúva na zmluvy a zákony EÚ. Je pravdepodobné, že práve takáto stratégia v oblasti migračnej politiky povedie k federalizácii štátov Európskej únie a význam národnej legislatívy bude v blízkej budúcnosti značne klesať. Pre Nemecko, v ktorého prípade pro-európsky prístup a korektný dialóg s menšinami zohrávajú dôležitú úlohu, je tento scenár v momentálnom stave vyhovujúci. Je však otázne, ako sa k takémuto vývoju postaví ostatné členské štáty.

Takúto otázku si môžeme položiť v prípade Francúzska. Francúzska migračná politika bola vystavená verejnej mienke až v 70. rokoch. Dovtedy bola vnímaná najmä ako administratívna záležitosť. O túto zmenu sa zaslúžila najmä populistická pravicová strana Front National, ktorá intenzívne poukazovala na krízu integrácie. Danú krízu si

uvedomovala väčšina politického spektra, no práve Front National svojimi vystúpeniami verejnú mienku najviac ovplyvňoval. Od daného momentu francúzske vlády uprednostňovali reštriktívnu politiku najmä v prípade, kedy usilovali o hlasy, ktoré by inak pohltila krajná pravica. Takýto prístup môžeme pozorovať v prípade vlády Nicolasa Sarkózyho, ktorý rozlišoval medzi žiadúcou a nežiadúcou migráciou, ale aj v prípade Françoisu Hollanda. Počas jeho volebného obdobia podporovalo Francúzsko relokačnú schému pre utečencov z blízkeho východu. Aj súčasný prezident, Emmanuel Macron, usiluje o zníženie imigrácie, napríklad prostredníctvom obmedzení sociálnych istôt pre imigrantov. Súčasne si však francúzski prezidenti osvojujú aj slovník a metódy krajne pravicových skupín. V prípade Macrona ide napríklad o legislatívu, ktorá má vytvoriť štátom ovládanú verziu islamu. Daný zákon nijakým spôsobom nezohľadňuje hlboké sociálne problémy menšín žijúcich vo Francúzsku a je v rozpore s francúzskymi republikánskymi hodnotami. Zároveň je zrejmé, že takéto stanovisko vlády posilňuje a legitimizuje pozíciu krajne pravicovej strany Rassemblement National<sup>7</sup>, ktorá v nedávnych prieskumoch dosiahla najlepší výsledok počas celej svojej histórie. Z toho možno usúdiť, že reštriktívna politika doplnená o nevhodnú rétoriku a metódy krajne pravicových strán dané politické subjekty iba posilní. Migračná politika Francúzska má tak presne opačný efekt ako tá využitá v Nemecku a namiesto stabilizácie dochádza k eskalácii protiimigračných nálad.

Z hľadiska európskej legislatívy sa Francúzsko podobá svojim prístupom skôr Nemecku, nakoľko ju tiež využíva ako nástroj. Externalizácia migračných zákonov na nadnárodnej úrovni však vo Francúzsku viedla k tomu, že vláda má v súčasnosti priamu kontrolu iba nad 5 percentami migrácie, pričom zvyšných 95 percent sa viaže na smernice, zákony a schémy EÚ. Nakoľko Macronova vláda momentálne preferuje spôsoby krajnej pravice, je otázne, či strata priamej kontroly nad imigráciou nepovedie k vystúpeniu Francúzska z Európskej únie.

V konečnom dôsledku je nutné konštatovať, že napriek tomu, že migračná politika je do veľkej miery riadená verejnou mienkou, povinnosťou štátnikov je danú verejnú mienku správne interpretovať prostredníctvom zákonov, ktoré nijakým spôsobom neposilnia protiimigračné tendencie ale skôr povedú k stabilizácii danej situácie. A pokiaľ verejnosť zohráva takú dôležitú úlohu, je nutné aby bola dostatočne informovaná. Z krátkodobého hľadiska k tomuto účelu dobre poslúžia informačné kampane, semináre a debaty odborníkov

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<sup>7</sup> Predtým známej ako Front National

zamerané na vplyvy migrácie. V dlhodobom časovom horizonte zohráva dôležitú rolu najmä vzdelávací systém, ktorý má za úlohu vychovať generáciu uvedomelých voličov.

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