Circular Migration Schemes: Renewed Interests of the Destination Countries

Derya Ozkul

Abstract

This article looks at the emergence of the concept of circular migration in the European Union (EU) context and makes three main arguments. First, it is argued that circular migration as a concept is not a new phenomenon but if the circular migration schemes (CMSs) are implemented in a strictly controlled manner, they can lead to even more unexpected results than faced by the previous guest-worker programmes. As the old temporary guest-worker programmes proved that temporary migration was not a temporary issue, the presently discussed legislation on CMSs can illustrate that migrants cannot be forcibly circulated, without creating new allegiances and new sub/supra national identities that would eventually alter the very foundations of the national states.

Second, looking at the developmental discourse of the legislative debates, the article argues that instead of a triple-win situation, CMSs conceal the further securitisation of the Union’s borders, which, in return, can transform national governments’ authority in the longer term. This is related to the third and final argument. The very emergence of these schemes evinces the change in time and space configurations in the contemporary world, which illustrates also the liberal paradox faced by national states. Instead of limiting the discussion on whether or not to launch the CMSs, this article ultimately elaborates on structural changes that facilitate their emergence and finally on their implications that should be considered in a broader sense.
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I Introduction

From the European Union to the US or Korea, many countries today are discussing how to manage their need for labour and the ever increasing number of ‘illegal’ migrants. The old guest-worker programmes (eg the Bracero programme in the US (1942-64) and the Gastarbeiter programme in Germany (1955-1973)) led to serious unintended consequences, namely continuing irregular migration to the US, and permanent settlement in Western Europe. Yet today circular migration schemes (CMSs) are offered as a new vehicle to provide a controlled flow of labour. In the European Union context, circular migration is defined as ‘a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries’ (European Commission, 2007). In other words, migrants are expected to work and settle for a short period of time and move continuously between destination and origin countries.

From the policy-makers’ point of view, the old programmes did not succeed because most of the workers did not return to their countries of origin but brought their families, had their kids raised in destination countries and eventually became permanent members of their societies. As Max Frisch has pointed out with his well-known phrase, ‘We wanted labour, but people came.’ This was apparently unexpected. As liberal democratic states, it is difficult, if not impossible, for destination countries to ignore their settled migrants. CMSs in this case seem to offer an optimal solution. However, can they really make sure that migrants will stay only temporarily and eventually return to their countries? In fact, can the issue of migration ever be handled in such temporary terms?

In answering this question, this article will look at the emergence of the concept of circular migration in the European Union (EU) context and will make three main arguments. First, circular migration as a form of movement has long existed in human history. Yet these have been much less regulated sorts of movements leading to a rather harmonious interaction between two places. Furthermore as will be shown, in most of these cases, circular migrants do return to their origin places. It will be argued that, on the contrary, if these movements are forced upon them, they can lead to even more unexpected results than faced by the previous guest-worker programmes. Second, looking at the legislation enacted and their developmental discourse, the article will argue that instead of a triple-win situation, CMSs conceal the further securitisation of the Union’s borders, which, in return, can transform national governments’ authority in the longer term.

This will be related to the third and final argument. The very emergence of these schemes evinces the change in time and space configurations in the contemporary world, which illustrates also ‘the liberal paradox’ (Hollifield, 2004) faced by national states. While national states are challenged in political, economic and ethical terms, victims are human beings, if they are to be imported for their labour as commodities. Instead of limiting the discussion on whether or not to launch the CMSs, this article will ultimately elaborate on structural changes that facilitate their emergence and finally on their implications that should be considered in a broader sense.

In this framework, the next section looks at the concept of circular migration from a historical point of view and presents earlier studies’ findings. The third section investigates
the reasons for the re-emergence of the same concept in the present era. The fourth section analyses the language used both in the European Commission (EC)’s Communication notes and during the debates by policymakers. The following two sections elaborate respectively on economic, political and ethical considerations of these schemes. The article concludes with their implications on Member States and argues that the legislation on CMSs should be reflected upon in a broader sense in order to grasp their inherent dynamics and thereby future potentialities.

II Circular Migration: Is it a new phenomenon?

Human beings are mobile by their very nature. In order to meet their needs, they look for the right place, they move if necessary, come back to their initial places or settle in others. In migration studies, these different sorts of movements have been categorised. Among those, circular migration, which means moving between two places in a continuous order, was identified already many decades ago. My point in this section is certainly not to argue about the natural characteristics of the phenomenon, as migration itself is primarily a social issue, but rather to show that circular migration has been going on for a very long time in human history.

Looking at circulation from the early pre-modern societies, for instance, Zelinsky defined the term as ‘a great variety of movements usually short term, repetitive or cyclical in nature, but all having in common the lack of any declared intention of a permanent or long lasting change in residence’ (Zelinsky, 1971). In fact, as early as in the 19th century, even in more abstract terms, the father of modern migration studies, E. G. Ravenstein had described in his fourth law of migration that each migration produces a movement in the opposite direction, which would include return movements as well (Grigg, 1977). Further examples can be found in the works of Elkan (1967) for circular patterns of movement in East Africa, in the works of Geerts (1963) for Indonesia, in the works of Conaway (1977) for Venezuelan frontier areas, or in the works of Graeme Hugo (1977), the leading geographer in the APAC region, for circulation patterns between Australia and other Asian-Pacific countries. Hugo in his later works argued that although ‘circularity, reciprocity and complexity are structural features of the Asia-Australia migration system, they are not peripheral nor ephemeral’ and added that in fact other OECD countries do have similar patterns of migration but simply lack advanced data-tracking systems to disclose them (Hugo, 2009, 30).

These are only a few examples to illustrate that circular migration was discovered to be long-standing in many contexts around the world. Looking at their older forms, one can assume that it has existed for a long time in the human history, long before any academic writing. So why is it then today that debates around it increased so enormously? The term is being used lately in many inter-govermental meetings and international academic conferences on migration and being offered as a ‘silver bullet’ both for developed and developing countries and even for migrants themselves (Skeldon, 2010). What is different in these discussions however is that circular migration appears to be a ‘managed’ concept. In other words, contrary to former unplanned, impromptu, sporadic sorts of movements, today circular migration is planned to be directed and to be stringently controlled at each instant of the movement to make sure that migrants do return to their origin places. Different than the old guest-worker systems, the CMSs today envisage even stricter regulations with an absolute prohibition on family reunion schemes.
III Alternative Definitions: Why to discuss the CMSs today?

Although discussions on circular migration have grown in the last years in many contexts around the world, none of them could offer a clear definition of the term. Whether it was on village-town-cities or cross-border flows, the old literature on migration\(^1\) studied circular movements within ‘repeat, rotating, multiple, seasonal, cyclical, shuttling, or circuit-based modes of migration’ (Vertovec, 2006). Compared to the CMSs initiated by the European Commission that will be discussed in the next sections of this article, these were rather unregulated, less formal and less regulated systems (See for further Newland et al., 2008). The CMSs discussed today are initiated by national states and bolstered by corporations that select, employ and transport workers from one place to another and follow them at every instant of their movement. Moreover, today the discussions pivot mostly around material needs but, in fact, as Newland et al. (2008) rightly argue, circular migration occurs not only because of economic reasons but also because of social and cultural ones.

Looking at the pre-existing cultural ties, Cassarino (2008), for example, identifies what he calls ‘*embedded circular migration*’. In his words, ‘When a form of symbiotic relationship exists between people and territories, when people cohabit with a border which (administratively but not physically) demarcates two territorial entities that are characterised by frequent exchanges of goods, contacts and interaction, when frequent circular movements exist *despite* and because of the border, then circulation is embedded into the lived reality of a territorial area, which encompasses two or several countries’ (Cassarino, 2008, 3).\(^2\)

In some cases, such a symbiotic relationship can even shape and change the national policies. The recent change in visa regulations between Turkey and Syria is an example for this. The previously existing visa requirement has been abrogated considering the continuously active relations between the two sides of the border. A similar symbiotic relation can also be observed in Edirne between the citizens of Turkish and Bulgarian origin in both countries. Yet even if any political initiatives were taken at this point, changes on visas in this case would be subject to broader EU regulations.\(^3\)

However what is important to note here is that these sorts of circular migration flows are rather ordinary and regular. They are established forms of circularity based on social and cultural needs and a particular history between the two sides of the border. According to Annelies Zoomers, a Dutch geographer, circular movements imply that ‘migrants are free to come and go, whereas the others (temporary, cyclical or contract migration) are more or less forced and managed forms of temporary residence.’ (quoted in Skeldon, 2010, 3).\(^4\) Contrary to these natural sorts of movements, the CMSs that are attempted by the European Commission are managed, regulated, however still unpredictable. So why then do the destination countries bring such a regulation and thereupon an unforeseeable policy into their discussions with the third countries?

Two important reasons are based on demographic and economic necessities. First, the median age of the European population in 2030 is projected to be between 34.2 years and

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2 Please note that the italics are added.

3 See the recent local news, HATAYTURK 2 September 2010. Following the visa, now the passports. *Hatayturk.* 2 September ed.

4 Please note that the italics are added.
57.0 years, while only in 2008 it was projected to be between 32.9 years and 47.8 years. Similarly, in 2030, the share of the population aged 65 years or over is expected to be between 10.4% and 37.3%, while only in 2008, the same share of population was expected to be between 9.1% and 26.8% (Giannakouris, 2010). The low fertility and the decrease of the young population signal that the workforce available for low-skilled jobs, which are usually conducted by young employees, will also decrease.

On the other hand, the EU is also at the risk of losing its competitive advantage for the highly skilled workers that it needs. Even the recent EU policies for attracting highly skilled workers cannot compete with the ones of the US, Canada and Australia. Moreover what the EU needs is, in fact, workers of diverse skills, in other words not only of low and highly skilled workers, but also workers for different positions in various sectors (see for further Schierup et al., 2006). Although today the new technologies and the intensification of multi-national companies allow for international outsourcing, there are still certain industries that need their workforce ‘on the ground’ (Castles, 2006). For instance, today some of the officers paging at the Frankfurt airport work in India. Or the products of the textile industry and many other manufacturing industries are made in and exported from China. But sectors such as construction, security, cleaning, domestic service, child care and elderly care services, sex and entertainments services and all sectors related to health services need their workforce to live in the country. Moreover the receiving countries need workers from abroad with different skills more than ever, due to increasing complexity in lifestyles and various emerging needs.

Secondly, the attempt to ‘manage’ migration is also related to concerns about the growing informal economy. In Italy for instance 39.7% of all immigrants in 2001 were estimated to be undeclared, with nearly two third of them lacking a residence permit (Reyneri, 2003b). The informal economy can be said to be beneficial for business, and to a certain extent for the state, as it relieves social welfare spending. However at a certain point it can be detrimental, as it would annihilate the state’s authority. This is best explained by Hollifield in his argument of the ‘liberal paradox’ for the modern-day states (Hollifield, 2004). The changing EU policies lead states to take flexible measures in their economies, which further create more informal economy as an unintended consequence (Reyneri, 2003b).

A clear attempt to end irregular migration starts from its very source, i.e. employers who recruit irregular migrant workers. However many states consciously ignore them either by changing their border controls according to the sectoral needs or by just not inspecting the workplaces. Hanson and Spilimbergo find that the authorities in the United States relax their border enforcement when demand for undocumented labour is high in the peak seasons of

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5 For a further discussion on the applicability of the Blue Card, which is the EU’s latest attempt to attract highly skilled workers, see the discussion by CERNA, L. 2010. The EU Blue Card: A Bridge Too Far? . Conference paper presented in 5th Pan-European Conference on EU Politics Porto. Portugal.

6 According to the recent findings by EUROSTAT, manufacturing sector has adopted international outsourcing to a far larger extent (often three or four times more), than those active in other sectors. For instance, the majority of Irish (57.1 %) and UK manufacturing enterprises (57.3 %), and over one third of the manufacturing enterprises in Denmark have been sourcing internationally. See for further details OECD. 2011. International sourcing statistics [Online]. Available: http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/International_sourcing_statistics [Accessed 17 April 2011]. The main motivation factor for international outsourcing is the reduction of labour costs (45%). See for further details OECD. 2010a. International sourcing [Online]. Available: http://epp.eurostat.ec.europa.eu/portal/page/portal/european_business/special_sbs_topics/international_sourcing [Accessed 17 April 2011].
agricultural production (Hanson and Spilimbergo, 2001). Or as Ruhs (2006) notes, in the period between 1998 and 2004, in the UK only 17 employers were found guilty of employing irregular migrants. This clearly demonstrates a lack of emphasis on the core point to investigate, if irregular migration is to be truly ended. Although influenced by stricter controls, Table 1 shows that the number of third country nationals found to be irregularly present still remains very high specifically in the classical immigration countries of France, the UK, Germany as well as the border Member States of Greece, Spain, Italy and Portugal.

<table>
<thead>
<tr>
<th>Country</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL</strong></td>
<td>612.635</td>
<td>572.295</td>
</tr>
<tr>
<td>Belgium</td>
<td>13.800</td>
<td>13.710</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1.415</td>
<td>1.465</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>3.335</td>
<td>3.955</td>
</tr>
<tr>
<td>Denmark</td>
<td>610</td>
<td>640</td>
</tr>
<tr>
<td>Germany</td>
<td>53.695</td>
<td>49.555</td>
</tr>
<tr>
<td>Estonia</td>
<td>1.050</td>
<td>860</td>
</tr>
<tr>
<td>Ireland</td>
<td>3.185</td>
<td>5.035</td>
</tr>
<tr>
<td>Greece</td>
<td>106.715</td>
<td>108.315</td>
</tr>
<tr>
<td>Spain</td>
<td>92.730</td>
<td>90.500</td>
</tr>
<tr>
<td>France</td>
<td>111.690</td>
<td>76.355</td>
</tr>
<tr>
<td>Italy</td>
<td>68.175</td>
<td>53.440</td>
</tr>
<tr>
<td>Cyprus</td>
<td>7.000</td>
<td>8.030</td>
</tr>
<tr>
<td>Latvia</td>
<td>310</td>
<td>245</td>
</tr>
<tr>
<td>Lithuania</td>
<td>910</td>
<td>1.495</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>-</td>
<td>260</td>
</tr>
<tr>
<td>Hungary</td>
<td>4.845</td>
<td>8.970</td>
</tr>
<tr>
<td>Malta</td>
<td>3.015</td>
<td>1.690</td>
</tr>
<tr>
<td>Netherlands</td>
<td>7.505</td>
<td>7.565</td>
</tr>
<tr>
<td>Austria</td>
<td>14.500</td>
<td>17.145</td>
</tr>
<tr>
<td>Poland</td>
<td>5.430</td>
<td>4.520</td>
</tr>
<tr>
<td>Portugal</td>
<td>28.605</td>
<td>11.130</td>
</tr>
<tr>
<td>Romania</td>
<td>3.790</td>
<td>4.365</td>
</tr>
<tr>
<td>Slovenia</td>
<td>1.555</td>
<td>1.065</td>
</tr>
<tr>
<td>Slovakia</td>
<td>2.320</td>
<td>1.715</td>
</tr>
<tr>
<td>Finland</td>
<td>5.375</td>
<td>6.660</td>
</tr>
<tr>
<td>Sweden</td>
<td>440</td>
<td>22.230</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>69.840</td>
<td>69.745</td>
</tr>
<tr>
<td>Iceland</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>Norway</td>
<td>770</td>
<td>1.600</td>
</tr>
</tbody>
</table>

Source: (OECD, 2010b)
The issue of irregular migration becomes critical if it reaches the point where the legitimacy and the legal functioning of states are questioned. Particularly at times of crisis, these questions increase sharply (Hurriyet Daily News, 8 December 2010). Recent statements made by the UK’s Prime Minister, David Cameron, declaring that they want ‘good immigration not mass immigration’ are also another good example to show how the policies change within the discourse of the recent economic crisis. In order for national states to keep their unity and legitimisation, they need secure management systems of inflows. Therefore although not necessarily supported by the business sector, national states need to show that they are controlling and exercising their authority over increasingly becoming fluid borders.

Instead of acknowledging that their borders are becoming more fluid in parallel to the conditions set for the business sector, national states attempt to resuscitate their legitimacy by these very schemes. All matters of public concern though need some sorts of discursive legitimization (Benhabib, 1992). Looking at the discourse used in circular migration debates, the next section will explore both the stated and the underlying reasons and will argue that there is a deeply entrenched securitisation attempt by national governments of the destination countries.

IV Unveiling the political discourse

As a legal term in the European Commission, the concept of circular migration was created only after long discussions and negotiations between the Member States. It is important to explore these discussions, especially their concluding reports, in order to understand the context in which the term emerged. Following the Treaty of Amsterdam, in 1999, the European Council held a special meeting on the creation of an area of freedom, security and justice in the European Union. The meeting identified the focal points of the Union’s work for the years ahead as ‘strengthening the common foreign and security policy, including developing a European security and a defence policy’ (Council of the European Union, 1999). In this framework, Tampere milestones included A Common EU Asylum and Migration Policy for the period of 1999-2004. Developing and strengthening security policies, Tampere milestones emphasized establishing ‘partnership with other countries’ and promoting ‘co-development’:

“The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. .....To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development” (Council of the European Union, 1999, para. 11).

The Tampere Programme was followed by the Hague Programme, which provided the agenda for the EU’s immigration policy for the period of 2005-2009 (Council of the European Union, 2005). One of the measures proposed for the Hague Programme was ‘to ensure a flexible immigration policy that is in line with the needs of the job market whilst at
the same time support the integration of immigrants and tackle illegal immigration’. Before
the Programme fully started, the Communication on Migration and Development presented
more concrete orientations while identifying the term ‘circular migration’ for the first time:

“Policies to maximise the developmental impact of temporary migration, in addition to
the general recommendations on remittances, should focus on encouraging circular
migration, by giving a priority for further temporary employment to workers who have
already worked under such schemes and have returned at the end of their contract, and
also on offering appropriate rewards to participating migrants” (European Commission,
2005a).

Lastly, the Stockholm Programme was initiated for the period of 2009-2014 highlighting
migration as a priority area. The Stockholm Programme differs from the earlier ones in many
aspects. Most essentially to our discussion, it included a specific section on a Global
Approach to Migration. This identifies mainly three areas to work on: promoting mobility
and ‘legal’ migration, optimising the link between migration and development, and
preventing and combating ‘illegal’ immigration. Moreover, the Global Approach to
Migration defines cooperation with third countries as the first priority, which was either the
third or the fourth in previous Programmes. Accordingly;

“Based on the original principles of solidarity, balance and true partnership with
countries of origin and transit outside the Union and in line with what already has been
accomplished, the European Council calls for the further development and consolidation
of this integrated approach” (Council of the European Union, 2009).

The Programme emphasises particularly the development of origin countries as clearly
pointed out in Paragraph 6.1.2.:

“Efforts to promote concerted mobility and migration with countries of origin should be
closely linked with efforts to promote the development of opportunities for decent and
productive work and improved livelihood options in third countries in order to minimize
the brain drain” (Council of the European Union, 2009, 62).

In these contexts, circular migration schemes were believed to bring a triple-win effect, ie
benefits to both destination and origin countries, as well as to migrants themselves. Destination
countries would benefit as these schemes would provide them the workforce they need; origin countries would benefit as they would not cause them any brain drain but instead create an additional technical know-how and migrants would benefit as they would contribute to their economic development.

The idea that such temporary schemes would be beneficial to origin countries and to
migrants themselves were also bolstered by international organisations as well as recent
academic researches. Looking at the case of Moldova, Pinger (2010) for instance suggests
that migrants’ remittances increase by 30% if they intend to return to their origin countries.
Her findings indicate that when compared to permanent migration, such a pattern is
‘favourable for developing countries, as it fosters not only repatriation of skills, but also

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7 See the press release EUROPA. 10 June 2009. European Commission outlines its vision for the area of
freedom, security and justice in the next five years [Online]. Available:
higher remittances, and home savings’ (Pinger, 2010). However no one policy can be a miracle and any that seems to be immaculate at the first sight needs further elaboration.

First of all, why do the destination countries need to emphasise cooperation and development of third countries? Cassarino suggests that the emphasis on increased cooperation and dialogue with the third countries was because of pragmatic reasons but also because of the changed power relations between the EU and the neighbouring countries (Cassarino, 2009). Today, as most of the Northern African and South-eastern European countries are not only origin but also transit ones, they have the leverage to put pressure on countries of final destination. On the other hand, the developmental effect is also used by the destination countries as a pretext to reduce their direct development aid.

In the same lines, the developmental discourse was used also in the Communication on a Policy Plan on Legal Migration stating that the EU should:

“..... actively pursue efforts to design temporary migration schemes that could help maximise benefits for all interested parties, ie responding to labour needs in Member States while contributing, through eventual return, to the development of countries of origin and offering skills and other gains to participating migrants” (European Commission, 2005b).

However, it is important to note that the Plan envisaged the development not for all potential migrants but only for four types of workers: highly skilled and seasonal workers for specific sectors, intra-corporate transferees, and remunerated trainees (European Commission, 2005b, 6-8). In this respect, let alone the development of the origin countries, the Plan failed to address ‘one of the key problems of the EU labour market: the projected future demand for labour of all skill levels’.

Later, a Franco-German plan presented by Nicolas Sarkozy and Wolfgang Schauble offered circular migration schemes as an attractive policy tool to the informal G6 (France, Germany, Italy, Poland, Spain and the UK) interior ministers who gathered together in 2006. Here the ultimate aim was to reduce the irregular immigration flows into the EU. They declared:

“We do not want uncontrolled immigration into our labour markets and our social security systems. In order to promote circular migration, quotas should be set for the migration of labour into certain occupations...in order for the concept of circular migration to succeed, it is important that migrants return to their countries of origin after their stay in an EU Member State. ...Finally, we also have to make sure that the countries of origin unconditionally comply with their obligation to readmit those migrants who do not want to return voluntarily”(quoted in Carrera and Hernandez i Sagrera, 2009, 11).

Thereafter Communication notes continued to emphasise increased cooperation with the origin countries. One example is the language used in the Communication on Circular Migration and Mobility Partnerships (European Commission, 2007). In this one, the term ‘mobility partnerships’ was used for the first time instead of ‘mobility packages’. The Communication presented the circular migration schemes to improve the management of movements of people between the EU and third countries. Accordingly the CMSs were proclaimed as the novel approach to combat ‘illegal migration’ with the condition that the

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8 Please note that the italics are added.
migrants ‘must re-establish their main residence and their main activity in their country of
origin’ (European Commission, 2007, 9).

Although pointing out the conditions quite clearly, the Communication abstained from explaining the conditions after the return. Following their work for a limited period of time, it is not very clear for the migrants how to sustain their livelihood right after the end of their contract. As finding a job is not easy even in a familiar place, it is even more difficult to look for it while residing abroad. Circular migrants in this sense seem to risk their immediate needs during the time they will have to spend finding employment in both places. For the CMSs to be successful in development of at least these four types of workers, the policy makers need to take into account migrant workers’ ability to mobilise their resources and their ‘preparedness’ to return (Cassarino, 2004).

However many policy makers such as Sarkozy continued to call for a controlled migration from their own perspective. EU Justice Commissioner Jacques Barrot’s statement is also a very good example for the Union’s emphasis on an organised and managed migration: ‘We need a Europe that is open, but a Europe that is open with certain rules, done in a harmonized way and well organized’ (Spiegel, 7 August 2008). These statements are not necessarily contrary to the ones in the Communication notes. The development of Third Countries and an increased cooperation with them can both facilitate managed migration and save the destination countries from the burden of some of their direct development aid.

What is important, however, is the difference between the developmental discourse of the five-year Programmes along with the relevant Communication notes and the security-based discourse of the policy makers. In most of such statements, managing migration is mentioned in the context of security issues. The document titled ‘A Strategy for the External Dimension of JHA (Justice and Home Affairs)’ summarises the above statements the best:

“In order to meet the expectations of its citizens the European Union must respond to the security threats of terrorism and organised crime, and to the challenge of managing migration flows. If the EU is to be effective in doing so it needs to work with countries outside the EU .... The EU should therefore make JHA a central priority in its external relations and ensure a co-ordinated and coherent approach” (Council EU, 2005, quoted in Hansen and Brian Hager, 2010, 186).

V What is different today: Political and economic considerations

While the policy makers use a securitising and disciplining language for the media, the already existing temporary programmes are overlooked. Today in Europe, many countries already use temporary workers to meet their labour demand. The UK has specific agreements for temporary migrants in the sectors of hospitality and food processing. Spain and Italy accept temporary migrants from Latin American and Northern African countries mainly for their agriculture-related sectors. Indeed the fact that we are discussing circular migration schemes, i.e. continuous movements instead of one single time, reveals the present constant need for migrants in these economies.

There is, however, a certain set of different characteristics in contemporary CMSs. With the overall change in the actors playing on the political scene, today international organisations are significant in the discussions, planning and applications of these programmes. One example is IOM’s extensive role in the preparation of the mobility partnership program with Moldova. Whereas the old circular movements were initiated by
clan leaders, small-scale producers, or less bounded individuals, actors involving in the contemporary CMSs are national states, international corporations, intergovernmental organisations (e.g. EU, IOM, International Centre for Migration Policy Development, etc). The increasing multiplicity of actors implies an even more complex set of interests involved in contemporary migration flows.

Discussions on CMSs today also prove that a new phenomenon is becoming established in our societies and these very discussions and implementations of these schemes facilitate and enhance its further development. If we can talk about these circular migration schemes, it is also because there are certain changes in the extent of mobility. First of all, there is a clear transformation in economic and social spheres of the contemporary society. In the economic realm, capital is rendered more and more decentralised and flexible requiring labour to match its degree of velocity. In this sense, mobility of labour becomes imperative, in parallel with that of capital. That creates more and more ‘vagabond workers’ (Garsten, 2008) for whom moving can happen at any time, for any period of time according to available source of employment. Although it can be argued that it is the freedom of the worker to choose to participate in these programs, given their limited options, this sort of a freedom cannot be claimed to exist. Instead, a constant readiness to move is necessary for labour as in the case of a constant potential to move for capital. These changes are illustrated within ‘disorganised capitalism’ (Lash and Urry, 1987) or ‘new world capitalist order’ (Harvey, 1989) pointing out that current business is more flexible, decentralised and more diverse. A comprehensive discourse analysis of the current citizenship policies is provided in Peo Hansen’s latest work (Hansen and Brian Hager, 2010). According to Hansen and Hager, such neoliberal communitarian policies “risk inducing ‘exhaustion of society’, whereby ‘the organisation of daily life’ becomes ‘insecure and increasingly difficult’ for the majority of the population ... [and] ... brings even more dire consequences for the EU’s migrants” (Hansen and Brian Hager, 2010, 123).

What is also different today is that the means for such mobility do exist, at least to a certain point, with much cheaper transport facilities. However even if the transport costs were free, there could be no such an ideal movement in parallel with capital. In practice, there are certain constraints that impede labour to move. The first one is that labour is not a mere disposable machine, but a social being tied to other human beings and objects, i.e. family members, close friends, as well as cultural and material attachments. The second impediment includes the political constraints. The visas imposed upon labour are far more politicised than the transaction fees impeded upon capital. Therefore there is a paradoxical practice that whereas business cries out for more flexible labour, ideally including all the citizens of the world, the state limits their demands while obeying their flexible economic needs. Ideologically it offers a terrain where capital can move relatively freer, whereas politically it creates rigid boundaries for labour.

As regards the paradox between the business and the state, circular migration thus appears to be the best option. It provides business the flexible labour it wishes for, to a certain extent, and allows the state to protect its rigid borders. However this can hold only for a short period of time. Implications of these schemes seem to be the very sources of their failure. There are two main reasons for this argument. The emerging ‘flexibilization’ (Harvey, 1989) destroys the very foundation both for human beings and for national states. At the individual level, it creates a vagabond tied to business and state interests. Although there have always been vagabonds in every society in history, imposing the circular schemes on their movements force them to obtain transnational identities, even in cases they, consciously or unconsciously, abstain from doing so. Furthermore, according to Bauman a
vagabond becomes also a stranger (Bauman, 1995). Through these movements, everywhere he goes becomes his place, but eventually nowhere becomes his real place (Bauman, 1995, 94). This is related to the second reason that in the long term, at the state level, a new configuration of rights and obligations in relationship to citizenship and democracy emerges (Ong, 1999). In other words, a strictly managed, therefore, a ‘forced’ circular migration has the potential to create forced transnational identities, which may later on transform the traditional loyalties to national states.

None of the above-envisioned causalities are one-dimensional; they rather emerge from multi-dimensional effects reinforcing each other. However the point is that legislative discussions on CMSs emerge from both a political and economic discourse, but also from a new set of configurations of time and space in the contemporary world and have the potential to create new configurations, at this time, to a much less expected extent. As the old temporary guest-worker programmes proved that temporary migration was not a temporary issue, these CMSs can illustrate that migrants in the present world cannot be forcibly circulated, without creating new allegiances and new sub/supra national identities that would eventually transform the very foundations of the national states.

VI Ethical considerations: Implications for national states

Apart from the liberal paradox in economic and political terms, national states today are in a liberal paradox in ethical terms. On the one hand, the liberal democracies support inalienable individual human rights as universal rights and acclaim them in the international arena. On the other hand, they restrict them when their borders seem to be ‘threatened’. In order to strengthen their authority, national liberal states intervene in the right to move of other nationals at times when it is expedient for them to do so. However in any respect, international migrants remain deprived of their universal human rights. Either being ‘illegal’ or being ‘legal’ but limited to a certain period of time and/or employer, they cannot enjoy their full rights and often become exposed to exploitation.

Circular migration schemes seem to create further disembeddedness in the migrants’ lives by tying them up to certain sectors and employers in pre-defined periods of time. These spatially and temporally confined workers risk becoming a new model of virtually indentured servitude (De Genova, 2009). Even though CMSs propose multiple possibilities of entries for the following years, migrants participating in these schemes will have to have dual lives. Instead of choosing to migrate for periods of time that they wish, they will have to participate in these schemes for a limited time in a recurrent pattern. This, although acclaimed by policy makers as an advantage not to lose their links to their home countries, also means that they will be apart from their families and their belongings at home. CMSs that are discussed in the EC today do not allow migrants to bring their family members.

As migrants will be tied to their family members back home, this is a way to make sure that they will have to return back to their countries. One of the examples most cited by human rights advocates are the Moroccan workers employed in Spanish plantations under agreements signed by ANAPEC (National Agency for the Promotion of Employment and Skills). Most of the workers employed in these plantations are married Moroccan women with children, in other words the ones who will have to go back to take care of their dependents. If these schemes make sure that the migrants would return to their countries, they also make sure that their dependents will have to stay apart while they are away. This is crucial to emphasise. Not because these considerations will also decrease workers’
productivity, but because these obligations are against their very human rights. In destination
countries, their tie to their employer will certainly increase their vulnerability, whereas in
origin countries, their dependents will be at risk of being unprotected. Among the present
immigrants to the EU, many non-EU immigrants are of younger age. More than half are
between 20 and 34 years old (EUROSTAT, 2008). Considering that many of the circular
migrants are similarly young, one can see that this would either delay or rupture their
partnerships, or if they do have any children, leave them at risk alone.

Needless to say, these considerations are well-known and have been rightly
questioned (Castles, 2006, Zoomers and Adepoju, 2008). The long term needs of the
Member States of the European Union – as discussed above – are also similarly known, but
the policy makers are interested to find only short term solutions for their immediate terms.
On the other hand because they are democratic and respectful to human rights both in their
national legislation and in their adherence to international human rights treaties, it is almost
impossible to declare the ethical considerations of these schemes explicitly. As Benhabib
puts it, ‘the modern state system is caught between sovereignty and hospitality, between the
prerogative to choose to be a party to cosmopolitan norms and human rights treaties, and the
obligation to extend recognition of these human rights to all’ (Benhabib et al., 2006, 31).

Lastly, with regard to the rights of the migrant workers, the sites of authority for
national states are being renegotiated and rendered more fluid than ever. If the circular
migrants are deprived of their rights of having one single residence, they are bound to create
further transnational spaces than they would naturally do so. Circular migration patterns in
this sense create more transnational spaces where paradoxically the sites of authority for
national states are re-defined and unravelled. In short, the liberal paradox in ethical terms is
that such ‘transnational migrations bring to the fore the constitutive dilemma at the heart of
liberal democracies: between sovereign self-determination claims on the one hand and
adherence to universal human rights principles on the other’ (Benhabib, 2004, 2).

VII Conclusion

There are certain concrete points to deduce from these implications. Due to the above-
mentioned structural changes in the contemporary world, today the CMSs regain their
importance among policy circles and emerge as the new tool to manage international
migration. The recent legislative debates provide us the opportunity to discuss these changes
and their possible implications for future policies. Although circular migration, as a concept,
is nothing new, these presently discussed schemes reflect a new set of configurations of time
and space in our societies. Through changes in the extent of mobility, today it is possible to
discuss shorter term, more frequent and more flexible types of employment plans. Through
changes in the new technologies, it is possible for states to apply even stricter border controls
and to follow literally every instant of movements.

In fact, the very definition of the CMSs demonstrates that one-time temporary
schemes are not adequate for the needs of destination countries, that there is rather a
continuous need in their economies. If one of the ultimate aims is to meet these needs, while
decreasing ‘illegal’ migratory flows, the sanctions should be directed primarily to those who
profit from them, namely smugglers, traffickers and exploitative employers. The new
technologies that allow states to control their borders and irregular migrants also allow them
to monitor these persons to a greater extent.

As suggested, it is impossible and unfeasible to conceptualise migrant workers as
mere commodities to be circulated around. Their social and material attachments need to be
taken into account if these schemes are to be successful. This, in fact, is related to the second main assertion. Considering migrants’ daily lives and social attachments in their home countries, there is a paradoxical situation, which will affect the applicability of these schemes in the longer term. This is important to realise for policy-makers while they consider future potential consequences. While national states aim at decreasing ‘illegal’ migration and solidifying their fluid borders, they simultaneously help bring about the disintegration of their very foundations. CMSs, as argued in this article, have the potential to create further transnational identities, which will transform and reformulate the internal functions of states and societies. This is not to say that the former’s authority will decrease, but the members of these societies will be redefined as well as responsibilities of these states. Even if circular migrants are strictly deprived of political and civil rights at the destination countries, they will eventually have ‘partial membership’ (Levitt and Schiller, 2004) in a short-term and recurrent pattern simultaneously in two societies. Circular migrants, in other words, will bring their two social fields together, consciously or unconsciously, while creating new allegiances and a new set of rights and responsibilities. This is nor to say that CMSs will alone be responsible for such grand structural changes. It is merely to suggest that CMSs should be analysed in greater depth in order to grasp their inherent dynamics and thereby future potentialities.

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