

Circular Migration between the EU and Third Countries



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Abstract

This paper is concerned with the question: To what extent does EU circular migration policy benefit the development of third country immigrants and their countries of origin? To answer that question three relevant EU policy documents are analyzed with the help of a framework consisting of three dimensions, namely, economic development, autonomy and integration. The EU policy documents analyzed cover all 'actor-dimensions' but, overall, the interests of the countries of origin seem to be addressed better than the interests of the migrants. Thus, the EU policy focuses more on increasing the development of the country of origin as a whole than on improving the individual situations of the migrants.

Key words: circular migration, EU, third countries, migrants, development

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Acknowledgements

When I wrote the proposal for my Bachelor thesis I wanted to travel to Morocco and evaluate some EU projects over there by interviewing people. After realizing that it would be too much work for a Bachelor thesis I at least wanted to conduct some interviews with experts on the topic here in Europe next to carrying out a policy document analysis. When this turned out to be difficult I decided to do a policy document analysis of relevant EU policy documents and a document analysis of an EU project. Well, finally, this thesis contains just an EU policy document analysis which turned out to be enough work. I want to thank my supervisors, especially Dr. J. S. Svensson, for guiding me through that process and saving me from getting stuck with my research somewhere in Morocco. Even though it was not always easy to write this thesis and to keep motivating myself, I learned a lot throughout the process and I know much better what to keep in mind when writing my Master thesis now.

1. Introduction

1.1 General introduction to the topic

Migration from third countries and development in the countries of origin are highly debated topics within the European Union (EU). It is discussed how migration can be best managed and how development in the migrant sending countries can be fostered. In this case, the interaction between migration and development is large and complex (O'Neil, 2003). According to Kofi Annan, international migration offers an ideal means of promoting co-development of the migrants' countries of origin and of the societies that receive them (Bieckmann & Muskens, 2007). In the past, restrictive EU immigration policies have marginalized migrants and thus decreased the development and poverty reduction potential of migration. There has been a selectivity of migrants and an interruption of circular migration patterns. (IMI, 2009)

Policy makers currently explore new approaches in order to increase the coherence in migration policies, reduce irregular migration and serve origin country development. Circular and temporary migration programmes are discussed (IMI, 2009). Immigration policies allowing for free circulation can enhance the vital contribution of migrants to the development of sending and receiving countries (De Haas, 2005b). Ideally, circular migration could bring win-win-win results, for receiving countries by meeting labour market shortages, for sending countries through remittances flows and workers acquiring skills and for migrants through employment and the control over the use of their wages (Vertovec, 2007). Bieckmann & Muskens (2007) state that a full migration circle is an important precondition for circular migration policies to work. A full migration circle exists when migrants are able to come and go, and to come back again. Circular migration is often used as an equivalent of temporary, cyclical or contract migration. But circular migration means that migrants are free to come and go, whereas the others are more or less forced and managed forms of temporary residence. The concept of circular migration is defined as a continuing, long term and fluid pattern of international mobility that can exist naturally or with government intervention (Top 10 Migration Issues of 2008, 2008).

The EU Commission defines circular migration as a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries (COM(2007) 248 final). Apparently, this definition is formulated more restrictive than the definitions composed by other scholars mentioned above. Currently, the EU is working on its circular migration policy and finances several projects encouraging circular migration. Examples of EC projects financed and executed by the European Union in cooperation with institutions in third countries to facilitate the management of legal migration flows in third countries and circular migration are numerous. A list is provided in the Commission Communication COM(2007) 248 final, annex II, p. 18. In Box 1: The ANAPEC project, a description of a circular migration project is given. It serves as a perfect example project to show EU activity in that domain.

1.2 Problem definition

Between the EU and migrant sending countries such as Morocco exists a complex migration and development issue. The European Commission states that an agreement on common EU rules covering the broad spectrum of migration issues is necessary. According to the Green Paper on an EU approach to managing economic migration, overall employment levels in the EU will fall due to

demographic change even if the Lisbon employment targets are met by 2010. More sustained migration flows could increasingly be required to meet the needs of the EU labour market and ensure Europe's prosperity. (COM(2004) 0811, p. 2)

Box 1: The ANAPEC project

One example of EC funded projects is called 'Support to the movement of people (MED/2003/5725)'. Under the MEDA II project, out of total costs of € 7.736.000, the EU finances the project with € 5 million between 2004 and 2009. The objective of the project is to improve labour migration schemes between Morocco and the EU. Strengthening the relevant structures of the Moroccan National Agency for the promotion of Employment and Skill (ANAPEC) is the specific objective. ANAPEC offers the following services: information and documentation, judicial services, orientation and professional training for migrant candidates, making contacts with European employers to enable them to recruit Moroccan labourers and assisting the migrants to reintegrate when coming back to Morocco. In 2001 France signed a contract with Morocco and ANAPEC, in 2003 Spain followed after having signed an agreement with Morocco in 1999. In 2005 Italy followed. International job placements through ANAPEC rose from 330 in 2003 to 2,300 in 2006 to 12,000 in 2008. The expected number of placements for 2009 is 16,000. Most placements are in Spain in the agricultural sector. The profile of the worker searched for is a woman living in a rural area, between 18 and 40 years old, having agricultural experience, a good physical condition and children. Thus it is not surprising that 92% of migrant workers placed through ANAPEC are females. They receive on average 3 month contracts, € 35 per day for 6.5 hours of work and if they return after the contract ceases they have the chance to come back the following year (Mghari, M., 2008). Through those measures the workers' return rate to Morocco lies between 95% - 100%.

The EU labour market is in need of unskilled workers as well as academic professionals and everything in between. Eurostat projects that in the EU25 "the share of population of working age [...] in total population is expected to decrease strongly, from 67.2% in 2004 to 56.7% in 2050, a fall of 52 million. Immigration is one of the available tools to ensure economic sustainability and growth." (COM(2005) 669 final)

There is a controversy whether circular or temporary migration benefits the countries of origin to the same extent as the country of destination. Countries of origin would have an interest in permanent emigration of surplus low-skilled workers and temporary emigration of the highly skilled. The interest of labour importing countries is the opposite, lower-skilled migrants are welcome only temporarily and high skilled migrants tend to stay for longer periods or permanently. Unfortunately, the ready availability of low-skilled labour in a situation of global surplus gives all the market power to the demand side. (Castles, 2008)

O'Neil (2003) argues that public policy must reflect that the basic units of migration and the most important actors for development are migrants themselves, not the state. Policies must be built around migrants to give them incentives and disincentives that further both, the aims of receiving countries and the development aspirations of sending countries.

Circular migration may possibly help to achieve this goal and solve the problem of unequal or less than possible benefits of migration for sending countries, receiving countries and migrants if it is

implemented the right way and executed consistently. It is expected by the EU that “development of new, faster modes of transportation and communication as well as the emergence of transnational communities mean that circular migration and return migration will become increasingly widespread” (COM(2005) 390 final).

There exist two main forms of circular migration, circular migration of third-country nationals settled in the EU and circular migration of persons residing in a third country. This thesis is concerned with the secondly mentioned form.

1.3 Main research question and sub questions

What has been indicated above leads to the main research question of this thesis:

To what extent does EU circular migration policy benefit the development of third country immigrants and their countries of origin?

This question is answered by examining how EU policy introduces circular migration. In the theory and methodology part, a framework is developed to analyze EU circular migration policy later on. Because it is expected that the EU is acting in its own interest, only the benefits of EU circular migration policy for the development of the countries of origin and the migrants are examined in this paper.

The following sub questions will be answered to eventually find an answer to the main research question.

1. How can it be assessed if current EU circular migration policies are advantageous or disadvantageous for the two groups?

2a. How is circular migration regulated at the EU level?

2b. To what extent does the EU policy respect the interests of the countries of origin and the third country immigrants?

To answer the first research question, it is looked at existing migration and development theories to develop a framework consisting of several dimensions to assess the policy documents later on. To answer sub questions 2a and 2b three relevant EU policy documents are analyzed with the help of the framework developed in the theory and methodology parts.

1.4 Goal of the research

The goal of this research is to find out about the practice of circular migration between the EU and third countries to better manage migration and foster development. To achieve the goal, it is important to have a close look at the most relevant EU policy documents to find out to what extent the EU policy respects the interests of the countries of origin and the migrants.

1.5 Relevance of the research

It is one of the EU's priorities to better manage migration flows from third countries. There are difficulties among the Member States to find a common ground on migration as well as development policies. After years, a clear and common ground should be found to deal with South-North migration, within the EU among the MSs as well as between the EU and its neighbors. Through the European Neighborhood Policy (ENP) the EU tries to maintain good and prosperous relations with its neighbors. Circular migration is a promising opportunity to offer migrants from third countries the

possibility to enter the EU legally and in a way resulting ideally into a win-win-win situation for sending countries, receiving countries and migrants.

For my Bachelor Thesis I wanted to write about a topic dealing with EU external relations. It is very important to me that the EU supports its neighbors so that all can benefit from each other. There has to be a better way dealing with migration than establishing restrictive migration policies and donating extensive amounts of development aid. I am curious to find out if circular migration is a better option and to what extent the EU promotes a successful implementation.

1.6 Methodology

The research conducted for this paper is qualitative. A framework for analysis is developed to be used to find out about the potential and future prospects of circular migration for countries of origin and migrants. Further literature study and an analysis of a selection of the most relevant EU policy documents are going to be done. More detailed information on the methodology of this paper is given in part 3.

1.7 Brief outline of the thesis

First of all, an overview of migration and development theories is presented (part 2.1). Resulting from the theories, the framework of analysis (part 2.2) and the methodology (part 3) used for this paper are explained. The next part contains two EU policy content analyses, one for the countries of origin and one for the migrants including interpretations of the results (part 4). What follows is a general conclusion including recommendations for further research (part 5).

2. Migration and Development Theories

In this part the concept of circular migration will be linked to relevant migration and development theories. Circular migration is assumed to be a form of the general term 'migration'. Therefore the theories on 'migration' and development are expected to hold for circular migration as well. The debate on migration and development connections has two separate discourses, namely, an academic debate and a policy debate. This part focuses on the academic debate about the topic. The relevant EU policy debate on migration and in particular circular or respectively temporary migration is the subject of parts 3 and 4.

There exists no comprehensive migration theory. The weakness of much migration and development research is the tendency to study causes and impacts of migration separately. It is necessary to consider causes and effects of migration within a single theoretical perspective on migration and development to deepen the theoretical understanding of migration as an integral part of broader development processes. Due to the diversity and complexity of the phenomenon it is difficult to separate migration from other socio-economic and political processes and it is difficult to combine macro- and micro-level theories of migration. For those reasons, a general theory on migration and respectively circular migration will probably never exist. (De Haas, 2008, pp. 1-3)

Castles (2008) argues that the key principle at the conceptual level is to embed the study of migration and development relationships in a much broader inter-disciplinary analysis of the development of social structures and relationships in the context of globalization. He considers it impossible to make clear statements by looking at migration only. Making statements is only possible by analyzing it in a framework that links global relationships of economic and political power with national and local experiences of coping with social transformation. It is mistaken to see migration and development in isolation from wider issues of global power, wealth and inequality. Mobility of people is an integral part of the major changes currently affecting all regions of the world. Therefore, it is not only looked at circular migration between two countries to assess its impact on development. The EU is introduced as a global power and it is assessed which effect the organization's actions have on the development of the main parties involved.

De Haas (2008) concludes that "migration is not an independent variable explaining change, but it is an endogenous variable, an integral part of change itself in the same degree as it may enable further change. This is why it is more correct to refer to the *reciprocal* relationship between migration and broader development processes instead of the—one-way—impact of migration on development." (De Haas, 2008, p. 43) "To what extent migration will occur and where migrants will go, depends on the interplay between many variables." (De Haas, 2008, p. 18) Thus, migration may function as a dependent and an independent variable. Castles (2008) indicates as well that migration and development are part of the same process and therefore constantly interactive. This means that circular migration and the development of the countries and migrants concerned constantly interact with each other. This indicates a close relationship between circular migration and development in which circular migration shapes development and vice versa.

In the following paragraphs several theories and perspectives, namely, the neo-classical theory, the historical-institutional theory, the push and pull theory, the transitional migration perspective, the migration network perspective and the transnational perspective are elaborated to better understand the background of migration and development relationships and to discover different possibilities to assess the concept of circular migration. Later on, in the methodology part, a framework for analyzing EU policy is built up on the basis of the insights out of the theories.

2.1 Overview of migration and development theories

Out of the early academic work on migration and development (from the 1950s until the 1980s) two different views can be determined, the neo-classical economic theory and the historical-institutional (as well called historical-structuralist) theory. The first one can be identified as optimistic and features a positive view towards migration and development and the second one can be described as pessimistic and believes in negative effects of migration on development.

The neo-classical theory is part of the functionalist paradigm of social theory. At the macro-level, the theory assumes that the geographical difference in the supply and demand of labour will be equaled out by a virtuous cycle: The start of development in poor countries results in migration. Migration causes enhanced development and a trend to income equilibrium and balanced growth which eliminates the 'root causes' of migration causing less migration to occur. At the micro-level,

individuals move on the basis of cost-benefit calculations. The theory assumes free choice and full access to information for the migrants.¹

To measure the success of circular migration for development in terms of the neo-classical theory, it could be assessed if circular migration results into an economic equilibrium and if it decreases automatically after balanced growth is achieved. In addition, if the theory holds true, migrant return should not be an issue since migrants are free to move and the root causes of migration are eliminated after a certain time passed. Eventually there should be less circular migration because migrants move on the basis of cost-benefit calculations and that way migration becomes unnecessary if an economic equilibrium is reached.

The historical-structuralist theory opposes this point of view. This perspective fits to the Marxists, world systems and dependency theories. According to this perspective, migration causes a vicious circle: The core-periphery division of countries causes migration which increases the dependency of poor countries. Impoverishment and the income gap get worse and third world labour is freely available in the core economies. Thus, migration reinforces inequalities and dependency and causes asymmetric development. Controversially to migration optimists, this theory assumes that individuals do not have a free choice and are constrained by structural forces.

Regarding to the historical-structuralist theory migration does only benefit the development of the country of destination. The country of origin becomes more dependent and the migrants are exploited as cheap workers in the countries of destination gaining no own benefits at all. In this scenario circular migration is a process directed by the countries of destination getting the migrant workers when they need them and sending them back home when they have no use for them anymore. It could be assessed if this is really the case by examining what the migrants gain from their stay abroad and in how far these migrants are involved in the development of their country of origin.

A more neutral approach which is related to the neo-classical micro-level idea is the push and pull theory of migration. It sees international migration as the consequence of imbalances in development between sending and receiving societies. Migration is expected to be caused by a combination of supply-push and demand-pull factors, factors of the country of origin, the country of destination and personal factors shaping and causing migration (Nyberg-Sorensen et al., 2002).

The emergence of circular migration can be imagined as a process of certain factors pushing and pulling migrants back and forth between the country of origin and the country of destination.

Recently scholars argued that a simple push and pull factors theory cannot sufficiently describe the complex process of migration (De Haas, 2008). It is rather a descriptive model than a real theory. The push and pull factors are generally mirrored in each other, *e.g.*, high wages as a pull factor in the receiving society and low wages as a push factor in the country of origin. In addition, it is more or less a subjective judgment which factor is dominant. This theory is claimed to be a static model with the focus on external migration unable to situate migration as an integral part of broader transformation processes. For those reasons, the push and pull theory will not be further considered in this paper.

¹ Harris-Todaro model

A further progress in migration and development academic work is the transitional perspective. Zelinsky (1971) developed the hypothesis that there is a fundamental but complex and non-linear relationship between the occurrence of specific forms of migration and more general socio-economic and demographic development processes. Migration and development are seen as complements, not substitutes as implied by neo-classical, historical-institutional and push and pull theory. His theory is rooted in modernization theory. He distinguishes five phases of development which are linked to distinct forms of mobility. He expects international migration to rise until a certain level of development is reached. As soon as that level is reached, migration starts to decline until a lower balanced level is attained (Figure 1).² Thus, a temporal increase in migration is a usual part of the process of economic development. Zelinsky includes 'circulation' in his theory as well. He defines it as encompassing a great variety of movement such as vacations, business travel, weekend or seasonal movement of students, movement of seasonal workers, etc. He expects circulation to rise during the process of development (Figure 2). Circular migration and development could complement each other and increase or decrease at the same time.

One other theory to be considered is the migration network theory. This theory identifies interpersonal ties between migrants, former migrants and non-migrants in the countries of origin and destination as a major factor shaping migration. Network connections are seen as a form of social capital. Association in the form of migrant networks makes it difficult for the governments to control migration. These networks, fostering the cooperation between migrants, may improve the functioning of circular migration through, *e.g.*, the spread of information, and the development of migrants and their countries of origin. If cooperating with the migrant networks, the EU could maintain its control over the influence of the networks on migration. Including the migrant networks into the research could bring new insights into the functioning of circular migration and its effects on development.

De Haas (2008) argues that "empirical and theoretical advances in the study of migration and development have challenged the unrealistic determinism of both functionalist ("optimist") and structuralist ("pessimist") perspectives. This has given rise to a more subtle vision, in which, depending on the specific development context, both positive and negative development responses to migration are possible." (De Haas 2008, pp. 43-45) Thus, migration can possibly cause negative and positive development results. Which outcome will be achieved depends on the macro and local development context. The incorporation of underdeveloped countries into global capitalism can have both positive and negative effects in different areas of development and on different groups of people within society. The development outcome of migration cannot be fitted into deterministic theoretical schemes. Variation and complexity of real life migration – development interactions is too high. There exists no automatic mechanism by which international migration and remittances result in development. "In some cases, migration seems to have a positive effect on the different dimensions of social and economic development; in other cases it seems to have no effect or even negative effects." (De Haas, 2008, p. 33) So, whether circular migration improves development

² Martin and Taylor (1996) developed later the 'migration hump' model describing exactly this process of a temporal increase in migration.

depends on many factors as well and is not simply guaranteed. It may have a positive, no, or a negative impact on the development of one or more of the three groups involved. Recently, more pluralist views on migration and development interactions have been developed.

One of these pluralist approaches is the transnational perspective. It relates to Zelinsky's transitional perspective and the network theory. It argues that migrants and their families develop double loyalties. They travel back and forth, relate to people, work and do business simultaneously in distant places. The theory sees the circulation and simultaneous commitment to two or more societies as compliments not as substitutes. In this sense, circular migration fits perfectly into the transnational processes and activities executed by our increasingly globalized societies. The transnational theory recognizes the potential of migration, including circular migration. But still, the question remains, if circular migration is beneficial for the countries of destination, the countries of origin and the migrants themselves.

To sum it up, no general theory for neither migration and development nor circular migration and development exists. In general, it is assumed that circular migration and development interact with and shape each other. Circular migration may have positive, negative or no effect on development. Because migration-development interactions are so complex, nothing is guaranteed. The success of circular migration can be analyzed out of different perspectives. Using the neo-classical perspective, the focus would lie on the question if economic growth is achieved through circular migration. For the historical-institutional background, it is important to examine if the migrants gain from circular migration and if they can contribute to the development of their country of origin. Sticking to the transitional theory would mean to assess if circular migration and development are complements and increase at the same time. Supporters of the network theory would have a closer look at migrant networks to see to what extent they are involved in circular migration and cooperate with other stakeholders. Circular migration fits perfectly into transnational processes. It could be evaluated if this dual responsibility of migrants encourages circulation and which effect it has on development. Thus, when taking all theories mentioned above into account, circular migration is expected to function well if economic growth is achieved in sending and receiving countries, if migrants and sending countries gain from circular migration as well (e.g., through skills gain and transfer), if circular migration is able to complement development freely, if cooperation among stakeholders is ensured and circular migration is integrated into transnational global processes.

2.2 A framework for analysis: the advantageous versus the disadvantageous approach to migration and development

As already explained above, we cannot simply say if migration has positive or negative effects on development, if it is a good or a bad thing. The same holds for circular migration. Specific policy outcomes might be advantageous for certain stakeholders but disadvantageous for others. And it depends on many factors what the outcomes are. An additional difficulty which follows from the theory is the fact that migration and development influence each other. This paper is concerned with EU circular migration policy and its effect on development. But development itself affects the success of migration as well. A country in which development is high might profit more from circular migration because it has more abilities to exhaust its potential than a lower developed country. This

thought will be kept in mind but unfortunately it would exceed the scope of this thesis to take it into further consideration. For now, the focus is on the effect of circular migration policy on development of the migrants and the countries of origin.

The theories offer important insights in significant dimensions of circular migration. In terms of neo-classical theory, economic development is very important. Skills gain and transfer which are especially important for development of the countries of origin and the migrants themselves can be associated with historical institutional theory. For the transitional theory to function, freedom of the migrants is considered important. Cooperation and the share of information are indispensable for the network theory. And the transnational theory requires integration for well functioning circular migration. All these features are considered very significant when measuring the success of circular migration for development. They are all expected to foster circular migration and the development potential of circular migration.

These features can be transformed into five interlinked dimensions: (a) economic development, (b) skills gain and transfer, (c) cooperation, (d) freedom of the migrants and (e) integration of the migrants. Each of these dimensions can be associated with an advantageous and a disadvantageous outcome of circular migration for the actors involved. Economic development does ideally result in an economic equilibrium between the country of origin and the country of destination, in the worst case, there is no economic development in the country of origin but dependency of the country of origin on the country of destination (economic equilibrium vs. dependency). Concerning skills transfer, it can either be that countries of origin and destination receive the skills they need or the skills are transferred unequally (brain gain vs. brain drain). There can be cooperation between all stakeholders or, on the other extreme of the spectrum, no cooperation between actors at all (cooperation vs. no cooperation). Freedom can be associated with free choice for the migrants when deciding where to go, or on the other side, no free choice because of, *e.g.*, bureaucratic obstacles (free choice vs. no free choice). Integration of the migrants can be successful in the country of destination and in the country of origin, but if disintegration occurs the migrant is left somewhere in between two societies not belonging really to the one nor to the other (integration vs. disintegration).

Apparently, all these dimensions are connected and influence each other. For example, the level and sort of cooperation probably influences economic development, skills transfer, integration and freedom of migrants. Effective skills transfer is crucial for the success of economic development and so on. In fact, there appears to be a major overlap between economic development and skills gain/transfer and between cooperation and freedom of the migrants. Brain gain may cause economic development and brain drain may cause economic dependency. Therefore, it is decided to merge the two into one dimension called 'economic development'. Cooperation and freedom can both be united under the dimension 'autonomy' under which it is analyzed if all actors act independently and cooperate as self standing parties. Thus, eventually, the framework consists of three dimensions, (a) economic development, (b) autonomy of the actors and (c) integration.

If all three conditions (sustainable economic development, perfect autonomy of all stakeholders and continuous complete integration of the migrants) would be achieved through circular migration in the interest of all three groups, the positive potential of circular migration would be probably completely exploited. The result is an ideal win-win-win situation for all three parties.

In this part, several theories and concepts dealing with migration and development were discussed. They were related to circular migration and the main thoughts were used to come up with a framework based on three significant dimensions (economic development, autonomy of the actors and integration of the migrants) to be used to measure the success of circular migration for the development of third countries and the migrants.

On the basis of the knowledge about the theories, the complex relationship between migration and development and the concept of circular migration, the next step is to design appropriate methodology to analyze EU circular migration policy.

3. Methodology

The aim of this paper is to find out to what extent EU circular migration policy benefits the third countries and the migrants involved. As already mentioned in the introduction, the EU, as the third main actor of this process, is excluded from the analysis because it is expected that the organization acts in its own interest and therefore will benefit from its own policy. The research conducted for this paper is a qualitative analysis of relevant policy documents. In this methodology part, it is outlined which data is going to be analyzed and how this data is collected. Afterwards the method of analysis is presented.

3.1 Method of data collection

All EU policy documents used for the upcoming policy analysis are issued by the Commission as the main provider of policy proposals or the Council of the EU as the Union's main decision making body. The Council generally supports the Commission's efforts in developing a coherent European migration policy and regularly invites the Commission to come up with new proposals in this domain. Concerning circular migration in particular, the Council agrees that it has to be further explored.

Analyzing documents issued by other EU institutions such as the European Parliament, the Committee of the Regions and the European Economic and Social Committee is beyond the scope of this thesis. It is expected that a policy analysis of relevant documents published by the Council and the Commission will deliver sufficient information to be able to analyze the EU's ambitions in the field researched. It can be summed up that all actors mentioned above are convinced that "circular and return migration offer a significant potential for both source and destination countries, the migrant and his/her relatives in the country of origin" (COM(2005)390, p. 25). Opinions issued by the Committee of the Regions and the European Economic and Social Committee referring to EU Commission documents on the topic have been positive.

As already indicated in the introduction this research focuses on South-North-South circular migration meaning the free movement of migrants from Morocco to the EU and back rather than circular North-South-North migration concentrating on migrants having their primary residence in the North (Khachani, 2008).

According to the EU, its migration policy responds to challenges of all stages of migration. Supposedly, it aims at benefiting from legal migration and fighting against illegal migration. It is claimed to be based on the principles of subsidiarity, proportionality and solidarity, respect for

human rights, the fundamental freedoms for migrants, the Geneva Convention and access to asylum procedures.

The Global Approach to Migration, approved by the Council in December 2006, is the external dimension of the EU's migration policy. The three main components of this approach are (1) good organization of legal migration, (2) prevention and fight against illegal migration and (3) strengthening of the relationship between migration and development. According to the EU, this implies genuine partnerships with the third countries concerned and full integration with the Union's other external policies.

Article 63 of the EC Treaty (Treaty establishing the European Community) makes immigration a competence of the EC and states that the Council shall adopt "measures on immigration policy within the following areas: conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits [... *and*] measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States".

The treaty of Amsterdam (1997) outlines common rules on asylum and integration. Under Title IV, Articles 61-69, immigration policy becomes a full EU responsibility. But the treaty only partially lays down common policies. Many issues connected with immigration remain national prerogatives. (Castles, 2008)

At the Tampere European Council in October 1999, strict deadlines were established for introducing the necessary agreements and legislation to put in place a common immigration policy. In 2001, the Commission adopted a proposal for a Directive dealing with 'the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities.' Unfortunately, only a first reading of the text was carried out by the Council. In the early 2000s, a new debate on Europe's demographic decline and the long term need for both high skilled and low skilled workers arose. (Castles, 2008)

Within the existing Community legal framework for movements of persons to the EU, there are currently two Council Directives on the conditions of admission of third country nationals, one for third country nationals wishing to pursue their studies in one of the member states, pupil exchange, unremunerated training and voluntary service (Directive 2004/114/EC) and one on procedures for admitting third country researchers (Directive 2005/71/EC). In addition, two relevant proposals for new Directives are issued, a proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment COM(2007) 637 and a proposal for a Council Directive on the conditions of entry and residence of seasonal workers (2009).

Concerning circular migration in particular, the aim of the EU is the development of an adequate legal framework to promote circular migration and to make sure that it does not become permanent (16283/07; COM(2007)248). Efforts to design effective policies to foster circular migration and to develop mobility partnerships clearly call for increased coordination and cooperation between the Commission and Member States in order to ensure maximum synergy between activities at the two levels and to avoid them impinging on each other's competences (COM(2007) 248). Commission and

Member States are asked to ensure that Community legislation on legal migration does not impede circular migration (16283/07).

The Commission published a Green Paper on an EU approach to managing economic migration (COM(2004) 0811) to stimulate discussion on the most appropriate form of Community rules for admitting economic migrants. The publishing of this paper is seen as the cornerstone for the new developments in EU migration policy which led to the introduction of the concept of circular migration. In the following years more documents have been published on the topic. To select the most relevant documents, all documents issued between the years 2004 and 2009 and dealing partly or completely with legal labour migration from third countries to the EU were included in the selection process. The documents were retrieved from the EU website (www.europa.eu). It is not completely ensured that these are all relevant documents published. But since many repetitions of policy ideas can be found in the documents and the research has been carried out carefully, it is expected that more documents possibly published on the topic do not include additional information which would change the results of this study. The search for documents has been carried out in September 2009. All sources put on the website later on are not included in the analysis.

What follows are a list of Commission documents and a list of Council documents which could be relevant for the analysis.

Commission:

- Green Paper on an EU approach to managing economic migration COM(2004) 0811
- Communication on Migration and Development: Some concrete orientations COM(2005)390
- Policy Plan on Legal Migration COM(2005) 669
- Communication on the Global Approach to Migration one year on: towards a comprehensive European migration policy COM(2006) 735
- Communication on circular migration and mobility partnerships between the EU and third countries COM(2007) 248
- Communication on a common immigration policy for Europe: principles, actions and tools COM(2008) 359
- Communication on strengthening the Global Approach to Migration: increasing coordination, coherence and synergies COM(2008) 611
- Information booklet from DG Communication "An opportunity and a challenge – migration in the European Union" (May 2009)

Council:

- Council conclusions on Mobility Partnerships and Circular Migration in the Framework of the Global Approach to Migration 16283/07
- Council conclusions (ECOFIN) – The economic impact of migration into the EU 15536/07
- Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on coherence between EU migration and development policies 14559/07
- Council Conclusions on enhancing the Global Approach to Migration 9604/08
- Council Conclusions on the evaluation of the Global Approach to Migration and on the partnership with countries of origin and transit 16041/08

- European Pact on Immigration and Asylum signed by the EU heads of state and government (October 2008)

To get an overview on the content of what has been published, all documents possibly relevant for the analysis were read carefully. A key word search indicated which ones discuss the topic most extensively. Three main documents were identified as most relevant for understanding EU circular migration policy. These are the following:

- Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Migration and Development: Some concrete orientations, COM(2005) 390 final, issued on September 1, 2005
- Communication from the Commission to the European Parliament, the Council, the European and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the EU and third countries, COM(2007) 248 final, issued on May 16, 2007
- Draft Council Conclusions on Mobility Partnerships and Circular Migration in the Framework of the Global Approach to Migration from the General Secretariat of the Council to the Council (General Affairs and External Relations), 16283/07, issued on December 7, 2007

It has to be mentioned that Commission Communications and Council Conclusions are no secondary legislation. They can be rather seen as working documents which might lead to secondary legislation in the future. They can be helpful for the EU to execute their work and move forward together in the same direction. For the MSs these documents are not binding at all. They are only encouraged to consider the policy ideas in the documents when dealing with the topic.

In this paragraph, a short description of each one of the three documents to be analyzed is given to further clarify the status of each document.

In the Communication COM(2005) 390 final, the Commission intends to provide further input to the migration development debate. It is encouraged to do so by the Council. The document builds on the December 2002 Communication. With the Communication, the Commission wants to make a contribution to the global debate on the links between migration and development, especially for the 2006 High Level Dialogue within the framework of the United Nations General Assembly. It is the first Communication directly dealing inter alia with circular migration policies as a key role to transfer skills to the developing world.

The European Council, in conclusions adopted in December 2006, invites the Commission “to present detailed proposals on how to better organize and inform about the various forms of legal movements between the EU and third countries by June 2007.” Commission Communication COM(2007) 248 final aims to respond to this request. Among other things it looks at ways to facilitate circular migration. It builds on earlier Commission initiatives, in particular the Communication on Migration and Development and the Policy Plan on legal migration.

As stated in the introduction of the Draft Council Conclusion 16283/07, “the Council adopted Conclusions on extending and enhancing the Global Approach to Migration on 18 June 2007. On the basis of discussions on how to take forward the development of the concept of mobility partnerships

and circular migration foreseen in those Conclusions, the Presidency has submitted these draft Council Conclusions, with the aim to further progressing work.”

3.2 Method of analysis

The task of this part is to explain how the framework with the dimensions developed in the theory part will be used to measure the benefit of circular migration for the development of two main actors, the countries of origin and the migrants.

The analysis focuses on the dimensions of the ‘ideal type of circular migration’ to better understand the effect of the EU circular migration policy on development. Thus, it is chosen for an interpretative social science approach. The ideal type of circular migration is already defined in the introduction as a continuing, long term and fluid pattern of international mobility that can exist naturally or with government intervention (Top 10 Migration Issues of 2008, 2008). To further build on that definition, the three interlinked dimensions are seen as features of this ideal type. To recall, the dimension are (a) economic development (economic equilibrium and brain gain vs. dependency and brain drain), (b) autonomy (cooperation and free choice vs. no cooperation and no free choice), and (c) integration of the migrants (integration vs. disintegration). If all are met in a way advantageous for all three groups (the EU, the countries of origin and the migrants) the result is an ideal win-win-win situation.

To assess if the EU policy is advantageous for the countries of origin and the migrants, it has to be examined, for each dimension, if the interests of both actors are met. Table 1 in the appendix indicates in the form of questions what will be later looked at in the three policy documents. In addition to the questions, indicators of what should be covered are stated. It has to be seen if all areas are sufficiently addressed or if the EU policy falls short in some areas. The goal is to determine the developmental impact of the policy for both groups on each dimension. That way, it can be seen how advantageous the EU approach is.

As a first step, the relevant content of each document is allocated to the different dimensions and actors which combined can be called ‘actor-dimensions’. It can be seen how the interests of the two groups are addressed and if the policy is advantageous for them. In part 4.1, these empirical results and findings are presented in the form of two content analyses, one for the countries of origin and one for the migrants. Next to the matching citations out of the policy documents, the analyses contain an interpretation for each actor-dimension. In part 4.2, the policy approaches are further interpreted and analyzed to answer the questions stated in the table. Two tables, one for each actor, indicate how well each document scores on the dimensions with the help of a scoring system (+, /, -). Documents score a ‘+’ per indicator addressed in a way advantageous for the actor, a ‘-’ if the indicator is addressed in a way disadvantageous for the actor and a ‘/’ if the indicator is not mentioned at all. This system, together with explanations, is supposed to give a concrete idea about how beneficial EU circular migration policy is for the development of the countries of origin and the participating migrants.

For the analysis, only paragraphs dealing with legal labour migration from third countries to the EU are used. In addition, they need to deal explicitly with circular migration, economic development through circular migration, skills transfer through circulation, political cooperation about circular

migration matters, freedom of migrants when circulating and/or integration of the migrants in the country of destination and the country of origin after return.

Eventually an ideal type of circular migration and a grading method to research the developmental impact of EU circular migration policy on the migrants and the countries of origin are constructed. This ideal type is based on three dimensions (economic development, autonomy and integration) which all have to be fulfilled for both groups to achieve an ideal win-win-win situation. To be clear, the third group, the EU itself, is not included in the analysis because the organization is expected to act in its own interest.

In part 4 the EU policy is assessed to compose a complete picture of how EU policy influences migration and development in this case.

4. Circular Migration in the EU: A Policy Content Analysis

The goal of this policy part is to evaluate how the EU deals with the three dimensions from the theory part and in how far these approaches are advantageous or not for the two groups. After the evaluation of the policy it should be identifiable if the EU policy tends to be advantageous or not for circular migration and development. First of all, the empirical results and findings of the EU policy document analysis are clarified by presenting two content analyses, one for each actor, including an explanation for each actor-dimension. Afterwards, an overall interpretation of the results including the scoring of the documents as described in the methodology part follows.

4.1 Empirical results and findings EU policy document analysis

This part contains two content analyses of the three documents, one for the countries of origin and one for the migrants. It is outlined for each actor-dimension which policy ideas the Commission and the Council state in the documents listed above. The relevant citations out of each document for each one of the six actor-dimensions are given. Some of the measures are matched with several actor-dimensions. This is the case because some measures affect two actor-dimensions. For example, there is an overlap between 1a) and 2a) and between 1c) and 2c). It is not always clear and easy to determine which policy idea matches best with which actor-dimension. But it has been focused on carrying out the matching as precise as possible for the analysis to be comprehensible and accurate. At the end of each actor-dimension, it is continued with an interpretation of the policy measures and ideas found.

4.1.1 Content analysis 1: Countries of origin

1a) economic development

COM(2005) 390 final

p. 7, section 2.3.: "... increase the integration of development concerns into the Community immigration policy."

p. 8, section 2.4.: "... developing countries [need to] improve their knowledge of their labour markets, including shortages or excesses of skills at sectoral level."

p. 9, section 2.4: " Member States [are asked] to develop mechanisms such as codes of conduct to limit active recruitment in cases where it would have significantly negative repercussions for targeted developing countries, especially in the healthcare sector, and to coordinate their respective efforts in this area."

p. 25, annex 5₁: "Return, even temporary, is likely to lead to the transfer of skills, know how and/or new cultural attitudes. Both circular migration and return can help mitigate the impact of brain drain."

p. 25, annex 5₂: "Removing [*obstacles to circular migration and the return of migrants*] would help to liberate the potential of brain circulation for development."

p. 26, annex 5.2: " ... the development of temporary migration schemes that would help both to maximize brain circulation in the interests of developing countries and contribute to well managed migration through clear rules on period and purpose of stay."

p. 27, annex 5.3: "The return of migrants to their country of origin can have a significant positive impact in development terms, provided that it is well prepared and that the migrant is an active protagonist in his/her own return, with a project – entrepreneurial for example – (s)he intends to carry out."

COM(2007) 248 final

p. 7, section II.B.2c.1: "Mobility partnerships could include, ..., measures to help address the risk of brain drain."

p. 7, section II.B.2c.2: "..., a mobility partnership could well, by common agreement, exclude from preferential treatment migrants from sectors under stress. They could also include mechanisms to facilitate circular migration, which by nature can help mitigate brain drain."

p. 7, section II.B.2c.3: "..., as part of a mobility partnership, the third country in question, the EC and interested Member States could agree incentive measures to support the return of temporary or seasonal migrants and foster effective circularity of migration ... and mitigate the impact of brain drain."

p. 8, section III.A.: "Circular migration ... can help to match the international supply of and demand for labour, thereby contributing to a more efficient allocation of available resources and to economic growth."

p. 12, section III.D.4.1: "To a certain extent, circular migration may limit the long term risk of brain drain,"

p. 12, section III.D.4.2: "Specific actions to address brain drain should be tailored to the situation in the country concerned. They could include: commitments by EU Member States not to recruit actively in sectors indicated as being under stress by that country; mechanisms to make it easier for returnees to the third country in question to divide their working life between two countries; or support from the Community and/or Member States to help the partner country create sufficiently attractive professional opportunities locally, especially for the highly skilled, as an alternative to emigration."

16283/07

p. 6, section 14.1³: "Circular migration can be useful in promoting the development of countries of origin or mitigating the adverse effect of brain drain."

p. 6, section 14.2: "... circular migration [*implies that*] third country nationals take up legal employment opportunities in the EU."

³ The little numbers on the bottom of the reference location help to differentiate quotes on the same page and in the same section.

p. 6, section 14.3: "Where [*circular migration*] meets the identified labour needs of countries of origin and destination, this can be beneficial to all involved and can contribute to co-development."

p. 6, section 15: "Member States should, in managing circular migration, have due regard to the possible consequences of their policies on the development objectives of countries of origin and strive to maximize the development impact of such policies, particularly with a view to mitigating brain drain."

p. 7, section 16c: "... improved mutual recognition of qualifications..."

p. 7, section 16e: "... measures to ensure ethical recruitment and also to ensure that 'brain drain' is mitigated in sectors suffering from a lack of human resources..."

p. 7, section 16f: "... advice and assistance on managing remittances for enhanced development benefits as well as enhancing the impact of migrants savings/investments in the countries of origin..."

p. 8, section 18: "... facilitate financial support for the setting up of circular migration projects and programmes within the existing financial framework."

Interpretation: In the documents that were studied, the actor-dimension economic development of countries of origin receives considerable attention. The EU recognizes the potential of circular migration and return for economic development in the countries of origin and the risk of brain drain. Obstacles are to be removed and the development of temporary migration schemes may help to match labour demand and supply. On the financial dimension, advice and assistance with managing remittances and savings are considered important. In addition, financial support for the setting up of circular migration projects and programmes within the existing financial framework is promised. Specific measures addressing brain drain, such as for example the commitment by MSs not to recruit actively in sectors indicated as being under stress, are proposed. Member States are encouraged to help maximizing (economic) development with their policies and tailor-made mobility partnerships between EU MSs and third countries are introduced to support economic development of the countries of origin.

All analyzed EU documents are positive about the impact of circular migration on economic development in the countries of origin. The implementation of the proposed measures should definitely further ensure economic growth and can reduce brain drain. The policy implementations of the MSs are very decisive. They need to be aware of possible consequences of their policies and try to maximize the development impact of their policies to make circular migration a success for the development of the countries of origin.

1b) autonomy

COM(2005) 390 final

p. 8, section 2.4: "... [brain drain] is not an issue that affects all developing countries and sectors. Policy responses therefore need to be tailored to the specific needs and challenges of each affected country. In addition, it is an area where Member States retain significant responsibilities and where the means of action at Community level are therefore relatively limited."

p. 25, annex 5.1.1: "The Green Paper stresses the need for the Community to manage migration flows in cooperation with countries of origin, thereby taking into account the challenges they face– including brain drain in particular – and their needs."

p. 25, annex 5.1.2: "Bilateral agreements between a country of destination and a country of origin, aimed at joint management of economic migration flows – as concluded by some EU Member States with a number of third countries – are one possible way in which such preferences can be granted."

COM(2007) 248 final

p. 7, section II.B.2c.: "A first response is that mobility partnerships will be tailor-made."

p. 12, section III.D.3.: "Circular migration schemes would need to be carefully monitored, with regard both to design and practical implementation in order to ensure both that they meet their twin objectives of responding to the needs of labour markets in the EU and contributing to the development of countries of origin and that circular migration does not become permanent. A set of criteria should be developed for monitoring operation of such schemes. In addition, the evaluation of the implementation of the relevant EC directives should include an assessment of their contribution to circular migration."

p. 12-13, section III.D.5.: "Dialogue and cooperation with third countries – both in the area of migration and in related areas such as employment, social policy and education/training – is essential to ensure that circular migration works properly and is mutually beneficial. Using wherever possible the existing institutional frameworks for dialogue and cooperation, consultations could be launched with a number of third countries which might be interested in promoting circular migration, possibly as part of mobility partnerships."

Third countries could be encouraged to put in place legal and administrative arrangements to facilitate circular migration. Partner countries should in particular commit themselves to improving employment and labour matching services, as well as vocational and language training or the ability to foresee skill needs and supplies and provide information on labour needs abroad. Partner countries could also be supported in enabling returning migrants to contribute effectively to their home societies. Partner countries would also be requested to cooperate in tackling irregular migration, trafficking in human beings and to provide guarantees that any of their nationals participating in the circular migration schemes will be able to return, and be admitted, to their country of origin after their contract expires or is terminated. Partner countries should also seek to enhance incentives for return and reintegration, including through active measures to promote productive employment and decent work."

p. 13, section III.D.6.1.: "In addition to EU framework and policies, bilateral agreements between sending countries and interested EU Member States – in full respect of Community competences – could be a useful means to foster and facilitate circular migration. They can help match labour demand and supply, especially in the case of partnerships between the relevant employment services and labour market agencies on both sides, thus permitting a quick response to the labour needs of the EU Member States concerned. Such agreements can make it much easier to operate some of the more flexible incentives for circular migration, for example scholarships for 'circular' students, trainees or people taking part in youth intercultural exchanges. Lastly, bilateral agreements can also help ensure that circular migration schemes give priority to those sectors of greatest relevance to the countries of origin and help mitigate any possible brain drain."

p.14, section IV.: "To gather more experience, financial support could be provided to pilot schemes specifically designed to foster circular migration in sectors or occupations of interest to countries of origin and Member States alike."

16283/07

p. 3, section 4.: "All possibilities for a well-managed circular migration should ... be explored in close cooperation with all relevant stakeholders."

p. 3, section 6.1.: "... mobility partnerships should be broad, tailor-made and balanced and should include elements of mutual interest,"

p. 3, section 6.2.: "... migration to the EU should be based on the respect for the basic values of the EU and its Member States."

p. 7, section B.17.: "... bilateral programmes regarding circular migration could also form part of the broader concept of mobility partnerships between the EU and third countries concerned."

Interpretation: What can be seen here is that the EU wants to work in close cooperation with the countries of origin and other stakeholders. Countries of origin are seen as autonomous since they are looked at as partners and it is pointed out that their interests need to be taken into account when designing policies and when working with them. Bilateral agreements and mobility partnerships are measures to be used as a basis for cooperation. They need to fulfill the interests of both parties and need to be tailored to the needs of the countries involved. In addition, third countries are addressed directly and are encouraged to put in place legal and administrative arrangements to facilitate circular migration and improve employment and labour matching services. Partnerships between labour market agencies of partner countries and Member States may help to better match supply and demand.

Carefully monitoring circular migration schemes, with regard to design and practical implementation, is considered very significant. In addition, the need to evaluate the implementation of the relevant EC directives in terms of their contribution to circular migration is seen. Sharing the results of monitoring circular migration can further improve the collaboration between the EU and the countries of origin. After all, it can be questioned if the EU, as the initiator of the cooperation process is really respecting the interests of the countries of origin and is not rather ensuring that its own interests are covered in the mobility partnerships and bilateral agreements. And if third countries are asked to implement certain measures themselves, those measures are expected to deliver benefits for the EU as well. Member States retain significant responsibilities in this dimension as well. They are the ones finalizing and signing the mobility partnerships and bilateral agreements.

1c) integration

COM(2005) 390 final

p. 7, section 2.3.1& p. 27, annex 5.3.3: "The Commission will invite Member States and other interested stakeholders to share their experience of the elaboration and management of assisted return programmes and of support of countries of origin with the successful reintegration of return migrants. "

p. 7, section 2.3.2: "The Commission will look at the possibility of proposing measures in areas such as the transferability of pension rights, the recognition of qualifications or mechanisms to ensure that researchers or other professionals who have worked in the EU can keep in touch with their former colleagues to facilitate voluntary returns and help them reintegrate successfully."

p. 27, annex 5.3.1: "... financial support is not enough to make return a success. Advice and other forms of non-financial assistance, both before and after the migrant's return, play an indispensable role, especially when the migrant – who does not necessarily have directly relevant experience – intends to start his/her own business in the country of origin."

p. 27, annex 5.3.2: "... migrants are often reluctant to envisage a return to their home country unless they have some guarantee that they will be able to continue to travel back and forth between the country of origin and the (former) country of destination. [...] This problem can be addressed, at least on a temporary basis, by granting the returnee a multi-entry visa allowing him/her to return to his/her former country of residence. Another possibility that has similar effects is to maintain the validity of the returning migrant's residence permit for a certain amount of time after his/her return."

p. 28, annex 5.3:

“Member States should ensure that the pensions obtained in a migrant’s former country of residence can be paid to him/her in the country of origin after his/her return; or that the contributions made by a migrant and by his/her employers into public pension schemes can be paid back to him/her as a lump sum upon his/her return to the country of origin in cases where the total amounts paid are not enough to entitle him/her to a pension.”

“Steps should be taken to ensure that a migrant’s education and qualifications received in the country of destination can be easily recognised by authorities in the country of origin, as this will facilitate his/her professional integration upon returning.”

“Member States could offer the possibility for financial institutions to open up special savings accounts accessible to migrants intending to return to their home country at the end of their work experience. These products could benefit from a favourable tax treatment, and the Member State of residence could also grant an interest rate subsidy and/or a bonus at the time of return.”

“As far as researchers and other skilled professionals are concerned, it is essential that they can, upon return, continue to have exchanges with their former colleagues. Fellowships for returning researchers and instruments such as web portals to allow continuous interactions within trans-national research communities are among the instruments that will be supported”

COM(2007) 248 final

p. 11, section III.D.1.: “... support to the job search and/or setting up of businesses by returnees in their countries of origin; support to countries of origin in the recognition of the informal skills acquired by returnees throughout their stay abroad; a reintegration premium, tax-preferred savings accounts in migrants’ home country, special housing programmes, support to enable returning researchers to continue a research project in their home country, or – in the case of students – continuation of scholarships for a couple of years following return. The Community and/or interested Member States could agree to support such measures, notably as part of the mobility partnerships.”

p. 11-12, section III.D.2.: “One of the key conditions is that migrants return to their home country after their residence permits expire. An inventory will be compiled of all measures that would ensure or promote return. One measure ... is the requirement for a written commitment by migrants to return voluntarily to their countries of origin once their contract expires. [...] [*Readmission by the country of origin*] would be easier to achieve where there are readmission arrangements in force between the EC or the Member State in question and the country of origin.”

16283/07

p. 7, section 16c.: text already quoted in section 1a)

Interpretation: The EU policy states that return needs to be well prepared with the migrants as active protagonists (e.g. with an entrepreneurial project he intends to carry out). Again, the EU wants to cooperate with the country of origin to implement the proposed measures, for example in the form of mobility partnerships. Readmission arrangements between the EC or the Member State in question and the country of origin are a tool to ensure return. Financial benefits and non-financial assistance in the form of advice as well as recognition of newly accomplished qualifications, support to the job search and housing programmes are mentioned as tools. Furthermore, possibilities to guarantee migrants that they can travel back and forth through, e.g., granting the returnee a multi-entry visa or maintaining the validity of the returning migrant’s residence permit for a certain amount of time after his/her return, are explored.

This approach shows that the EU is very much concerned with the reintegration of migrants after return in the country of origin and considers successful return and integration a key to smoothly functioning circular migration. The EU's ambition to reintegrate migrants successfully in their country of origin can be seen as a way making sure that the migrants will return after their contracts expire.

4.1.2 Content analysis 2: Migrants

2a) economic development

COM(2005) 390 final

p. 7, section 2.3₁: "Migrants' return, even temporary or virtual, can play a useful role in fostering the transfer of skills to the developing world, together with other forms of brain circulation."

p. 7, section 2.3₂: "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. This could for instance build on the experience of some Member States in reimbursing pension contributions at the end of the worker's contract or include the payment by the country of residence of a top up on the worker's savings."

p. 7, section 2.3₃: "... the Commission will also examine the possibility of defining a general framework for the entrance and short-term stay within the common area of seasonal migrants."

p. 25, annex 5.1: see 1a)

p. 25, annex 5.1: "The Commission recently published a Green Paper on an EU approach to managing economic migration, the aim of which is to actively contribute to the on-going debate on the most appropriate form of Community rules for admitting economic migrants."

p. 26, annex 5.2₁: "Whilst it is true that such temporary migration has limited advantages in terms of skills enhancement, especially as far as low-skilled workers are concerned, its potential positive impact on development or at least poverty alleviation should not be dismissed too quickly. It can help relieve excess labour supply in developing countries, and the remittances which workers send to their relatives often represent a significant share of families' overall income"

p. 26, annex 5.2₂: "Taking into account the results of the debate on the Green Paper on economic migration, the Commission will also examine the possibility of defining a general framework for the entrance and short-term stay within the common area of seasonal migrants. The Commission will continue discussions with Member States, social partners and civil society on these issues."

p. 26, annex 5.2₃: "In addition, temporary migration linked to the cross-border provision of services is also starting to feature highly on the international trade policy agenda, within the framework of the General Agreement on Trade in Services (GATS – the so-called Mode 4), with a focus on skilled labour. However the numbers of people covered by Mode 4 commitments, or taking advantage of them, are extremely small in comparison with the numbers of other temporary migrants or of long-term migrants."

p. 27, annex 5.3: text already quoted in section 1a)

COM(2007) 248 final

p. 7, section II.B.2c₃: text already quoted in section 1a)

p. 10, section III.C₂: "Proposal for a Directive on the admission of highly skilled migrants: subject to further examination, measures to foster circularity could centre on further facilitating admission procedures for persons having already resided legally in the EU for a certain length of time (for highly qualified work, studies or other forms of training);... "

p. 10, section III.C.3: "Proposal for a Directive on the admission of seasonal migrants: the main measure to foster circularity would be introduction of a multi-annual residence/work permit for seasonal migrants, allowing them to come back several years in a row to perform seasonal work."

p. 10, section III.C.4: "Proposal for a Directive on the admission of remunerated trainees: the possibility for third country nationals to come for a period of training in Europe should contribute to fostering brain circulation and to skills and knowledge transfer. In order to enhance circularity, the proposal could envisage a possibility for former trainees of coming back for limited periods for further additional training where appropriate to upgrade their skills."

p. 10, section III.C.5: "The Commission will also reflect further on whether a proposal to introduce harmonized admission procedures for other categories of legal migrants could benefit circular migration."

p. 10-11, section III.C.: "Directive 2004/114/EC on the admission of third country nationals for the purposes of studies, pupil exchanges, unremunerated training or voluntary services and Directive 2005/71/EC on the admission of researchers:

– Another possibility would be to turn the optional clauses of these Directives, which allow Member States to provide simplified or fast-track admission procedures for persons who have formerly worked as researchers or studied in the EU, into a right for such persons to have access to quick procedures, provided they subsequently returned to their home country at the end of their permit.

– Finally, it might be possible to link the two Directives by allowing easier admission as a researcher (with fewer conditions attached) to non-EU nationals who have previously been admitted as students and who, after their studies, duly returned to their country of origin.

This concept might be extended to allow students to apply for admission as researchers while still residing in the Member State where they are studying, provided the application is submitted before their study permit expires."

p. 12-13, section III.D.5.: text already quoted in section 1b)

16283/07

p. 6, section 14.2: text already quoted in section 1a)

p. 7, section 16d.: "... student exchange programmes, including continuation of scholarships for a number of years following return; ..."

p. 7, section 16f.: text already quoted in section 1a)

Interpretation: In general, the EU wants to make sure that migrants benefit when participating in circular migration schemes. Still, the most appropriate EU rules for admitting economic migrants need to be finalized. Migrants are supported in acquiring new skills and financial capital in the EU. Good participation and return on time is rewarded. One of the goals is to define a general framework for the entrance and short-term stay for certain categories of migrants. Advice and assistance on managing remittances and enhancing the impact of migrants' savings and investments in the countries of origin can have a big impact. Regulating the transferability of pension rights is another idea. The personal gain from migration for researchers and other professionals who have worked in the EU can be increased by ensuring that they can keep in touch with their former colleagues.

If all proposed measures are implemented, migrants are surely able to benefit significantly from participating in circular migration schemes if they stick to the rules. The problem is that all circular migration schemes are temporary and even though they might be hired again the following season nobody can ensure that so far. Furthermore, not every migrant has the same chance to improve his individual situation. The benefits and abilities to acquire capital and skills depend on the category the

migrant belongs to. The groups of migrants needed in the EU are offered better deals than the rest of the migrants. Highly skilled migrants have better chances and are accepted for longer periods of time than, e.g., seasonal migrants.

2b) autonomy

COM(2005) 390 final

p. 9, section 2.4.: "Other forms of partnerships between research institutions, universities, hospitals or other bodies in developing countries and EU Member States to mitigate brain drain could include 'shared work schemes' in which scientists, researchers, doctors, technicians or other professionals from developing countries would share their work between an institution in their country of origin (University, hospital, research centre, etc.) and a partner institution in an EU Member State."

p. 25, annex 5.2.: text already quoted in section 1a)

p. 25, annex 5.1.: "It specifically asks the question of whether preference, in terms of admission, should be granted to certain third countries and how."

p. 26, annex 5.2.: "In addition, the Commission already proposed in March 2004 a Recommendation concerning the facilitation of issuing conditions for uniform short stay visas for researchers from third countries travelling within the EU for the purpose of carrying out scientific research."

COM(2007) 248 final

p. 9, section III.C.: "The existing immigration laws of a number of Member States already contain rules that promote some circularity by allowing all or certain categories of lawfully residing third country nationals to leave the country for set periods of time without losing their legal status, although the prerequisites and situations covered vary from one Member State to another."

p. 10, section III.C.1.: "Circular migration of certain categories of people could however be further facilitated by appropriate legislative harmonisation."

p. 10, section III.C.2.: text already quoted in section 2a)

p. 10, section III.C.3.: text already quoted in section 2a)

p. 10, section III.C.4.: text already quoted in section 2a)

p. 10, section III.C.5.: text already quoted in section 2a)

p. 10, section III.C.6.: "In addition, the Commission may in due course consider proposing adjustments to a number of existing legislative instruments in order to promote circular migration, ..."

p. 11, section III.D.: "Practical conditions and safeguards will need to be included to ensure that circular migration meets its objectives and brings long-term benefits. The Commission intends to launch a debate on the basis of this Communication, notably with Member States on the measures required to ensure effective circularity of migration."

p. 11, section III.D.1.: "... the promise of continued mobility in exchange for abiding by the rules and conditions will significantly reduce the temptation to overstay. The range of options to be offered must be explored and is likely to vary from one category of migrants to another, the general idea being to reward bona-fide migrants. Consideration could be given to the incentives mentioned above (multiple entry residence/work permits, allowing temporary returns to the home country; simplified, 'fast track' admission procedures for migrants who have already resided in the EU for a certain length of time and returned voluntarily to their home country at the end of their permit; etc.)."

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p. 6, section 14.: "Safeguards which prevent overstaying and ensure return are key elements in order, as a rule, to prevent temporary stay from becoming permanent. Circular migration can be facilitated by a legal framework that promotes mobility and voluntary return."

p. 6, section 15.: "Where circular migration is facilitated in order to meet labour market demands, this should fully respect the Community acquis, Member States competences and the principle of Community preference for EU citizens."

p. 7, section B.16b.: "... partnerships between labour market agencies of partner countries and Member States to better match supply and demand; ..."

p. 7, section 16i.: "... measures to ensure return and readmission, including commitments by individual migrants to return and assisted voluntary return; ..."

Interpretation: On the one hand, the EU puts in place safeguards and conditions for circular migrants, e.g., commitments by individual migrants to return, and holds on to the Principle of Community Preference⁴. On the other hand, it wants to remove the obstacles of free circular migration. One strategy the EU follows is the goal to facilitate the migration of certain categories of people, for example, issuing uniform short stay visas for researchers, multi-annual permits for seasonal workers or enabling former trainees to come back for additional training. The range of options varies from one group of migrants to another. Readmission is to be facilitated for those who resided legally in the EU and who returned successfully afterwards. The aim is to ensure continued mobility if the rules and conditions are accepted by the migrants. More reflection on a proposal to introduce harmonized admission procedures for other categories of legal migrants is necessary. Continued mobility is promised in exchange for abiding the rules and conditions of the legislation. The range of options to be offered must be explored and is likely to vary from one category of migrants to another.

The migrants are not yet able to move freely between country of origin and country of destination. They need to obey certain safeguards and conditions. Nevertheless, admission and readmission is in the process of being facilitated, especially for certain groups of migrants. Accordingly, the extent to which a migrant is an independent and free actor and allowed to act in his own interest depends on the category the migrant belongs to. The EU clearly makes admission more difficult or even impossible for the migrants it does not want or prefer and makes sure that those migrants wanted are only admitted if they stick to the regulations defined by the EU.

Partnerships between labour market agencies of countries of origin and MSs can play an important role in informing the migrants about admission requirements and their possibilities in Europe.

It is not explicitly stated in the documents analyzed which rights circular migrants exactly have in the country of destination. In general, rights for legal migrants are mentioned in other documents, for example, The European Pact on Immigration and Asylum (October 2008). It states that Member States must have ambitious integration policies, which are based on a balance between rights including access to employment, housing, social services, and the duties of immigrants such as respecting the laws and identity of the host country.

2c) integration

⁴ = Third country nationals are only employed if no EU citizen is present to do the job.

COM(2005) 390 final

p. 27, annex 5.3.1: text already quoted in section 1c)

p. 27, annex 5.3.2: text already quoted in section 1c)

p. 27, annex 5.3.3: text already quoted in section 1c)

p. 28, annex 5.3.: text already quoted in section 1c)

COM(2007) 248 final

p. 11, section III.D.1.: text already quoted in section 1c)

p. 11-12, section III.D.2.: text already quoted in section 1c)

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p. 7, section 16a.: "... pre-departure information on labour market opportunities, language and skills training and other integration and accompanying measures available to migrants prior to their arrival in the EU; ..."

p. 7, section 16g.: "... support to returning researchers to continue a research project in their home country;... "

p. 7, section 16h.: "... reintegration support to those, legally residing in the EU, wishing to return to their countries of origin which is accessible in those countries; ... "

Interpretation: Assisting migrants in integrating in the EU Member States is only mentioned shortly. Migrants should be given information on labour market opportunities, language and skills training and other integration measures prior to departure. Especially social integration measures for the migrants while staying in the EU are missing in the policy.

The policy measures proposed for the reintegration in the country of origin are mentioned much more detailed and much more often. It is possible for financial institutions to open up special savings accounts accessible to migrants intending to return to their home country at the end of their work experience in the Member States (MSs). Favourable tax treatment and granting an interest rate subsidy and/or a bonus at the time of return may further improve integration after return through collecting enough capital to start up something new. But financial support is considered not enough to make return a success. Advice and other forms of non-financial assistance to find a job or to set up a business, both before and after the migrant's return, play an indispensable role, especially when the migrant intends to start his/her own business in the country of origin. The migrant's education and qualifications received in the country of destination, including informal skills, need to be recognized in the country of origin. Special housing programmes can help the migrants to find a place to live.

The question is, as already mentioned in part 1c), why the EU focuses so much on the reintegration of the migrants in the country of origin and not much on the integration of the migrants in the EU MSs. One explanation is that the member states have a lot of competence and community action is limited. Or this matter is mentioned in other legislation which is not included in this analysis. Another reason could be that the EU does not want the migrants to integrate in the EU because that could make them want to stay longer than their temporary contracts allow them. It could be a strategy to ensure return.

What can be stated at this point is that the EU proposes policy measures for all actor-dimensions. It realizes the potential of circular migration for the development of countries of origin and migrants and, hence, it wants to improve the situation of the countries of origin and the migrants. Part of the

EU approach is to integrate development concerns in the EU immigration policy. That indicates that the EU realizes that the two are linked and go together. For circular migration to work, one of the goals is to meet the labour needs of both countries. The EU strives for close cooperation with the countries of origin. Mobility partnerships and bilateral agreements are proposed as part of the circular migration policy. Third countries are as well stimulated to implement circular migration supporting policies themselves. Further significant measures mentioned are measures addressing brain drain, financial assistance for countries of origin and financial benefits for returning migrants, recognition of migrants' qualifications and advice and assistance for participating migrants.

Nevertheless, the organization acts in its own interests and there are certain safeguards and regulations which ensure that circular migration does not become permanent. Admission is more difficult for certain groups of migrants than for others. Where partnerships are tailored to each country, the policy is tailored to different categories of migrants. Fast track procedures are proposed for some, difficult entrance is conjecturable for others.

To sum it up, so far, the policy ideas have a great potential in improving circular migration schemes between the EU and third countries but seem to need further elaboration and improvement.

4.2 Further analysis and interpretation EU policy document analysis

In this section, the interpretations from the last section are used to answer the question of each actor-dimension indicated in the table. Afterwards, a final conclusion is to be found for each one of the two content analyses. Finally, the policy documents are graded as explained in the methodology section to make clear which document exactly provides for which information.

4.2.1 Countries of origin

1a) *To what extent does the EU circular migration policy ensure economic growth and brain gain in the country of origin?*

The EU recognizes the two issues of economic underdevelopment and brain drain in the countries of origin and considers it necessary to address them. Furthermore, it notices the potential of circular migration and return for economic development and against brain drain.

Measures to further increase economic growth and measures to mitigate brain drain and encourage circular migration are proposed. The implementation of these measures can definitely further ensure economic growth and can reduce brain drain significantly.

1b) *To what extent does the EU circular migration policy respect the country of origin as an independent and equal actor?*

The EU knows that its objectives are only achievable in close cooperation with countries of origin, e.g., through mobility partnerships and bilateral agreements. Interests of both parties need to be taken into account while cooperating. Third countries are encouraged to put in place legal and administrative arrangements to facilitate circular migration and improve employment and labour matching services themselves which underlines the autonomy of countries of origin for the EU.

1c) *To what extent is the EU circular migration policy concerned with the integration of the migrants in their country of origin?*

The EU is very concerned with the reintegration of migrants after their return to the country of origin and considers successful return and integration a key to smoothly functioning circular migration. Readmission agreements with countries of origin and financial and non-financial assistance are proposed.

The interests of the countries of origin are addressed for all three dimensions. Basically, the policy documents include measures to promote economic growth, measures against brain drain, measures encouraging cooperation with and the independence of the countries of origin and measures to reintegrate the migrants in their country of origin after return.

The EU advocates well managed circular migration in close cooperation with the countries of origin as an overall tool for development of the countries of origin. The success of the policy measures proposed depends a lot on how the MSs will implement the proposed policy. Mobility partnerships and bilateral agreements between MSs and countries of origin are promoted as a main tool.

4.2.2 Migrants

2a) To what extent does the EU circular migration policy ensure individual economic benefits and individual improvement of the skills of the migrants?

The EU wants to make sure that migrants benefit when participating in circular migration schemes. If all proposed measures are implemented, migrants are surely able to benefit significantly from participating in circular migration schemes through acquiring new skills and financial capital if they stick to the rules. Good participation and return on time are rewarded with future entry possibilities. The benefits and abilities to acquire capital and skills depend on the category the migrant belongs to. The groups of migrants needed in the EU are offered better deals than the rest of the migrants. Furthermore, more specific measures should be implemented to make sure that migrants really learn new skills in Europe.

2b) To what extent does the EU circular migration policy respect the migrants as independent and free actors who are allowed to act in their own interests?

The migrants are not yet able to move freely between their country of origin and country of destination. They need to obey certain safeguards and conditions. On the other hand, the EU wants to remove the obstacles of free circular migration. One strategy is the goal to facilitate the migration of certain categories of people. Accordingly, the extent to which a migrant is an independent and free actor and allowed to act in his own interest depends on the category the migrant belongs to. Measures to provide the migrants with relevant information on their stay abroad are not sufficiently discussed in the paragraphs analyzed. Partnerships between labour market agencies might be stimulating in this regard. Other documents address this issue in respect to legal migration in general, e.g., "Strengthening the global approach to migration: increasing coordination, coherence and synergies", COM(2008)611 final, on p. 4. But especially due to the complexity of circular migration schemes participating migrants need to be well informed.

2c) To what extent is the EU circular migration policy concerned with the integration of the migrants in the country of destination (the EU) and their country of origin?

In the documents, the EU focuses a lot more on reintegrating the migrants in their countries of origin than on assisting migrants in integrating in the EU Member States. Possible explanations are that the

MSs are responsible for their own integration programmes, that this matter is mentioned in further detail in other legislation or that the EU does not want the migrants to integrate because that could make them want to stay longer than their temporary contracts allow them.

Many EU policy documents point out the importance of the integration of legal migrants in the EU MSs such as the "Third Annual Report on Migration and Integration" (COM(2007)512 final) and "A Common Immigration Policy for Europe: Principles, actions and tools" (COM(2008)359 final). But no document makes specific references how to deal with circular migrants whose stay in the EU is limited and probably requires different integration measures than provided for other groups of legal migrants.

The case of the migrants is more complicated than the case of the countries of origin. The interests of the migrants are not met completely and their development is questionable. Measures to promote individual economic growth are presented. But certain categories of migrants are offered better deals than others. The aim of offering the migrants the chance to improve their skills and contribute to brain gain is addressed. But the main point seems to be that the migrants find a job in the MSs and not that their skills are improved in any case. Of course, people coming to the EU for additional training will acquire new skills but it is not ensured that all migrants coming will be able to do so during their stay. Additionally, more specific measures should be presented concerning this matter. Obstacles to free circular migration are to be removed but migrants still need to stick to the rules put up by the EU and its MSs if they want to participate in circular migration schemes. Especially for certain groups of migrants, free choice and independence are significantly restricted. The degree of economic benefit and the autonomy depends on the category of migrants they belong to. Supply of the migrants with enough information is not ensured either. Reintegration of migrants in the country of origin is supported, only very few measures for integration in the EU are mentioned.

4.2.3 Scoring of the documents

Tables 2 and 3 show which document contains measures for or against which dimension. Table 1 in the methodology part indicates which kind of measures need to be included to fulfill the interests of the actors. The first table (table 2) is concerned with the countries of origin and the second table (table 3) with the migrants. Two restrictions for giving the document a 'complete' '+' have been discovered during the scoring, namely, some measures found are especially designed for certain groups of migrants and in some cases the interest is mentioned but the measures are vague or not specific enough. Whenever this is the case it is indicated in the table.

The tables are more or less consistent with what has been described above. In general, the interests of the countries of origin are respected and addressed, the interests of the migrants are not completely satisfied. For the countries of origin, all 4 indicators scored a '+' for all three documents including only one document with one restriction. It seems as if actor-dimension 1a), the economic development of countries of origin, and actor-dimension 1b), the autonomy of countries of origin, are covered best. Both are closely followed by 1c, the integration of migrants in the countries of origin. For the migrants there are 6 indicators listed in the table. These indicators scored 12 times a '+' in the three documents including 5 '+'es with a restriction. Once an indicator scored a '+' and a '-' in a document and four times the indicator was not mentioned. It can be stated that the actor

dimension 2a), the economic development of the migrants, is covered best, followed by 2c), the integration of migrants, and the worst covered is 2b), the autonomy of the migrants.

All information above leads to the final conclusion of this analysis.

Table 2: Policy responses to the three dimensions for the countries of origin

Dimensions Documents	a) Economic development	b) Autonomy	c) Integration
COM(2005)390 final	Economic growth: + Against brain drain: +	Cooperation and independence: +	Reintegration: +
COM(2007)248 final	Economic growth: + Against brain drain: +	Cooperation and independence: +	Reintegration: +
16283/07	Economic growth: + Against brain drain: +	Cooperation and independence: +	Reintegration: (+)

Table 3: Policy responses to the three dimensions for migrants

Dimensions Documents	a) Economic development	b) Autonomy	c) Integration
COM(2005)390 final	Economic growth: + Skills improvement: (+)	Freedom: + Information: /	Integration (EU): / Reintegration: +
COM(2007)248 final	Economic growth: + Skills improvement: + *	Freedom: + & - Information: /	Integration (EU): / Reintegration: +
16283/07	Economic growth: + Skills improvement: + *	Freedom: - Information: (+)	Integration (EU): + Reintegration: (+)

* Measures especially for certain groups of migrants

() Interest is mentioned but measures are vague or not specific

4.2.4 Conclusion of the EU policy document analysis

It still holds true that the EU realizes the potential of circular migration for the development of countries of origin and migrants and, hence, it wants to improve the situation of the countries of origin and the migrants. The interpretation shows that the interests of the countries of origin are better addressed than the interests of the migrants. Thus, EU circular migration policy stimulates the development of the country of origin as a whole more than the development of the individual migrants. The laws for the migrants are not yet finalized. The reason for differing benefits among migrants is the categorization of migrants the EU is making. Differing groups of migrants are covered with different policies. The EU law needs to become clear and it remains to be seen to what extent this policy will show equal respect for all groups of migrants in the future.

The Member States are important actors when it comes to the implementation of the policies. They still have a lot of competence in the area and success of the EU policy ideas depends largely on them. The assimilation of MSs policies can further increase the positive effect of circular migration on the development of countries of origin and migrants.

For both groups the first dimension, economic development (a), is reflected best in the EU policies. For the countries of origin the second dimension and the third dimension, autonomy (1b) and integration (1c), are overall addressed as good as the first dimension. It is not ensured that the third countries will benefit as much as the EU MSs from the EU circular migration policy since the EU is the initiator of the legislation and is expected to make sure that it is not disadvantaged by the policies. For the migrants economic development (2a) is followed by integration (2c) and then autonomy (2b). Integration of the migrants in the EU is not addressed sufficiently in the documents. And migrants still need to stick to the rules put up by the EU and its MSs if they want to participate in circular migration schemes which limits their freedom.

5. Conclusion

Overall, this thesis is concerned with finding an answer to the question to what extent EU circular migration policy benefits the development of third country immigrants and their countries of origin. Out of the theory part emerges that no general theory for (circular) migration and development exists. Nevertheless, there is a close reciprocal relationship between (circular) migration and development in which circular migration shapes development and vice versa. The fact that the EU wants to integrate development issues in the EU immigration policy shows that the EU notices that there is a close relationship between the two. A negative, a positive or no response of circular migration on development are possible. The EU also seems to recognize that positive and negative development responses to migration are possible and wants to adjust its policy in a way encouraging development. The organization knows about the development potential circular migration can have for the development of the countries of origin and the migrants.

Several theories and concepts dealing with migration and development were discussed in the theory part. According to this discussion, circular migration is expected to function well if economic growth is achieved in sending and receiving countries, if migrants and sending countries gain from circular migration as well (*e.g.*, through skills gain and transfer) if circular migration is able to complement development freely, if cooperation among stakeholders is ensured and if circular migration is integrated into transnational global processes.

To answer the first sub question (How can it be assessed if current EU circular migration policies are advantageous or disadvantageous for the two groups?), the theories and concepts were related to circular migration and the main thoughts were used to come up with a framework to be used to measure the success of circular migration for the development of third countries and the migrants. An ideal type of circular migration consisting out of three dimensions, economic development (a), autonomy (b) and integration (c), has been developed. Ideally, all three dimensions are met for each actor to achieve a win-win-win situation. The third group, the EU, has not been included in the analysis because the organization is expected to act in its own interest. Three EU policy documents⁵

⁵ Commission Communication COM(2005)390, Commission Communication COM(2007)248 and Council Conclusion 16283/07

were analyzed according to the six actor-dimensions⁶. The developmental impact of the EU policy for both groups on each dimension has been determined by matching the policy ideas with the actor-dimensions, answering the questions about the interests of the countries of origin and the migrants stated in table 1 and by exploring if the indicators listed in the table are covered in the documents.

Through conducting the analysis of the three EU policy documents, questions 2a. (How is circular migration regulated at the EU level?) and 2b. (To what extent does the EU policy respect the interests of the country of origin and the third country immigrants?) were answered.

Some Directives which address certain groups of migrants, such as the highly skilled, remunerated trainees or seasonal workers, are passed or are on their way. For the rest, only proposed policy measures are stated in Communications and Council Conclusions. No concrete EU law has been established so far.

In the documents analyzed, the EU proposes policy measures for all actor-dimensions. It realizes the potential of circular migration for the development of countries of origin and migrants and, hence, it wants to improve the situation of the countries of origin and the migrants. A lot of competence still rests with the Member States. They are the ones implementing their own law in many aspects and success of the EU policy ideas depends largely on them.

For circular migration to work, the EU wants to meet the labour needs of both countries. It strives for close cooperation with the countries of origin. Mobility partnerships and bilateral agreements are proposed as part of the circular migration policy. Third countries are as well stimulated to implement circular migration supporting policies themselves. Further significant measures mentioned are measures addressing brain drain, financial assistance for countries of origin and financial benefits for returning migrants, recognition of migrants' qualifications and advice and assistance for participating migrants.

Nevertheless, the organization acts in its own interests and there are certain safeguards and regulations which ensure that circular migration does not become permanent. Admission is more difficult for certain groups of migrants than for others.

In the analysis, it becomes clear that the interests of the countries of origin are better addressed than the interests of the migrants. Thus, EU circular migration policy stimulates the development of the country of origin as a whole more than the development of the individual migrants. The laws for the migrants are not finalized yet. The reason for differing benefits among migrants is the categorization of migrants the EU is making. Differing groups of migrants are covered with different policies. The EU law still needs to become clear and as equal as possible for all groups of migrants in the near future.

For both groups, the first dimension, economic development (a), is reflected best in the EU policies. For the countries of origin the second dimension and the third dimension, autonomy (1b) and integration (1c), are overall addressed as good as the first dimension. For the migrants, economic development (2a) is followed by integration (2c) and then autonomy (2b). Integration of the migrants in the EU is not addressed sufficiently in the documents. And migrants still need to stick to the rules

⁶ The economic development of countries of origin, the autonomy of countries of origin, the reintegration of migrants, the economic development of the migrants, the autonomy of the migrants and the integration of the migrants

put up by the EU and its MSs if they want to participate in circular migration schemes which limits their freedom.

To sum it up, the policy ideas have a great potential in improving circular migration schemes between the EU and third countries and, thus, development of the countries of origin and the migrants but seem to need further elaboration and improvement and more legislative power to be implemented successfully.

Some further general remarks can be made. According to the literature outlined in the introduction, a full migration circle is an important pre-condition for circular migration to function and to deliver maximum benefits. To meet the ideal type of circular migration, migrants are supposed to be free to come and go whenever they want. At the moment, the EU policy is on a good way but still rather resembles temporary, cyclical or contract migration which are more or less forced and managed forms of temporary residence and not circular migration (Biekmann & Muskens, 2007).

The division of migrants in certain categories with different rights and obligations seems to verify the comment made by Castles (2008) stating that the ready availability of low-skilled labour leaves the power to the demand side which is in this case the EU. The EU has the power to set the rules. This circumstance might limit the benefits for the development of the countries of origin and especially the migrants.

As stated in the introduction, O'Neil (2003) is convinced that the basic units of migration and the most important actors for development are the migrants themselves and that the policy needs to be build around them. The policies must give them incentives and disincentives that support the aims and development of the sending and the receiving countries. The EU surely achieves this to a certain extent but the focus of the policies lies too much on the countries of origin and not enough on the interests of the migrants.

Since the EU competence is limited, the MSs' actions and policies are very important. But the MSs policies still differ to a great extent. Synergy among the policies would further improve the functioning of circular migration and its benefits for the development of the countries of origin and the migrants.

The results of this thesis provide a perfect example of how difficult and how time consuming EU policy making can be. The limited competences of the EU make implementation of the policies often difficult and it takes a long time to come up with appropriate Directives.

Circular migration can be used to partly solve the irregular migration problem. Unfortunately, due to the high number of immigrants wishing to come to Europe, not all immigrants can be covered by circular migration programmes. Further research is necessary to find out about the impact of circular migration on irregular migration.

For this thesis, it is assumed that circular migration is a good thing to be promoted. After the EU policy analysis, a next step would be to research how the policy ideas are implemented in reality. This could be done by analyzing EU projects and conducting interviews with migrants who participated in circular migration schemes, employers in the EU, workers in job agencies in Europe and third countries and other stakeholders. A project which could be analyzed is the ANAPEC project which has been briefly described in the introduction. Interesting research questions to be analyzed are: 'How is

the EU policy implemented?’ and ‘To what extent are the interests the country of origin and the third country immigrants respected in the implementation of EU policy?’ In addition circular migration between Europe and third countries could be compared with other examples of circular migration in the world, e.g., circular migration between the USA and Mexico.

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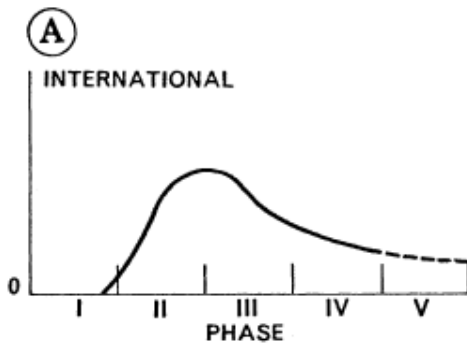
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7. Appendix

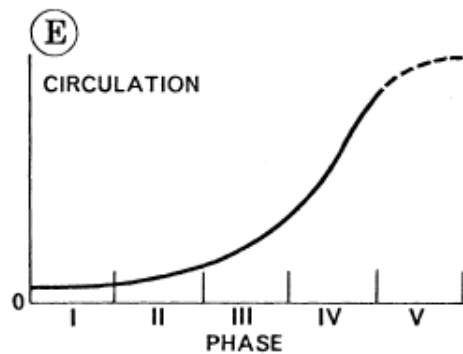
7.1 Figures

Figure 1: Changing levels of various forms of mobility through time: International mobility



Source: Zelinsky, 1971, p. 233

Figure 2: Changing levels of various forms of mobility through time: Circulation



Source: Zelinsky, 1971, p. 233

7.2 Tables

Table 1: Interests of the two actors per dimension

Actors Dimensions	1) Interests of the countries of origin	2) Interests of the migrants
a) Economic development (economic growth and brain gain ⁷ vs. economic dependency and brain drain ⁸)	<p>To what extent does EU circular migration policy ensure economic growth and brain gain in the country of origin?</p> <ul style="list-style-type: none"> - Measures to promote economic growth - Measures against brain drain 	<p>To what extent does EU circular migration policy ensure individual economic benefits and individual improvement of the skills of the migrants?</p> <ul style="list-style-type: none"> - Measures to promote individual economic growth

⁷ Brain gain and brain circulation are defined as “the possibility for developing countries to draw on the skills, know-how and other forms of experience gained by migrants – whether they have returned or not – and members of their diaspora abroad” (COM(2005)390). This thesis focuses on the brain gain and brain circulation for developing countries from returning migrants.

⁸ Brain drain is defined as “developing countries suffering from large outflows of specific categories of migrants, usually with medium to high skills” (COM(2007)248).

		<ul style="list-style-type: none"> - Measures for circular migrants to acquire new skills (brain gain)
<p>b) Autonomy (cooperation and free choice vs. no cooperation and no free choice)</p>	<p>To what extent does the EU circular migration policy respect the country of origin as an independent and equal actor?</p> <ul style="list-style-type: none"> - Measures encouraging cooperation with and the independence of the country of origin 	<p>To what extent does the EU circular migration policy respect the migrants as independent and free actors who are allowed to act in their own interests?</p> <ul style="list-style-type: none"> - Measures ensuring the free choice and independence of the migrants - Measures providing the migrants with relevant information
<p>c) Integration (integration vs. disintegration)</p>	<p>To what extent is the EU circular migration policy concerned with the reintegration of the migrants in their country of origin?</p> <ul style="list-style-type: none"> - Measures to reintegrate the migrants in their country of origin after return 	<p>To what extent is the EU circular migration policy concerned with the integration of the migrants in the country of destination (the EU) and their country of origin?</p> <ul style="list-style-type: none"> - Measures to integrate the migrants in their country of destination (an EU member state) - Measures to reintegrate the migrants in their country of origin after return