New Directions of National Immigration Policies: The Development of the External Dimension and its Relationship with the Euro-Mediterranean Process

Gemma Aubarell
Ricard Zapata-Barrero
Xavier Aragall
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The authors of these national reports are:

- **National Report on Egypt**
  
  *Ahmed Forouk Ghoneim*
  
  Associate Professor, Faculty of Economics and Political Science, Cairo University.

- **National Report on Italy**
  
  *Lorenzo Coslovi*
  
  Researcher, Centro Studi di Politica Internazionale (CeSPI), Rome.

- **National Report on Morocco**
  
  *Fouad Ammor*
  
  Researcher, Groupement d’études et de recherche sur la méditerranée (GERM), Rabat.

- **National Report on France**
  
  *Catherine Withol de Wenden*
  
  CNRS Director of Research, Centre d’études et de recherches internationales (CERI), Paris.

  *Elisabetta Salvioni*
  
  Centre d’études et de recherches internationales (CERI).

  *Francesca Fattori*
  
  Centre d’études et de recherches internationales (CERI).

- **National Report on Spain**
  
  *Ricard Zapata-Barrero*
  
  Associate Professor, Department of Social and Political Sciences, Pompeu Fabra University (UPF), Barcelona.

  *Jonathan Zaragoza*
  
  Research Assistant, Pompeu Fabra University (UPF).

  *Xavier Aragall*
  
  Researcher, European Institute of the Mediterranean (IEMed), Barcelona.
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Objective

This report aims to contribute towards the currently evolving process of EU immigration policy by offering an initial analysis on how five countries from the Mediterranean area (three from the North – Spain, France and Italy – and two from the South – Morocco and Egypt) are shaping the external dimension of their migration policies (the so-called externalisation of immigration policies) and influencing relevant decisions, and thus policies, at the EMP level.

This study will seek to identify how the externalisation of national immigration policies can be articulated within the present framework of multilateral relations between Europe and the countries of the southern shore of Mediterranean in the field of immigration.

With this in mind, the study consisted of two main steps. First, research was focused on the different actions and policies being implemented, both in source and destination countries (which can be considered as a practice of "externalisation"). Following the theoretical framework there established, this report represents the second step, which analyses the main findings of the first research phase in a bid to provide some main guidelines for a Euro-Mediterranean framework on policy externalisation.

Context

International relations have become a relevant geopolitical element within the context of immigration management policies. Sending and receiving countries are now in the process of developing their respective external policies, taking into account issues related to immigration and guided by the patterns of bilateral/multilateral relations.

Apart from the traditional South-North migratory flows, which remain constant, some southern Mediterranean countries have experienced sufficient economic development to begin attracting immigrants, although they continue to participate in emigration patterns. Moreover, the geographical situation of these countries has made them a congregation point for migrants from outside the region given that the transit towards the North, crossing the Mediterranean, has become increasingly difficult.

Immigration policies at the EMP level have not been effective enough to develop a common Euro-Mediterranean strategy. In contrast, policies at the national level (both in the North and South) are being developed in several fields, such as foreign affairs, development cooperation, and border control management. In this respect, in addition to the EMP dynamic, other multilateral processes have been simultaneously active in this field, thus creating a scenario of overlapping strategies that highlight migration as an important issue, yet do not offer a homogeneous framework to explore solutions to this shared problem.

Analytical framework

This report should be seen as a pilot report. Its main purpose is to open up a line of analysis categorising a set of political practices that imply interaction between two countries and affect the domestic policy of the decision-making actor. The Mediterranean area is the territorial context of this interaction. These new directions in immigration policy are labelled by the EU itself as an external dimension of migration policy, but two other terms are also used, and are perhaps more appropriate to an academic discussion: namely, the externalisation of immigration policy, or simply, extra-territorialisation of immigration policy. Whatever the term, there is a set of basic characteristics that form a common conceptual core: the link between policy and territory and sovereignty, in the sense that policy-making and the implementation and outcomes of these decisions differ territorially. There is a sort of hierarchical relationship in this two-territory relationship, in that there is one state with monopoly over both the decision-making process and the basic policy outcomes (this being the receiving country), and another where the policy is implemented and that only influences indirectly, through common meetings and agreement (i.e. the receiving/transit country). As such, one country plays an active role and the other a passive role in this interaction.
Main findings

Over the last five years, northern and southern Mediterranean countries have broadened the external dimension of the migratory agenda, taking steps, in different degrees, towards an externalisation of migratory policies. In particular, southern European countries have developed strategies to promote the commitment of migration source and transit countries in controlling and managing the flows.

Focusing the analysis on the southern countries, in this case Egypt and Morocco, we must bear in mind their dual position both as receivers of externalisation (internalisation of European policies – as pointed out by the Moroccan report) from the countries on the northern shore of the Mediterranean, and, to a different degree, as initiators of measures aimed at externalising their own migratory policies. In this case, we note two differentiated trends in the southern Mediterranean.

The development of externalisation in migratory policies mainly takes place at the EU level. This has been described as the reproduction of the domestic policy of the EU in third countries, following a European agenda of interests that are focused on a concept in line with the remote control approach (security). The analysis of the policies of the different states studied also includes those policies reflecting the root cause approach, to a certain extent influenced by EU initiatives, such as multinational policies, the Global Approach to Migration, as well as the GCIM (Global Commission on International Migration).

The national reports identified a mainstreaming of externalisation policies or programmes around initiatives that do not seek to fulfil a desire for control (security) and do not aim to have an effect on the root causes of emigration, but whose main objective is rather the management of migratory flows – what could be described as a managerial approach.

Another conclusion to have emerged is that there is no clear distinction between the external dimension of migration policies and those policies considered to be within the externalisation concept. An added difficulty is the lack of policies that can be defined as such, and also the fact that at a discursive level this term is not used. This is why, in specific cases, mid-way policies are in operation. On the one hand, there are those policies close to the traditional external dimension, such as the cooperation agreements linked to institutional capacity-building. On the other hand, there are policies also in line with externalisation but which cannot be defined as such because they do not altogether transfer the onus of policy-implementation outside the territory.

An additional outstanding issue is the distinction between countries which, given their geographic location, follow a border logic (Spain, Italy and Morocco) and countries that develop a more a remote protection logic (France). The first would be characterised by a greater presence of measures under the umbrella of external institutions, combined with an intensive range of diplomatic practices particularly geared towards re-admission agreements. In the second, although also pursuing diplomatic practices, entry, return and repatriation control policies would assume greater importance.
International relations have become a relevant geopolitical element in the context of immigration management policies. Sending and receiving countries are in the process of developing their respective external policies taking into account issues related to immigration and following the patterns of bilateral/multilateral relations.

As a starting point, we can state that immigration policies at the EMP level have not been effective enough to establish a common Euro-Mediterranean strategy. In contrast, policies at the national level (both North and South) are being developed in several fields, such as foreign affairs relations, development cooperation and border control programmes. In this respect, in addition to the EMP dynamic, other multilateral processes have been simultaneously active in this field, thus creating a scenario of overlapping strategies that despite prioritising the issue of migration, do not offer a homogeneous framework to find solutions to this shared problem.

In this context, this report analyses the development of the external dimension of migration policies by trying to discover the meaning of externalisation and, furthermore, the part played by “externalisation” in defining an immigration policy.

The main geopolitical factors explaining the external dimension of national migration policies are then explored, focusing on how each country understands externalisation. This allows for an initial description of the different externalisation approaches in the field of migration pursued by the countries studied, and classification of the orientation of these policies. Furthermore, further consideration is required on the degree of externalisation, or what has here been called the “strategies for the externalisation of migration policies”, which informs us about the degree of externalisation.

Combining both facets, namely, the policy orientation and its degree of externalisation, may prove a useful tool for our aim: to identify how the externalisation of national immigration policies can be articulated through the existing multilateral frameworks of relations between Europe and the countries of the southern Mediterranean in the field of migration.

1. Introduction
As previously mentioned, international relations have become increasingly important in the context of migration management policies. Both sending and receiving countries are in the process of developing their respective external policies, taking into account migration issues and following the established patterns of bilateral/multilateral relations.

The traditional South-North migratory flows remain constant, yet some southern Mediterranean countries have now experienced sufficient economic development to attract immigration, although they still participate in emigration. Moreover, their geographical situation has transformed these countries into hubs for migrants from outside the region as the transit towards the North, crossing the Mediterranean, has become increasingly difficult.

Thus, national migration policies in the Euro-Mediterranean area have become a central issue and a major strategic priority, highlighting the importance of involving the countries of origin in the development of these national policies, and also of establishing regional geopolitical strategies for future co-operation between sending and receiving countries. Yet it must be remembered that there are convergent and divergent approaches among EMP states and that not all act within the Euro-Mediterranean framework.

At the same time, and as a consequence of the afore-mentioned factors (southern flows towards Europe, attraction of immigrants by countries traditionally of emigration, transit migration), sending and receiving countries are in the process of developing their own external policies, recognising the relevance of migration in their foreign and development policies.

At this point, it can be stated that migration policies at the EMP level have not been effective enough to develop a common Euro-Mediterranean strategy. In contrast, policies at the national level (both North and South) are being developed in several fields, such as foreign affairs relations, development cooperation, and border control programmes. In this respect, in addition to the EMP dynamic, other multilateral processes have been simultaneously active in this field, thus creating a scenario of overlapping strategies that despite prioritising the issue of migration, do not offer a homogeneous framework to find solutions to this shared problem (see fig.1).

Indeed, new recently developed reference frameworks are outlining a more complex approach with greater involvement of external cooperation policies. In this respect, in the recently launched initiatives in the Mediterranean area, Africa has attained the category of strategic region for the implementation of European migration policies.

Figure 1
On the one hand, the Euro-African Conference on Migration and Development, held in Rabat in July 2006 as an initiative of the Spanish and Moroccan governments with the support of the EU, was certainly one of the first attempts to present European priorities for the forthcoming period: prioritising development and including African countries in external EU policy on migration. The Rabat conference brought together fifty-six countries involved in the migratory routes of Africa and triggered subsequent initiatives.

On the other hand, in the Tripoli EU-Africa Ministerial Conference on Migration and Development, held in November 2006, Africa and the EU adopted for the first time a joint strategy, in the form of the Tripoli Declaration, to respond to the challenges and maximise the benefits of international migration. The EU-Africa Action Plan on trafficking in human beings, which was formally endorsed on the same occasion, is part and parcel of the comprehensive strategy adopted in Tripoli.

The main conclusions to have emerged from these conferences were the need to urgently consider poverty and under-development as essential causal factors and to draw up specific action plans in this direction. Furthermore, the status of transit country was added to those of country of origin and of reception, expanding the dimensions of collective responsibility and solidarity for African actors. In this regard, the Maghreb countries are forced to adopt pro-active positions, which will most likely lead them to modify their country’s legal and institutional mechanisms.

Finally, it is important to mention the 5+5 Dialogue on Migration in the Western Mediterranean, since in its last conference, held in Algeciras, this multilateral forum set the pace for a coherent strategy. Expanding dialogue to encompass certain sub-Saharan countries was there introduced, thus including the concept of transit countries as interlocutors and introducing elements of integration and development as priorities for this period. The intention was to hold countries of origin and transit collectively responsible for solidarity and migrant integration. It is very interesting to note how the lead role played by issues such as economic and social integration, formal and informal remittances, or the importance of labour circulation, acquires a strategic importance that forces regional and multilateral frameworks to rapidly react to issues of institutional governance (training of officials, establishment of appropriate legal frameworks, and shared information systems for the labour market).

As far as the EMP is concerned, on the occasion of the 10th anniversary of the Barcelona Process in 2005, the work programme set for the following five years envisioned progress towards creating an important basis for cooperation in tackling the region’s challenges, migration being a central one. This could be seen in the decision to foster the creation of a fourth basket encompassing justice, security, migration and integration. This proposed fourth basket was eventually established at the 6th Euro-Mediterranean Meeting of Ministers of Foreign Affairs, held in Lisbon (5-6 November 2007) under the title “Migration, Social Integration, Justice and Security”, while the migratory issues were finally described in the first Euro-Mediterranean Ministerial Summit on Migration, held in the Algarve (November 2007), which outlined the main priority areas: migration and development, legal migration, and illegal migration and its corresponding funding tools and follow-up mechanisms.

However, the establishment of the European Neighbourhood Policy and its associated ENPI (European Neighbourhood and Partnership Instrument), which is to substitute the MEDA Programme as the main funding instrument, will influence the EMP’s commitments to migration, since concrete measures (action plans) implementing the priorities set in the Algarve will now be carried out through the ENPI.

As for the EU strategy, relevant developments are underway. The so-called Global Approach to Migration announces the need for a balanced, global and coherent approach aimed at gathering relevant policies to fight against illegal immigration and, in cooperation with third countries, to expand the benefits of legal migration. It stipulates that migration issues are central to the EU’s relations with a broad range of third countries, including, in particular, the neighbouring countries east and south of the Union. In fact, the Global Approach results from the invitation made by the European Council to the Commission in late 2005. The Commission advanced in its global approach to external relations, development and employment, and justice and security, fixing target actions focused on Africa and the Mediterranean. It also suggests including new political areas that were not part of the initial global approach, such as legal measures regarding migration and integration, mentioning the need to instil greater efficiency in EU decision-making in this area.

1. http://www.dialogueuroafricainmd.net/process/
3. The EMP’s three cooperation baskets are the political and security fields, the economic and financial sectors, and finally, social, cultural and human affairs.
The security-oriented approach to migrant flow control, through the implementation of FRONTEX in late 2006, coexists with the emergence of a human security dimension to this phenomenon, which aggravates the already fragile balance of migration issues caused by illegal flows – a situation that prioritised this topic on the European agenda.

In summary, the scenario presently affecting the new directions of national migration policies, characterised by the overlapping strategies of international relations in the Euro-Mediterranean area, suggests, on the one hand, the existence of many different instruments (bilateral, multilateral, the EU dimension and southern dimension of the ENP); and on the other, and as a consequence of the former, varying priorities in introducing migration into countries' external policy agendas, at both a thematic and national level. Therefore, strategies aimed at tackling the root causes of migration or at expanding collective responsibility, to prioritise development, co-exist with security-oriented policies.

### 2.2 Theoretical framework: The development of the external dimension

At the EU level, migration has in recent decades been perceived and approached as a threat, and thus migration and border policies have become securitised, as is illustrated by the now common image of 'Fortress Europe'. In fact, the institutionalisation of justice and home affairs within the EU brought together a broad range of internal threats, including migration, under the same policy umbrella, also encompassing terrorism, crime and drugs (Collinson, 2007).

It is within this scenario that the integration of migration in the EU's external policy advanced significantly, specifically in the European Council of Seville in 2002, where the use of external EU instruments in external relations was called upon in combating illegal migration. Those countries involved in the MEDA programme were mentioned specifically. This Council meeting also introduced a compulsory “re-admission of illegal immigrants” clause in any future cooperation, association or equivalent agreement of the EU or the EC with third countries.

The 2004 Hague Programme marks a partial shift from dealing with migration through the external relations framework towards an externalisation of migration, focusing on European interests in border management. In fact, it was the first time that third countries’ desire to assume partial responsibility in managing migratory flows was made reference to in the Union's work programme (Rodier, 2006). More recently, regarding the contents of the ENP Action Plans, the external migration policy mainly focuses on border control, the fight against illegal immigration, cooperation against terrorism, and refugee protection with a specific emphasis on countries bordering the EU.

This explains why at the EU level, the external dimension of migration policies is linked to the remote control approach (see point 2.2.3 of this report). Externalisation of the EU can be understood as the reproduction of European internal migration policy at the external level, which entails burden-sharing in the policing of European borders with bordering countries, and the setting up of migration management policies in the countries of origin, particularly concerning illegal migration, in line with European interests. This implies downgraded interest in development and cooperation for legal migration (Doukouré and Oger, 2007).

It can be said that the overall EU policy framework for the management of migration flows still emphasises migration controls and fails to elaborate a legal migration regime. The use of re-admission agreements, along with increased coastguard patrol and other forms of surveillance (including FRONTEX), effectively moves the burden of asylum processing onto North African states. The European Commission has begun to address policy packages with its new “mobility partnerships” approach but these are not, in fact, official policy and leave almost everything dependent on the discretion of Member States.

As mentioned previously, and as other research recognises, EU policy to date is driven by the desire to serve its own, rather than common interests.

However, initiatives such as the Global Approach to Migration offer an innovative approach that could bring about new frameworks of coherence with respect to the afore-mentioned dynamics. In fact, the idea of a global approach introduces the possibility of combining border security and protection with socio-economic and development aspects.

As a consequence of this, tension results from this new situation, along with two main paradoxes faced by the European strategy in the region: on the one hand, the matter of the limits of European policy externalisation; and, on the other, the Mediterranean nature of this policy issue.
Firstly, in terms of the limits of externalisation, we find that by prioritising European interests in border controls, a paradox emerges whereby the rhetoric is one of openness to development and cooperation issues, while the practical implementation is based on a Euro-centric perspective privileging border management and the need to control illegal migratory flows. In a June 2006 report, the European Parliament (EP) warned about this circumstance and the serious consequences that such pressure could exercise on the countries of the southern Mediterranean basin vis-à-vis citizens in transit (with regard to internal EU affairs, see the resolution in the EP’s April 2006 report on refugee camps in Malta).

Secondly, there exists tension between the European and regional dimensions. As previously stated, the development of a global policy, still in its early stages in 2006, took place within the framework of the Mediterranean region. Nonetheless, the idea of multilateral cooperation that began with Barcelona, in its relations with Mediterranean Partner Countries and its numerous initiatives, revealed a contradictory dynamic during this period, whereby the desire for equal, mutually-beneficial relations in the political sphere contrasts with the fact that the priorities and interests identified are essentially European. The paradox here is that active and increasingly European policies, shared by continental partners, could be negotiated without this being ultimately synonymous with a true dialogue of shared interests.

The first step has already been taken and European interests should not only be broadly shared but also debated throughout the different platforms created for such an end. Perhaps the greatest challenge now faced is to make the multilateral, Euro-Mediterranean framework an arbitrator in finding solutions to our shared problems.
2.2.1 Categorising the “externalisation of policies” in the context of the Mediterranean area: Concept and set of political practices

This report should be conceived as a pilot report. Its main purpose is to open up a line of enquiry categorising a set of political practices that mediate the interaction between two countries and affect their domestic policy. The Mediterranean region is the territorial context of this interaction. These new directions in migration policy are labelled by the EU itself as an external dimension of this policy sphere, but two other terms, perhaps better related to academic discussion, are also used: externalisation, or simply, extra-territorialisation of migration policy. Whatever the term, there is a set of basic characteristics forming their common conceptual core: the link between policy and territory and sovereignty, in the sense that policy-making decisions, and the implementation and outcomes of this policy, differ territorially. There is a sort of hierarchical relationship in such two-territory relations, in that one state has monopoly over the policy-making process and the basic outcomes of these decisions (namely, the receiving country), whereas that state where the policy is implemented only decides indirectly, through common meetings and agreements. One country has an active role and the other a passive role in this interchange.

The purpose of this section is to delimit the category of “externalisation of policies” (and its related notions, such as “external dimension of policy”, “extra-territorialisation”, and even, “external governance”) in order to establish the main focus of the report. This categorisation will be carried out through three main complementary steps. The first step is conceptual, and has the basic purpose of defining the notion of “externalisation” with reference to immigration policy (section 1). As a second step, and situating the study within the current debate, I will place the main research focus will be outlined, proposing two main approaches. Finally, the third step will be more empirically-oriented. This last phase is aimed at delimiting the notion of “externalisation” through a set of policy practices. Please note that the main territorial reference is the Euro-Mediterranean area.

2.2.2 What does “externalisation” mean in defining an immigration policy?

Traditionally a core aspect of state sovereignty, immigration control began by moving up to the inter-governmental level. It was then brought closer to supra-national governance and is now gradually moving out towards the realm of EU foreign relations (Lavenex, 2006; 329). Without entering the debate on whether extra-territorial control is a new phenomenon or a new step in an old process of cross-governmental cooperation logic (Lavenex, 2005; 330), what can be said is that the notion refers to a set of political practices with diverse, yet inter-related conceptualisations, emphasising different aspects of these shared practices. All perhaps come under the common umbrella of designing governance and policy extension beyond borders, between at least two countries sharing a specific asymmetrical relationship, not only in terms of power and socio-economic disparities, but also in their capacities to politically respond to the same phenomenon: the movement of people between one country and the other. These concepts are basically three: externalisation, external dimension, and extra-territorialisation.

The European Union prefers to use “external dimension” over “externalisation”, which is never mentioned in European documents. Debenedetti (2006) draws a distinction between “externalisation” and “external dimension” that seems analytically useful. In general, the “external dimension” refers to all aspects of engagement and policies directed beyond its borders, between at least two countries sharing a specific asymmetrical relationship. A number of phenomena are grouped under the category of “externalisation”:

1. Elements of the domestic system that have international implications, such as the creation of camps for different types of migrants, outside and inside borders.
2. Increased emphasis on external borders and on the fight against illegal immigration, such as border control measures, the construction of fences, patrols, and so on.
3. Measures for the repatriation of “illegal” migrants, re-admission agreements, and means of transport to third countries (for example, group flights).
4. Proposals for the processing of asylum claims outside the European territory, for instance through regional protection and transit processing centres.
5. Action targeting “root causes” and attempts to link migration and development.

The term “externalisation” has an economic origin. It involves “the transfer of a business function to an external entity, requiring a degree of coordination and trust between the outsourcer and this external entity” (Rijpma and Cremona, 2007; 12).
Taking into account the international dimension of the migration phenomenon, this cooperation seeks to engage countries of origin and transit in the control of migration flows. The result is a growing emphasis on extra-territorial control.

At its core is the notion of “remote control”, which involves shifting the locus of control further afield from the common territory. The first, more traditional type of instrument are visa policies. A second is the mobilisation of third countries in the control of migration flows to Europe (Lavenex, 2006; 334). This practice implies at least two main premises:

- Shifting migrants at the border through state agents (visas), private actors (carrier sanctions), third states (cordon sanitaire in East and South of Europe).
- Extra-territoriality: processing demands outside the EU.

What this also means is that migration is being integrated as a major stake in international negotiations and expresses, directly or indirectly, the co-responsibility of a common interest: to control people’s movements. Following this line of thought, some authors are beginning to talk of externalisation policy as a new mode of governance.

Drawing on Smith’s distinction between four types of boundaries – geopolitical, institutional/legal, transactional, and cultural (Smith 1996: 13ff.) – external governance can be said to occur when the institutional/legal boundary is moved out beyond the circle of Member States. Thus, the crucial criterion is the extension of the legal boundary of authority (Lavenex, 2004; 683).

External governance is thus defined as the “shifting of the legal boundary beyond institutional integration” (Lavenex, 2004; 683), and is interpreted in terms of extra-territorialisation, designating the fact that the EU acquis reaches beyond EU territory to affect third countries, and how these third countries adopt the EU acquis and values in their own legal orders (Rijpma and Cremona, 2007; 12). In this respect, there is also a conceptual link between “extra-territorialisation” and “external governance”. The term extra-territorialisation was proposed by J. J. Rijpma and M. Cremona (2007; 12). It covers the means by which the EU attempts to push back the its external borders, or rather to police them at a distance in order to control unwanted migration flows. “Extra-territorialisation includes the way in which the EU and its Member States attempt not only to prevent non-Community nationals from leaving their countries of origin, but also to ensure that if they manage to do so, they remain as close to their country of origin as possible, or in any case outside the EU territory. It furthermore covers measures that ensure that if individuals do manage to enter the EU they will be repatriated or removed to ‘safe third countries’” (Rijpma and Cremona, 2007; 12).

Different types of extra-territorialisation form the semantic family of the notion of policy externalisation:

1. Autonomous political action that requires third countries’ cooperation. Namely, political action taken by a political entity, independently of a third country, which nevertheless impacts on the legal order of that third country and the position of third country nationals outside the territory of the EU (Rijpma and Cremona, 2007; 13). For instance, visa policies or the FRONTEX agency.

2. External political action, such as international agreements and cases where third countries undertake to align their domestic law with the community acquis, or other complex interactions. Examples of this include the immigration liaison officers network by regulation (Rijpma and Cremona, 2007; 14), an effective return policy, elaboration of a list of safe countries of origin.

3. Promotion of EU acquis amongst third countries in the adoption of their own domestic legal orders. This can be done through formal agreements such as association agreements.

A policy where all three dimensions are found reflected is the European Neighbourhood Policy (ENP).
To sum up this conceptual analysis, all these related meanings share the view that there is a strong link between the externalisation of policies and an orientation towards managing migratory flows. In the end, what the externalisation policy seeks is to reduce flows and/or control them. From this basis, some basic inter-related premises can be established:

1. Inside/outside territory is no longer a frame of reference for policy-making, since there is a growing trend to go beyond these traditional limits in drawing up new policies related to immigration (Bigo, 2002). There is a link, then, between external and internal policies. In other words, an external practice has the aim of provoking internal effects.7

2. It thus follows that there is a shared understanding of the state’s obligations engaged by a territorial nexus (Gil-Bazo, 2006; 593).

3. Perhaps the best expression to capture the meaning of “externalisation of policy” is “policy at a distance” 8, or “remote policy”. That is, policies implemented in the sending country, yet which seek to impact on the receiving country’s internal dynamics. It follows, then, that the search for policy solutions out with the domestic territory is less motivated by the search for innovative solutions than by the internal need for security and stability. In this context, there are three main strategies for the externalisation of migration policies (Papadopoulos, 2007; 98):

- “remote control” strategy: transfer of border controls to third countries and/or border countries;
- “remote protection” strategy: emphasis on the extra-territorial dimension of refugee protection;
- capacity-building strategy in certain sending and transit countries, which mainly includes the transfer of know-how, surveillance technologies, facilities and institutions.

4. The notion of inter-dependence explains why a state/the EU chooses to engage in external action, and hence bind third countries to the fulfilment of its internal policy goals (Lavenex, 2004; 68). This externalisation is primarily conditioned by the construction of a “security community” in a geopolitical context. If we take the European Member States and the European Union as a territorial framework of reference, this would mean having the main aim of ensuring the area of freedom, security and justice within the Union.9

This externalisation of policy is already defined in the EU as an external dimension. The Amsterdam Treaty gave the Commission the competence to negotiate external agreements in those areas of Justice and Home Affairs (JHA) that were transferred to the Community pillar. The external dimension was then officially embraced by the Tampere European Council in 1999 (Boswell, 2003; Bosch and Haddad, 2007). One of its main points of action is the “setting up of stronger external action, in order to build an area of freedom, security and justice.” This stipulated that JHA concerns should be “integrated in the definition and implementation of other Union policies and activities,” including external relations (European Council 1999). The main guidelines for this programme were laid down in a report, which the EU Heads of State or Government formally adopted one year later at the Feira European Council (Council 2000). These include, among others, “the external dimension of migration policy: effective control of the EU’s external borders and signing of readmission agreements with countries from which migratory flows originate” (Lavenex, 2004; 689).10

What the very recent literature on this subject suggests is that there are, at least, two main approaches to externalisation that orient arguments for normative debate. The original one can be labelled as a “remote control approach”11, where the basic objective is to have internal effects in receiving countries in terms of security. It is a security-based and re-active approach and reflects what could be called a “policy as restriction”, in the sense that it establishes policy with the aim of restraining the movement of people. The second approach is development-based and pro-active in character. Its rationale is that we must seek to influence, while also reducing, the push factors motivating people to leave their home countries. This approach is far more centred on the causes than on the effects of migrants’ exit-option. It has a preventive dimension and can be labelled, in contrast to “remote control”, as the “root cause approach”.12

2.2.3 Setting the focus of the study: Two approaches to externalisation

7 It is not understood as “external effects” (Lavenex and Jacquet, 2004) of internal policies, but rather as “internal effects” of external measures in migration policy.
8 This term comes from Bigo and Guild “Policing at distance: Schengen visa policies”, in Bigo, D. and Guild, E. (eds.) (2005), Controlling frontiers: Free Movement into and within Europe. Hants (England), Burlington (USA): Ashgate.
9 In a document on the priorities and objectives for external relations in the fields of justice and home affairs, the Presidency clarified that the primary purpose of the external dimension is the establishment of a common area of freedom, security and justice within the Union (Council of the European Union, “European Union priorities and policy objectives for external relations in the field of justice and home affairs”, Doc. 7653/1 on 6 June 2000, p. 5. So far for an overview of the main documents and institutional declarations, see Debenedetti (2006) and the work of Boswell (2003).
10 The “remote control” approach has been conceptualised by A. Zolberg (2002). The basic logic is to ensure that the pool of prospective migrants to Europe could be shifted and sorted before they arrive in the territories of receiving countries. Another premise of “remote control” is based on the supposition that it is much more difficult to expel unwanted migrants once they have arrived in European territory because of legal and human protections. See also V. Guiraudon (2008) “Before the EU Borders: Remote Control of the ‘Huddled Masses’”, in Groenendijk, Guild and Westendorf (eds.), In Search of Europe’s Borders, Kluwer Law International.
11 The “remote control” approach has been conceptualised by A. Zolberg (2002). The basic logic is to ensure that the pool of prospective migrants to Europe could be shifted and sorted before they arrive in the territories of receiving countries. Another premise of “remote control” is based on the supposition that it is much more difficult to expel unwanted migrants once they have arrived in European territory because of legal and human protections. See also V. Guiraudon (2008) “Before the EU Borders: Remote Control of the ‘Huddled Masses’”, in Groenendijk, Guild and Westendorf (eds.), In Search of Europe’s Borders, Kluwer Law International.
12
Schematically, both approaches can be presented as follows, considering their main dimensions:

<table>
<thead>
<tr>
<th>Remote control approach</th>
<th>Root cause approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security-based</td>
<td>Development-based</td>
</tr>
<tr>
<td>Re-active (control of flows)</td>
<td>Pro-active (preventive)</td>
</tr>
<tr>
<td>Policy as restriction</td>
<td>Policy as innovation</td>
</tr>
</tbody>
</table>

In empirical terms, one could say that the “remote control approach” defines the domestic and/or EU migration control tools traditionally applied to engage sending and transit countries, such as combating illegal entry, migrant smuggling and trafficking. In contrast, the “root cause approach” relates more directly to innovative tools, developing preventive mechanisms that address the causes of migration (Papadopoulos, 2007: 98). This approach is highlighted in several EU institutional documents, but is often still seen as wishful thinking.

In 1992, the Council of the European Union adopted a specific Declaration on the principles governing the external aspects of migration policy in which it recognised:

“...the importance of analysing the causes of immigration pressure and analysing ways of removing the causes of migratory movements.”

For this purpose, it laid out the various elements of root cause approaches:

- Conflict prevention, peace-keeping, protection of human rights and the rule of law;
- Protection of refugees and displaced people by the region of origin should be the rule, except in cases of “particular need”;
- Support for economic and trade liberalisation;
- Provision of development aid;
- Fight against illegal immigration;
- Finalisation of re-admission agreements;
- Co-operation in situations of mass influx.

Apart from the multilateral framework of the Euro-Mediterranean Partnership (EMP), external governance takes place at the bilateral level through association agreements. The Agreement concluded between Tunisia and Morocco includes identical provisions on migration policy, which is given first priority in the list of co-operation issues in the social field (Chapter III, Article 71). In Article 71, the contracting parties agree to carry out projects and programmes aimed at: “(a) reducing migratory pressure, in particular by improving living conditions, creating jobs and developing training in areas from which emigrants come”; and “(b) resettling those repatriated because of their illegal status under the legislation of the state in question” (Lavenex, 2004: 690).

Finally, we can also mention the European Commission Communication stating the need for a thematic approach (Thematic programme for the cooperation with third countries in the areas of migration and asylum, Brussels, 25.1.2006, COM [2006] 26 final), emphasising the need to change the focus of the external dimension of migration policy from a security-based to a more development-based one centred on root-cause concerns:

“Among these policy developments, those referring to migration and development and to legal economic migration are probably destined to exert the more innovative effects. This goes in parallel with the fact that until recently the external dimension of the migration policy has been prevalently built around the objective of better managing of the migratory flows with a view to reducing the migratory pressure on the Union. Although this remains a valid goal, the additional challenge today lies in the development of policies which recognise the need for migrant workers to make our economies function in those sectors where the EU is facing labour and skills shortages and, at the same time, which maximise both for the migrants and for their countries of origin the benefits triggered by the migration. This presupposes an approach which goes beyond the questions of border control and fight against illegal immigration, to incorporate other dimensions of the migratory phenomenon, in particular development and employment.”

An early formulation of these two approaches can be found in Boswell (2003). The basic difference is that she differentiates between externalisation and prevention approaches, and identifies externalisation with the control approach. We have, in contrast, included both approaches (the remote control and the root cause approach) within the category of externalisation in the belief that they express two different orientations of this phenomenon. This, and because it is also the criteria used for evaluating different Spanish external policies in the work of A. Terron (2004).
This would imply that the future thematic programme would have the following five strands:

- Fostering links between migration and development;
- Promoting well-managed labour migration;
- Fighting illegal immigration and facilitating the re-admission of illegal immigrants;
- Protecting migrants against exploitation and exclusion;
- Promoting asylum and international protection, including through regional protection programmes” (COM(2006) 26 final; 9-10).

This root cause approach also belongs to the human rights framework referred to in the Report of the Global Commission on International Migration, entitled *Interconnected World: New Directions for Action* (October, 2005). Within the section on state sovereignty and responsibility it is argued that:

“... The Commission also urges states to uphold those provisions of the trafficking and smuggling protocols that emphasise the need to combat the root causes of these phenomena by alleviating poverty, underdevelopment and a lack of equal opportunities, and by paying special attention to economically and socially depressed areas.” (p. 58)

Finally, as will be shown in this report, there exists an approach that falls between the remote control and the root cause variety, which could be labelled a “managerial approach”. This is neither a re-active, security-oriented approach, nor a development-based and proactive approach. As is argued in section 2.3 of this report, the managerial approach is linked to the needs of the labour market.

### 2.2.4 Defining the policy of externalisation: Diplomatic practices, external institutions and policies

There is a concern in defining the different strategies for the externalisation of migration policies. Papadopoulos (2007), for instance, identifies three basic strategies:

- “remote control” strategy: transfer of border controls to third countries and/or border countries;
- “remote protection” strategy: emphasises the extra-territorial dimension of the protection of refugees;
- capacity-building strategy in certain sending and transit countries, which mainly includes the transfer of know-how, surveillance technologies, facilities and institutions.

In a bid to identify the concrete practices that define this policy, the following table shows three dimensions of practices through which the externalisation of policies is conceptualised, and the different actions within each:

<table>
<thead>
<tr>
<th>Diplomatic practices</th>
<th>External institutions</th>
<th>Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilateral meetings; Multilateral meetings; Re-admission agreements.</td>
<td>Camps and processing centres; Immigration offices; Border control.</td>
<td>Visa; Return; Repatriation policies.</td>
</tr>
</tbody>
</table>

#### a) Diplomatic practices:

Refers to activities taking place outside the territory (Lavenex, 2006), which could consist of bilateral (between sending/receiving countries) or multilateral meetings (among several countries, or at the regional level). These diplomatic practices may also include political agreements affecting the lives of people who try to migrate, such as, most importantly, re-admission agreements, which is a primary tool for the management of migration flows. Broadly defined, such agreements establish a mutual commitment from each party to welcome back, without any formalities, certain categories of persons at the other party’s request (Schieffer in Hurwitz, 2002; 2). Their main purpose is to combat irregular entry. Re-
admission agreements tend to be bilateral because Member States’ differing legal systems render the multilateral approach too complex (Hurwitz, 2002: 4). Time limits usually vary anywhere from 48 hours to 7 days.

b) External institution-building:

The term “external institutions” refers to the building of structures with the specific functional aim of implementing one or several dimensions of policy externalisation. This institutional structure may have a temporary dimension and, in principle, does not have a permanent status. This category encompasses, for instance, camps and processing centres (Debenedetti, 2006: 15), which have the function of receiving irregular migrants in specifically designated places. It also includes immigration offices, which have an added diplomatic dimension given their aim of establishing contact between the potential immigrant and the receiving country before the migratory process is embarked upon, as well as other border control institutions, which may include joint border patrols (Lavenex, 2006) or police control networks, such as the Spanish SIVE and the European FRONTEX (Debenedetti, 2006: 22).

c) Policies:

Finally, there are also a set of policies related to the management of migratory flows, such as visa, return and repatriation policies.

Along with these three dimensions of policy externalisation, one can also mention the network of actors involved in this policy.

The main actors are governmental, representing receiving, sending, as well as transit countries, and also, border guards, policy-makers at the border, etc. Non-governmental actors include NGOs working at the border, immigrant associations, and other entities from civil society.

In the Euro-Mediterranean space there exist diverse typologies of factors affecting an impact on a renewed development of the externalisation of migratory policies.

Firstly, and as is pointed out in the Italian report, for those countries on the northern shore of the Mediterranean, the demographic and economic projections in relation to the southern Mediterranean countries seem to suggest the non-sustainability of a policy of development assistance aimed at maintaining the labour force of these countries “in situ”. This is especially the case when these northern Mediterranean countries will continue to need constant flows of labour, making the expansion of migratory management a necessity. Thus, the growth of the Euro-Mediterranean migratory system down towards the south, increasingly involving sub-Saharan African countries, is forcing the abandonment of the narrow approach focused solely on migration control. In order to conceive a successful, flexible model, it is essential to alternatively envisage a policy that further considers the dynamics of the labour markets, as well as a positive relation between migration and development.

This perspective elucidates the results of the first Euro-Mediterranean Ministerial Conference on Migration, held in November 2007, which established the fundamental principle of recognition of the economic and social benefits that regular migration can bring, for the source, destination and transit countries. Moreover, the agreement highlights the importance of strengthening joint management through shared responsibility with a more global and balanced approach. In terms of more concrete objectives, it emphasises the need to speed up procedures related to the migratory process and to promote regular migration within the Euro-Mediterranean area, taking into account the respective labour markets.

Also in this line, one should note the important change in recent years in how existing relations between mobility and development are conceptualised. Adding to the paradigm “more development for less migration”, there is now greater awareness about the relations between mobility and socio-economic development. In this new conceptualisation, the re-
New Directions of National Immigration Policies: the Development of the External Dimension and its Relationship with the Euro-Mediterranean Process

2.4 Contrasting current factors in the Euro-Mediterranean area

In their turn, there is a growing need for agreement between the southern Mediterranean countries as regards the regulation of migratory flows. This need emerges particularly from the increase of irregular flows, by sea or land, of people (originating from this region or from sub-Saharan countries) who are seeking a better life. These new migratory dynamics force transit countries (and in some cases, also of destination, such as Morocco) to adapt their role and redraw their agenda of priorities when dealing with the external dimension of migration.

With respect to Africa and the Mediterranean, this change of paradigm – from “more migration for less migration” to “better migration for more development” – integrated the official European rhetoric with the launch of the Global Approach to Migration by the Commission, in December 2005, having found its practical expression in the organisation of the two Euro-African conferences in Rabat and Tripoli and, more recently, in the proposal for circular migration and mobility partnerships. We should bear in mind that the Euro-African Conference on Migration and Development, held in Rabat in July 2006, was one of the first and, at least symbolically, the clearest attempt to showcase the European priorities over this next period: pushing forward the development dossier and engaging African countries in foreign policy strategies related to migration.

In the EU level, there are other factors that explain the externalisation of migratory policies. In the European Union, migration has become part of foreign policy. This process began with the Tampere programme, which put forward a space of freedom, security and justice, reflecting a new comprehensive approach that also envisaged exploring the links between migration, trade and political cooperation as tools to reduce the “push factors” characterising countries of origin. However, Tampere also introduced an approach whereby third countries were involved in the management of migration, with source countries undertaking border control and the re-admission of returned emigrants. Later, the Commission enhanced this external dimension and broadened the fields of action to address the root causes of migration. In 2005, the Global Approach to Migration strengthened the need for a comprehensive and coherent strategy, simultaneously encompassing the fight against irregular immigration and cooperation with third countries, putting special emphasis on countries of the neighbouring area (south and east of the EU). In general, the integration of migration into the EU’s foreign policy agendas reveals a constant attempt to balance cooperation with the agendas of security and development.

Human security dimension

The joint declaration of the Mediterranean summit held in Paris on 13 July 2008, which represented the first step of the Barcelona Process: Union for the Mediterranean, takes on the five-year work agenda approved in 2005, as well as the resolutions of the ministerial councils. This assures the advancement of the migratory agenda, and the continued desire to deal with migration-related security from a multidimensional perspective.

This is why it is necessary to emphasise one of the key initiatives in this initial stage – a Euro-Mediterranean strategy that runs in line with the EU civil protection mechanism, to encourage enhanced cooperation within the framework of assistance and civil protection actions. A specific dimension will be devoted to sea security and the role of EMSA (European Maritime Safety Agency):

- This strategy opens the door to approaching security in the field of migration as a multidimensional concept that includes human security (with civil protection as an added regional value).
Dynamism of diplomatic activity

Another of the characteristics observed, and which have an effect on the externalisation of migratory policies, is the dynamic diplomatic practices (bilateral and multilateral agreements and/or processes) being developed within the Euro-Mediterranean space. The scenario of overlapping strategies defined in the introduction to this report reveals the importance of the external agenda, in terms of its strategic value and its themes. The thematic level includes topics such as circular migration linked to labour mobility, border control, re-admission, police cooperation, institutional capacity-building in management and the regulation of migratory flows, and the migration-development binomial. As regards strategic value, an effect is observable amongst states (bilateral agreements for the management of migratory flows), as well as processes of multilateral dialogues, both at the level of the EMP and the EU, as well as Euro-African dialogue.

This dynamism of diplomatic initiatives has established a clear approach geared towards the combat and control of irregular migration, in order to advance towards a growing diversity of objectives that will impact, simultaneously or in parallel, on aspects of security (remote control), development (root causes), and management (managerial).

- Could the Euro-Mediterranean Partnership (currently Barcelona Process: Union for the Mediterranean) provide a regional framework lending coherence to this dynamism of diplomatic practices?

The European Commission as a promoter of migration management

Although early analyses of the externalisation of migratory policies coincide in noting that the EU overlooked development and cooperation policies on labour migration, as well as exporting border management, the European Commission has been issuing proposals regarding the management of migration flows through what could be described as a system of labour mobility, as proposed by the OECD. Thus, the communication on circular migration proposed mobility partnerships bearing in mind the state of the labour markets, both in the countries of origin and destination, while also identifying new approaches to improve the management of legal movements of people between the EU and third countries.

- Can we conclude from these proposals that the European Commission is now promoting a discourse more focused on the need to manage, rather than control?

30 In this case, the first Euro-Mediterranean Ministerial Meeting on Migration (Algiers – 16, 19 November 2007), and its Agreed Ministerial Conclusions is especially relevant, outlining the commitment of Euro-Mediterranean partners towards promoting cooperation and capacity-building through the exchange of experiences, good practices, and regular training, in relation to the control of migratory flows on the borders, as well as returns and re-admissions. (http://www.eueuropa.eu/LEX/lnfiles/200706/tk-070607_eu
31 Promotion of regular migration within the Euro-Mediterranean region, while bearing in mind the respective labour markets. The agreement recognises that in this process, the protection of migrants’ civil rights is fundamental and notes the importance of aspects such as family reunions and social integration, based on the participation of migrants in the civic, economic and cultural life of the receiving countries.
34 Ibid.
36 COM (2007) 248 final, Circular migration and mobility partnerships between the European Union and Third countries.
38 Look at ways to facilitate circular migration, which will help EU Member States address their labour needs, while exploiting potential positive impacts of migration on development and responding to the needs of countries of origin in terms of skill transfers and of mitigating the impact of the brain drain. COM (2007) 248 final.
3. Description of Basic Policy Practices Related to Externalisation

3.1 Evaluating trends: How each country understands externalisation

In the last five years, northern and southern Mediterranean countries have broadened the external dimension of the migratory agenda taking, to different degrees, steps towards an externalisation of migration policies. In particular, southern European countries have developed strategies aimed at securing the commitment of the origin and transit countries of migration in controlling and managing flows.

Spain is adding bilateral agreements to its strategy of strengthening border control, in a bid to manage labour migratory flows, and is leading the introduction of agreements with sub-Saharan countries that address both the management of flows and the development cooperation linked with the primary causes of migration. This aspect is enhanced by Spain’s co-leadership, together with Morocco and France, of the Euro-African dialogue, which broadens the need for agreement on migratory policies beyond the Mediterranean region.

In its turn, Italy has managed to involve the southern Mediterranean countries of origin in measures of migration control, also including Libya. Later, Italy introduced pilot programmes linking migration to development, introducing, also at the national level, a moderate change of pace from a sectorial approach of migration contention towards a more global approach. However, the recent change of government in Rome has altered the discursive lines and the design of policies towards a univocal security approach.

In the case of France, the term externalisation is generally not explicitly used. Yet there are practices suggesting its desire to enhance the role and capacities of third countries, as shown by the recent measures aimed at linking bilateral relations, based on the complementarity of immigration management, to co-development and, secondly, through the creation of a framework of enhanced cooperation within the Euro-Mediterranean space.

Within the first structure of measures, the institutional organisation of migratory policies under a single ministry of multifunctional characteristics ties functional policy links between the Ministry of the Interior (control and expulsions) and the Ministry of Foreign Affairs (co-development). As regards the second type of measures, the Strengthened Partnership with the Maghreb, of 2007, has joined the Euro-African approach on migration and development. Finally, the new framework put forward in the Union for the Mediterranean’s first proposal implies, in terms of migration policies, an externalisation of security policies. Nevertheless, the initial project will remain significantly changed and the Barcelona Process: Union for the Mediterranean will ensure the continuity of the Euro-Mediterranean migratory agenda developed up to the present.

Finally, the three northern countries studied have also introduced policies or participated in programmes, either harmonising with community policies (such as in the case of border control) or adopting the main action lines proposed by the European Commission (Global Approach to Migration), or at a bilateral level, with each of the three countries having produced bilateral agreements on flow management (emphasising re-admission).

Nonetheless, it should be highlighted that the migratory policy implemented at a community level (namely, a new return directive and the European Agreement for Immigration and Asylum) has been forged, especially in the case of the European Agreement, based on the agreement already existing between France and Spain. Leadership in the communitarisation of migratory policies is thus based on a balance between an externalisation principally promoting the domestic interests of security and stability (France), and an externalisation that searches for innovative solutions through its proposed policies to be implemented outside the territory (Spain).

When focusing on the southern Mediterranean countries – in this case Egypt and Morocco – one must bear in mind their dual position, both as initiators of externalisation (i.e. internationalising European policies, as pointed out in the Moroccan report) from the countries on the northern shore, and as initiators, to a different degree, of measures aimed at externalising their own migratory policies. Two differentiated trends can therefore be observed in the southern Mediterranean.

Morocco, given its status as a country bordering the EU, is pressured by Europe to assume border control responsibilities. Its simultaneous status as a transit country, for those migrants coming from sub-Saharan Africa, has seen the Moroccan government develop a
migratory policy based on Law 02/03, which imitates/replicates the European legislation on this issue, specifically the Spanish Law 4/2000. Moreover, its geographical situation promotes the attachment of great importance to its advanced statute with the EU, especially since it leads, along with Spain and France, the afore-mentioned Euro-African dialogue, in which the Moroccan agenda reflects the priorities of northern Mediterranean countries.

Egypt, as a source country, is the object of policies that tend to externalise the management of migratory flows, and its own establishment of migration policies is still incipient. But it is increasingly necessary to set out a policy aimed at managing transit migration, particularly that resulting from the redirection of flows from sub-Saharan Africa, seeing as Morocco’s enhanced border control could trigger an increase of movement towards Egypt. These flows would add to those of refugees, currently originating from Sudan and Ethiopia. In this case, the models developed in the Arab countries could help design such policies.

As a background to the externalisation of policies as developed by Morocco and Egypt, it can be pointed out that, beyond a Euro-Mediterranean logic, the Moroccan case also shows a Euro-African articulation, while that of Egypt could potentially develop a logic of externalisation based on an Arab-African articulation, but only if the lack of regional perspective that today exists in Arab countries at the level of the migratory agenda is overcome.

The development of externalisation in migratory policies mainly takes place at the EU level. This has been described as the reproduction of the internal policy of the EU in third countries, following an agenda of European interests aimed at a concept close to the Remote Control Approach (Security). The analysis here presented of the policies present in those states studied also includes examples of the Root Cause Approach, to a certain extent influenced by EU initiatives, such as the Global Approach to Migration, or multinational, as well as the GCIM. Thus, measures that contain a development or co-development component stand out in the national reports (mainly in the Spanish and French cases), which indicates an orientation towards the Root Cause Approach. However, control and security measures (such as participation in FRONTEX programmes) also have a special importance.

Nevertheless, one of the main findings is a recognition of a mainstream in these externalisation policies or programmes, having found initiatives that do not clearly aim at control (security) or at having an effect on the causes of emigration (root cause), but whose main objective is rather the management of flows. We could speak here of a managerial approach (see fig. 2), mainly linked to the establishment of a system of labour migration, where the needs of the labour market prove determinant in establishing how many immigrants can be admitted and who these should consist of in order to achieve a balance between those specific sectors of society that stand to benefit from immigration (such as local services) and those which are damaged (competition of skills).

3.2 The different approaches to externalisation

Figure 2
The Council of Europe agrees with this observation, noting that governments and inter-governmental institutions\(^{56}\) have begun to develop a discourse more focused on the need to manage, rather than control.\(^{46}\) To be more specific, the principle of orderliness\(^{67}\) is identifiable in migratory policies, in that measures are developed to manage migration in an ordered way, with the objective of maximising opportunities and benefits, both at an individual level (emigrant) and for the host society, while also minimising human trafficking and irregular migration.

The managerial approach would also respond to the need for cushioning the distortion and dependence effect\(^{48}\) — that is, to guarantee the entry of immigrants according to the demands of the labour market\(^{49}\), while maintaining opportunities for regular emigration from the countries of origin. In this same spirit, for a newly receiving country such as Spain, forecasting of the need for migrant labour is essential to guaranteeing a regular channel of migratory flows.\(^{50}\)

What the OECD identifies as the need to go beyond a system of labour migration can be integrated within this concept, in developing a new system of international labour mobility within which countries would be required to make a commitment to the migrants accepted and their countries of origin as real partners in the management of this mobility.\(^{51}\)

The national reports reveal that there is no clear distinction between the external dimension of migratory policies and those policies that may be considered within the externalisation concept (see 2.2.2). An added difficulty is the non-existence of policies that can be defined as such (as in the case of Egypt) and also that at a discursive level this term is not used (as in the case of France or Morocco). This is why in specific cases there are half-way policies. On the one hand, policies close to the traditional external dimension, such as the cooperation agreements linked to institutional capacity-building. Italy is developing diverse programmes in this respect, while France and Spain do so to a lesser extent. On the other hand, there are those policies close to externalisation but which cannot be defined as such because their implementation does not extend beyond the territory (see fig. 3).

3.3 Analysing the different strategies for the externalisation of migration policies

The different strategies for the externalisation of migratory policies can be found in various policies, operating under the umbrella of external institutions, combined with an inten-

Another important point is the distinction between countries that, because of their geographical situation, follow a border logic (Spain, Italy and Morocco) and those developing a remote protection logic (France). The first is characterised by a greater presence of measures, operating under the umbrella of external institutions, combined with an inten-
sive range of diplomatic practices, highlighting the re-admission agreements. In the latter, entry, return, and repatriation control policies would be more significant, although also supported by diplomatic practices.

At present, Egypt does not fully conform to either logic. However, it is important to stress that the factors having an effect on the current migratory trends (transit migration and irregular migration from sub-Saharan Africa) would lead us to consider a potential framing within the border logic.

In the first case (that of border logic), it is noteworthy that the border reaches beyond the Euro-Mediterranean regional logic, also encompassing a Euro-African perspective, and hence extending policy externalisation towards sub-Saharan Africa, where migratory flows that are undoubtedly conditioning the Euro-Mediterranean dynamic actually originate.

Focusing on those groups positioned in this report under the concept of externalisation, there emerges a significant use and implementation of external institutions, which include processing centres, such as those in Tunisia and Libya, funded by Italy46; or the joint management centres agreed between Spain and Mauritania.12 The latter stands out given that it is a direct consequence of the increased control along the Moroccan border, which is displacing irregular flows to the South. One of the most outstanding elements of Euro-Mediterranean migration thus extends towards Africa: the management of irregular flows.24 In this respect, we should note the fact that Morocco is planning to set up processing centres such as those in Tunisia and Libya, funded by Italy.

In the second case (that of border logic), it is noteworthy that the border reaches beyond the geographic border logic, which uses external institutions related to border control, is mainly pursued by Spain and Italy, either thorough leadership of the FRONTEX project13 or the development of their own programmes.47 Again, both in the Spanish and the Italian cases, the Euro-African component is emphasised. In Spain, border control programmes multiply with Mauritania and Senegal72, while in the Italian case, its collaboration with Libya has broadened to control the transit migration coming from sub-Saharan countries.73

Referring to diplomatic practices, this first group of countries (presenting a border logic) are developing a wide range of bilateral agreements (police cooperation agreements, bilateral agreements for the management of labour flows, re-admission agreements). In addition, they participate in multilateral strategies such as the s+5 Dialogue on Migration such as the Western Mediterranean, which strengthens the migratory agenda, and above all, the launch of the Euro-African dialogue, a Spanish and Moroccan initiative with the important support of France.

Finally, there is the set of measures aimed at including the development dossier in foreign policy strategies in matters of migration, and which will symbolise the first steps in the aforementioned change of paradigm, from “more development for less migration” towards “better migration for more development.” The second generation agreements made by Spain59 and the orientation given to co-development62 are an example of this, as are the pilot projects undertaken by the Italian development cooperation54,60, alongside the principles of the EC’s Global Approach to Migration and the thematic guidelines of the Euro-African dialogue (specifically, corresponding to the field of migration and development).66

Egypt has so far maintained a re-active position in terms of migratory policies, participating and becoming co-responsible in policies such as the agreement with Italy to regulate migratory flows81, but not, however, developing clear policies to tackle a recent phenomenon in the country – that is, having become a gateway for irregular immigration heading to Europe, the United States and Canada, and most recently, to Israel. One of Egypt’s key aims should be to include the management of labour migratory flows into its agenda of priorities vis-à-vis negotiations with the EU and Arab countries. From here, emerges its potential framing within the border logic.

In the French case, which could be located within a remote protection logic, the orientation previously identified, in which the externalisation measures are aimed at enhancing the internal entry legislation and the fight against irregular migration, stands out. Thus, the procedures integrated into the QOTF (obligation de quitter le territoire français) are combined with new generation bilateral agreements, known as agreed management of migratory flows and co-development, where selective migration is prioritised (limiting im-

68 Guest worker programs tend to become larger than originally planned and in 1980s, these programs were based on the idea that mass migration could be stopped, but not, however, developing clear policies to tackle a recent phenomenon in the country – that is, having become a gateway for irregular immigration heading to Europe, the United States and Canada, and most recently, to Israel. One of Egypt’s key aims should be to include the management of labour migratory flows into its agenda of priorities vis-à-vis negotiations with the EU and Arab countries. From here, emerges its potential framing within the border logic.

Finally, there is the set of measures aimed at including the development dossier in foreign policy strategies in matters of migration, and which will symbolise the first steps in the aforementioned change of paradigm, from “more development for less migration” towards “better migration for more development.” The second generation agreements made by Spain59 and the orientation given to co-development62 are an example of this, as are the pilot projects undertaken by the Italian development cooperation54,60, alongside the principles of the EC’s Global Approach to Migration and the thematic guidelines of the Euro-African dialogue (specifically, corresponding to the field of migration and development).66

Egypt has so far maintained a re-active position in terms of migratory policies, participating and becoming co-responsible in policies such as the agreement with Italy to regulate migratory flows81, but not, however, developing clear policies to tackle a recent phenomenon in the country – that is, having become a gateway for irregular immigration heading to Europe, the United States and Canada, and most recently, to Israel. One of Egypt’s key aims should be to include the management of labour migratory flows into its agenda of priorities vis-à-vis negotiations with the EU and Arab countries. From here, emerges its potential framing within the border logic.

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In the first case (that of border logic), it is noteworthy that the border reaches beyond the Euro-Mediterranean regional logic, also encompassing a Euro-African perspective, and hence extending policy externalisation towards sub-Saharan Africa, where migratory flows that are undoubtedly conditioning the Euro-Mediterranean dynamic actually originate.

Focusing on those groups positioned in this report under the concept of externalisation, there emerges a significant use and implementation of external institutions, which include processing centres, such as those in Tunisia and Libya, funded by Italy46; or the joint management centres agreed between Spain and Mauritania.12 The latter stands out given that it is a direct consequence of the increased control along the Moroccan border, which is displacing irregular flows to the South. One of the most outstanding elements of Euro-Mediterranean migration thus extends towards Africa: the management of irregular flows.24 In this respect, we should note the fact that Morocco is planning to set up processing centres such as those in Tunisia and Libya, funded by Italy.

In the second case (that of border logic), it is noteworthy that the border reaches beyond the geographic border logic, which uses external institutions related to border control, is mainly pursued by Spain and Italy, either thorough leadership of the FRONTEX project13 or the development of their own programmes.47 Again, both in the Spanish and the Italian cases, the Euro-African component is emphasised. In Spain, border control programmes multiply with Mauritania and Senegal72, while in the Italian case, its collaboration with Libya has broadened to control the transit migration coming from sub-Saharan countries.73

Referring to diplomatic practices, this first group of countries (presenting a border logic) are developing a wide range of bilateral agreements (police cooperation agreements, bilateral agreements for the management of labour flows, re-admission agreements). In addition, they participate in multilateral strategies such as the s+5 Dialogue on Migration such as the Western Mediterranean, which strengthens the migratory agenda, and above all, the launch of the Euro-African dialogue, a Spanish and Moroccan initiative with the important support of France.

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migration to certain specific professional categories) and third countries participate in the control of exits (octroi de visas) and in nationality recognition in cases of expulsion from the French territory (re-admission).

The programmes based on co-development, which are framed according to the “more development for less migration” action line, focus on creating the social conditions to decrease emigration, while at the same time enhancing integration in France.

78 See section 2.2 of this report.
79 See section 2.2 of this report.
80 See section 2.2 of this report.
82 Within the framework of the 5+5 Dialogue on Migration in the Western Mediterranean, we cannot speak of concrete measures, but rather of the identification of priorities that can mark or orient the policies to be developed in the short-term. See 5+5 Dialogue, 5th Ministerial Conference on Migration in the Western Mediterranean, Algiers, 12 December 2006. Conclusions of the Presidency.
83 "Acuerdos Marcos de Cooperación Migratoria" (Agreements on Migratory Cooperation). The Spanish government considers such agreements on migratory cooperation as "new generation" agreements since they no longer focus exclusively on re-admissions, as had been the case until now: “These are inspired by a global and balanced approach where immigration is seen as a positive factor of development." (See Zapata, Zaragoza, Aragall (2008), National Report Spain, p.6).
84 Co-development actions are not conceived to alleviate or reduce migratory flows towards Spain, but rather we should recognize that efficiently-managed migrations have a positive impact on both the countries of origin and destination (See Zapata, Zaragoza, Aragall (2008), National Report Spain, pp. 70).
85 The projects are: IMIS (Integrated Migration Information System) and the project "Migration et retours, ressources pour le développement" both funded by the Directorate General for Development Cooperation (DGCS) and which are developed by the IMO (International Migration Organisation) in partnership, respectively, with the Egyptian Ministry of Labour and Emigration and with the Moroccan High Commissioner to Plan, in collaboration with the Centre for Demographic Studies and Research (CEDER) (See Cozzi (2008), National Report Italy, pp. 91-92).
86 Meeting of experts on Migration and Development (July 2008 – Dakar), within the framework of the project of the Mise en Place du Plan d’Action de la Conférence de Rabat. The debate’s main axes were: 1. Implementation of information mechanisms, management and accompanying migrations. 2. Development of training systems linked with employment. 3. Social protection and creation of support networks. 4. Support mechanisms aimed at promoting the economic and social effects of migration on development. 5. Reinforcement of the links between the diasporas and their country of origin. For further information see: http://www.dialoguemuroafricain.md/development/migration_development
87 To date, only one re-admission agreement was signed with Italy, in 2006. It was accompanied by an agreement that regulates legal migrant flows to Italy, specifying a specific annual quota for the migration of Egyptian workers to Italy, based on the demands of the Italian labour market. This can be viewed as a quid pro quo type of agreement, with mutual gains for both Italy and Egypt. The simultaneous signing of these two agreements suggests the adoption of a root cause approach (agreement regulating migrants) in tandem with a remote control approach (re-admission agreement) (See Ghoneim (2008), National Report Egypt, p. 48).
The importance of national policies

The dynamics between states can enter into contradiction with the EMP priorities, emphasising the importance of the national agenda, especially given its impact on the migratory policies to be developed outside the territory. Thus, a clear distinction can be found between an externalisation informed by internal security and stability interests (France), and one that proposes policies to be implemented outside the territory, but motivated by a search for innovative solutions (Spain).

However, the countries analysed have been developing policies that combine control priorities with those of development cooperation, revealing an increasingly outstanding management approach, the main elements of which have been put forward by the European Commission (see introduction).

In this respect, countries located within the border logic\textsuperscript{1} have already concluded bilateral agreements for the management of labour migratory flows and are leading the introduction of agreements with sub-Saharan countries that simultaneously deal with the management of flows and cooperation in areas of development linked with the primary causes of migration.

- To envision a Euro-Mediterranean strategy on the externalization of migration policies, the design and priorities of national policies must be taken into account, since they are the sole specific policies implemented so far.

Flexibilization of EuroMed migration policy instruments

As seen in the different diplomatic instruments analysed (see 2.1 and 3.3), the external dimension of the migratory agenda is growing. It is also clear that the EU is leading in the area of migration policies. For instance, the EU has produced policies with a broader effect on the EMP partner countries, such as the Global Approach to Migration, which was framed in its first phase within the context of the Mediterranean region.

- In order to avoid an overlapping situation, the EMP should take advantage of present instruments like the ENPI, ‘advanced statute’ agreements, and other more specific policies with a significant impact at the regional level (integration of immigrants, remittances management, etc).

- Strengthening the cooperation around existing instruments may facilitate the development of an effective migration agenda at the EuroMed level, particularly in those aspects linked to the ‘Root Cause Approach’.

Circulation and immigration

As was already stated, there are an increasing number of initiatives that do not seek to control (security) or to have an effect on the causes of emigration (root cause), but whose main objective is rather the management of flows. This has been identified as a managerial approach, which mainly entails the establishment of a system of labour migration, where the needs of the labour market determine how many, and what type of immigrants can be admitted.

- The Euro-Mediterranean Partnership should pursue a global perspective in this field, considering an in-depth and innovative coordinated policy on the circulation of labour between the partner countries.

Re-thinking the social dimension of the Euro-Mediterranean project

In addition to the constant migratory flows traditionally operating from South to North, some southern Mediterranean countries have now experienced enough economic development to begin attracting immigrants, while still participating in emigration flows. Moreover, their geographical situation has turned these countries into meeting points for
By 2009, the migration of migrants from outside the region as transit towards the North, across the Mediterranean, has become increasingly difficult.

- Since migration is an important element of the economic and social model, these human movements should induce the EMP to reflect on the social dimension of the Euro-Mediterranean project.
Note:

This report is the outcome of a previous research phase, during which 5 national reports were elaborated by teams from the selected countries. These reports sought to analyse the current state of the external dimension of national immigration policies that have been until now implemented in the five following countries: Italy, France, Spain, Morocco and Egypt.

Footnotes referring to these national reports are available in the joint document National Reports (on Morocco, France, Egypt, Spain, and Italy) at: www.euromesco.net/...


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- to set up of professional training centers for potential migrants;
- to organize specialized courses providing potential migrants with qualifications;
- to provide Egyptians abroad with media and cultural material to maintain ties with their homeland including teaching Arabic to migrants’ children, and supporting efforts by Egyptian religious bodies to maintain the spiritual heritage of Egyptians abroad (Art. 5).

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