

European free movement, migration and criminality

Legal responses to TCN migration in Europe

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Outline

- Introduction
- Context 1: Migration from a political perspective
- Context 2: Migration from a sociological perspective
- Context 3: Migration from a social-economic perspective
- Conclusions
- Discussion

Important consideration

- Migration of Third Country Nationals

vs

- Mobility of EU citizens:
 - Different legal, institutional and regulatory context
 - Similar social responses in terms of social reception, political reactions and labour market issues

Mobility as...

European movement of mobile citizens:

*‘**Mobility** generates social and economic benefits. Increased intra-EU labour **mobility** will widen employment opportunities for workers and help employers fill vacancies better and faster. [...] There has been a significant increase in the number of workers that indicate “firm intentions” [...] to move to work abroad. [...] This represents a significant **mobility** potential’ (EC, 2014: 10, 2).*

Migration of European labour migrants:

*‘With the arrival of labour **migrants** from CEE countries, the parallel with the sixties and seventies forces itself, when also large extensions of groups came to the Netherlands. Than it was presumed, that they would stay for their durance of the demand of labour forces, and to return back to their **land of origin** [...] Now, after forty years, there are still efforts to overcome these backlashes. We can’t allow that in a certain time again an extensive group stayed unnoticed and which came at large socio-economic distance’ (LtP, 2009: 103, 4).*



Context 1: Migration from a political perspective

Freedom of movement as:

'Free movement is a means of creating a European employment market and of establishing a more flexible and more efficient labour market, to the benefit of workers, employers and Member States' (EC, 2002: 694,3).

*'To lead CEE-**migration** into good tracks, the Cabinet announces a packet of measures, aimed to prevent or answer earlier mentioned **problems** [...]. The Cabinet takes the borders of European legislation into account, The Cabinet will make an effort to realize adjustment on a certain point of this legislation' (Letter to Parliament, 2011: 2).*

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Context 1: Migration from a political perspective

Freedom of movement as....

“Free movement as such has been very well accepted by member states, it's just the reality that, the principle as such is not under discussion a part from the UK. Even the more critical, and member states of the letter and stuff, the principle as such of free movement is uncontested. [...].”

‘we are not going to change the Directive, so the basic rules are going to stay the same because you just don't know what is going to happen if you open it up’ (Policymaker DG Justice and Consumers

’The Commission has a completely different approach. They are real believers. Which is very hard. We need to do harder our best for them’ Since ‘for them, the freedom of movement is considered holy”

(Ministry Social Affairs policymaker 2).

“Yes, but when you arrive in Brussels one is a bit seen as an undesirable person. The city of The Hague with 500.000 inhabitants, and there are more of that in Europe. You are not Paris or London. But even then, who the fuck is Paris, you know, Europe is much larger. So what are you complaining about man? A little bit that feeling”

(Former alderman The Hague)



Important consideration

- Migration of Third Country Nationals

vs

- Mobility of EU citizens:

- **Migration**
- **Mobility**

→ Different legal, institutional and regulatory context

→ Similar social responses in terms of social reception, political reactions and labour market issues

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Why do migration and criminality seem to have an issue-connection?

- Acknowledging this issue-connection could refer to xenophobic, assimilationist or repressive approaches

versus

- Denying this issue-connection could refer to value-relativism, happy-clappy multiculturalism or too welcoming approaches

→ Dilemma

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But what is a dilemma?

- 1) a situation requiring a choice between equally undesirable alternatives;
- 2) any difficult or perplexing situation or problem;
- 3) a logic and a form of syllogism

For every dilemma *“there is an answer that is clear, simple, and wrong”* (H.L. Mencken)

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Migration as a difficult or perplexing situation or problem from a:

- sociological perspective

Differential attachment of European mobile workers

- social-economic perspective

Relationships between employers and employees

Free movement of workers

*“Within this, European citizens –old and new- can move freely against a wider, transnational horizon that encourages temporary and circular migration trends, and demands no long term settlement or naturalisation in the country of work”
(Favell, 2008: 705-706)*

Context 2:

Migration from a sociological perspective: how does it work?

Figure 1: Conceptual framework. Different patterns of labour migration after EU Enlargement (source: Engbersen, Leerkes, Grabowska-Lusinska, Snel & Burgers, 2013)

strong	Seasonal and circular migration A	Transnational migration (bi-national orientation) B
	Footloose migration C	Settlement migration D
weak	weak	strong
	Attachment to the destination country	

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How did we measure the attachment to the country of destination?

(source: Engbersen, Leerkes, Grabowska-Lusinska, Snel & Burgers, 2013)

Attachment to destination country	Circulars (N=112)	Bi-nationals (N=126)	Footloose (N=233)	Settlers (N=169)
1. Speak Dutch (0=no;3=quite fluently)	0.40	1.82	0.49	2.27
2. Has contacts with native Dutch	5%	73%	10%	91%
3. # Dutch friends	0.21	1.40	0.29	1.79
4. Speaks Dutch in free time (0=never; 4=very often)	1.71	3.08	1.91	3.52
5. Follows Dutch news (0=never;4=daily)	1.57	2.61	1.44	2.52
6. Speaks Dutch in the neighbourhood (0=never;4=very often)	2.67	3.69	2.76	3.78
7. Participation in Dutch civil society (membership of social organizations)	0.44	1.10	0.56	1.36
8. Dutch bank account	47%	85%	52%	92%
9. Dutch fiscal number	81%	94%	70%	98%
10. Employment status (0=unemployed;3=formal permanent contract)	1.86	2.14	1.55	2.17
11. Registered in Dutch population register	44%	71%	43%	89%

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How did we measure the attachment to the country of origin?

(source: Engbersen, Leerkes, Grabowska-Lusinska, Snel & Burgers, 2013)

Attachment to origin country

	Circulars	Bi-nationals	Foot-loose	Settlers
1. # Weeks per year in home country	8.03	6.11	2.14	2.99
2. Remittances per year	€ 5,495	€3,011	€ 889	€ 599
3. % Income spent on remittances	43%	21%	7%	3%
4. # Visits per year to country of origin	4.11	3.84	1.30	1.82
5. Owns or rents housing in country of origin	72%	56%	39%	34%
6. Follows news about country (0=never;4=daily)	2.32	2.47	1.86	1.92
7. Invests in country of origin	32%	32%	9%	6%
8. # Monthly contacts with family & friends in country of origin	74.96	83.70	51.46	82.03



Results: Main determinants of cluster membership

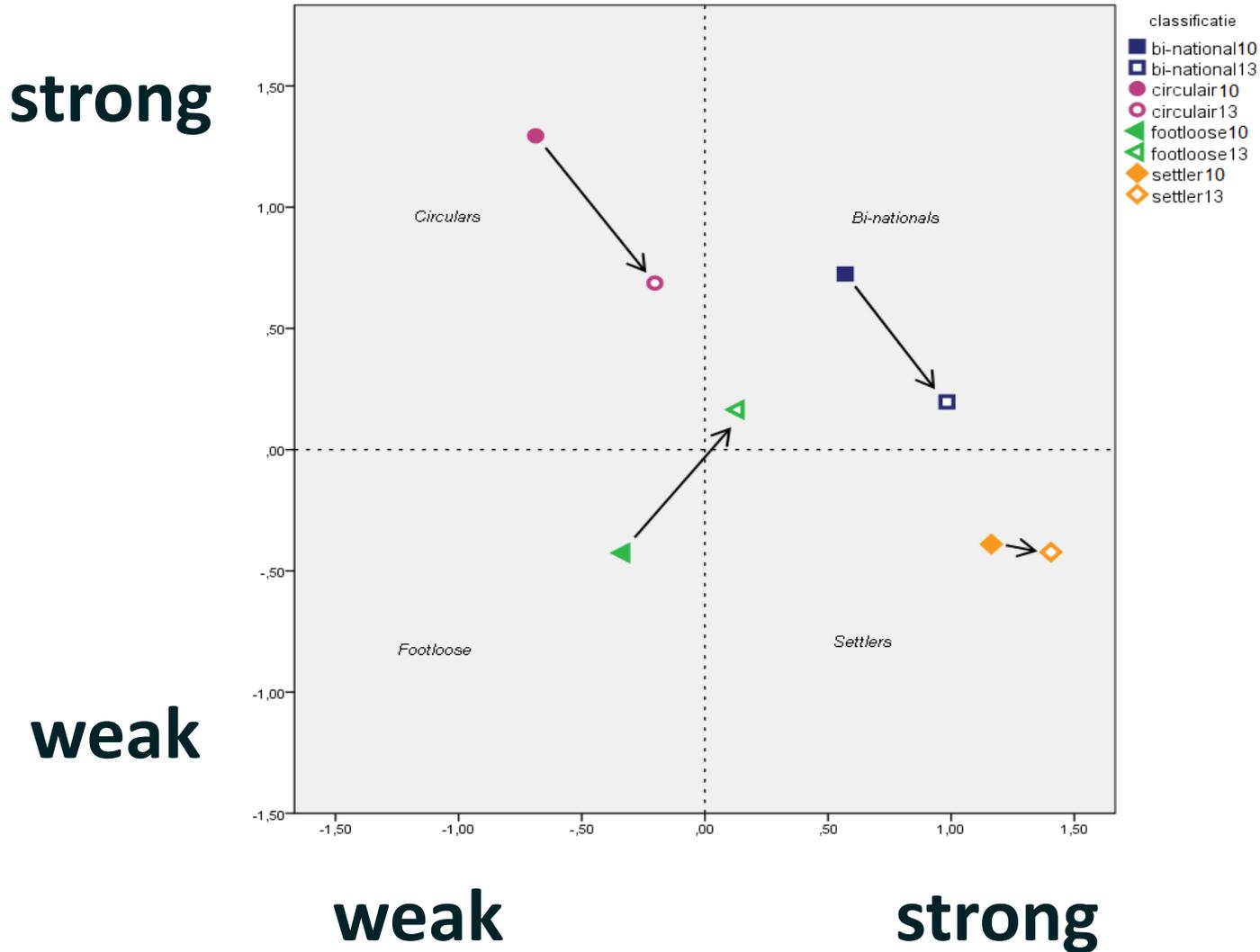
(source: Engbersen, Leerkes, Grabowska-Lusinska, Snel & Burgers, 2013)

strong Attachment to the home country	<i>Circular migrants</i> Migrated at an older age Partner in home country Shorter- and middle-term intentions to stay Non-registration	<i>Bi-national migrants</i> Longer intentions to stay Higher-skilled Higher income
	<i>Footloose migrants</i> Low-skilled Migrated at a younger age Intention to stay <1 year No working permit Non-registration	<i>Settlement migrants</i> Long stay in Netherlands Intention to stay >5 years Higher-skilled Working in skilled professions
weak	weak	Attachment to the destination country strong

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Figure: Migration patterns in dynamic perspective (N=75)

(source: Engbersen, Leerkes, Grabowska-Lusinska, Snel & Burgers, 2013)



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Sociological analysis shows:

- The significance of time
- The upward mobility/ emancipation of migrants
- The diversification of this 'group'
- Importance of 'attachments'
- Significance of socio-economic 'attachments'

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Significance of socio-economic ‘attachments’

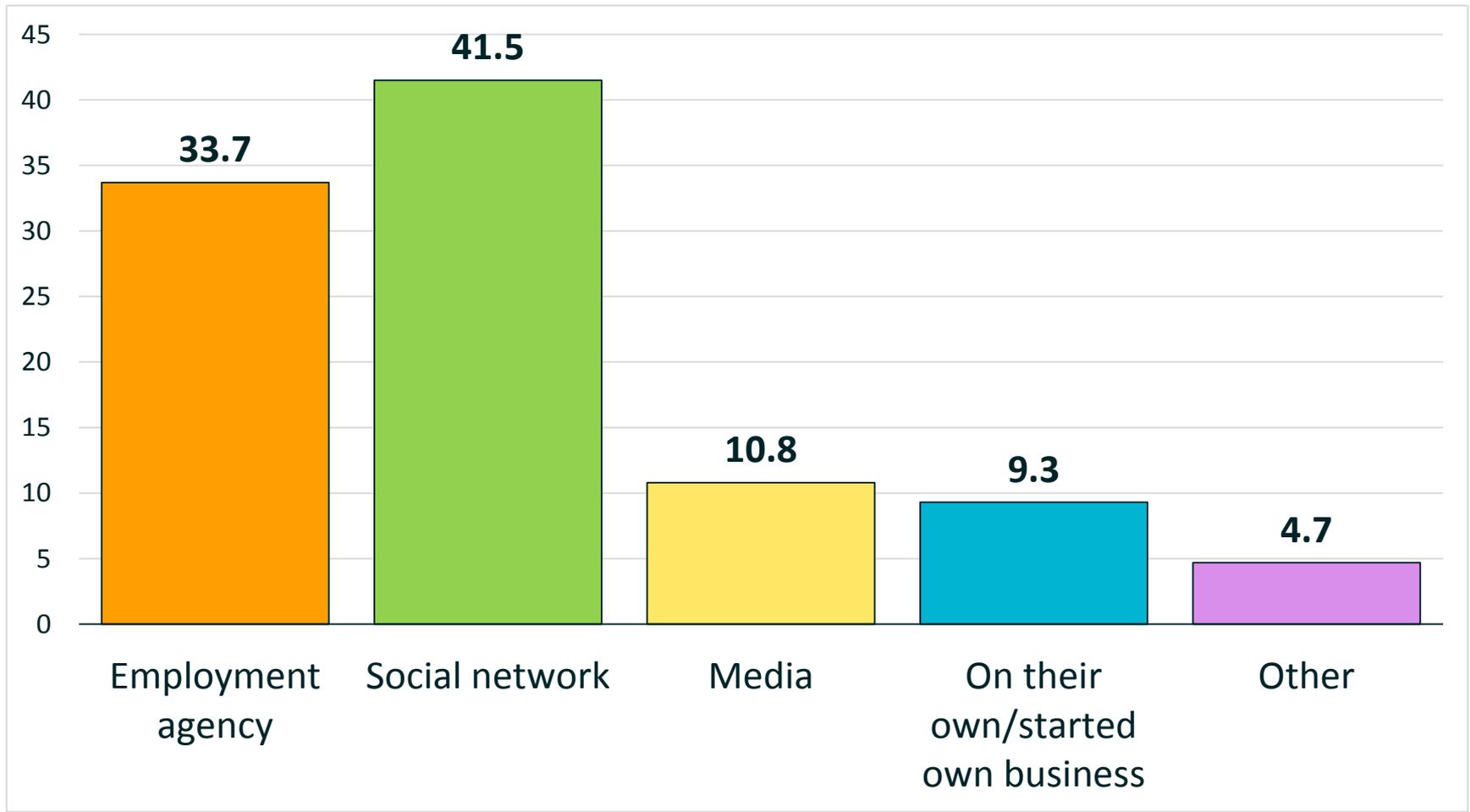
How did CEE migrants found their primary job?

→ And to what extent does this primary job influence their...

- hourly wages?
- housing situation?

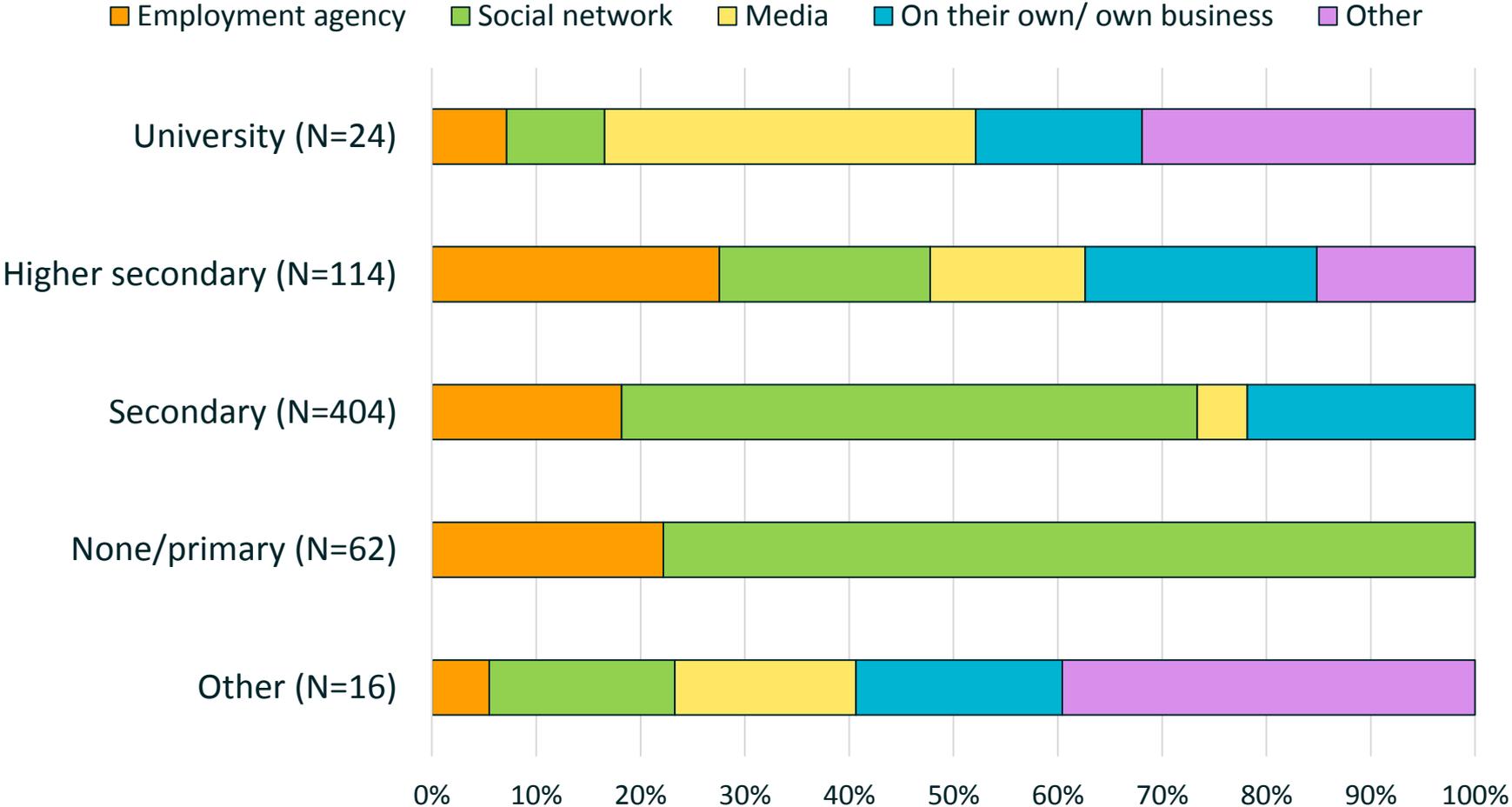
How did you find your primary job? (%)

(source: Engbersen et al. 2011)



N=621

How did you find your primary job? (%) * Education (source: Engbersen et al. 2011)



N=621

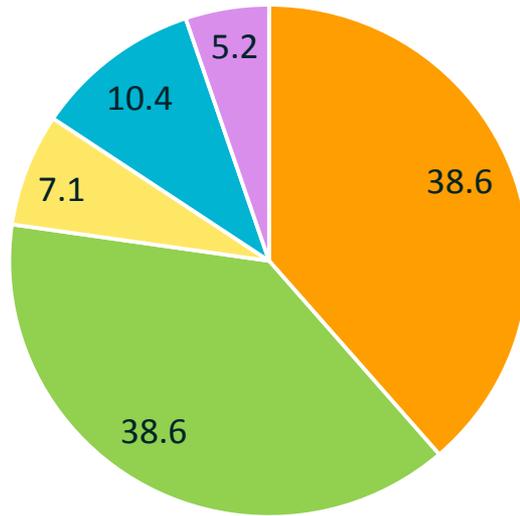


How did you find your primary job? (%)

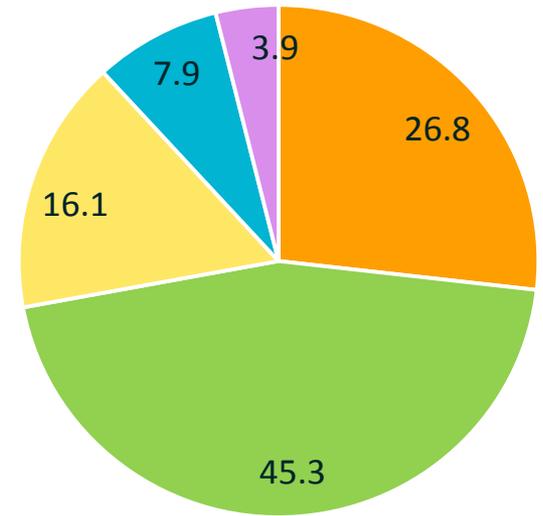
(source: Engbersen et al. 2011)

- Employment agency
- Social network
- Media
- On their own/ own business
- Other

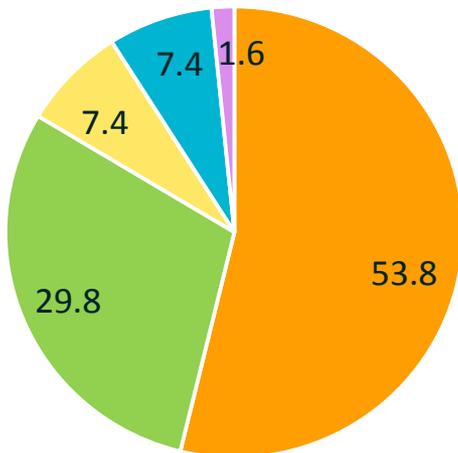
Males (N=365)



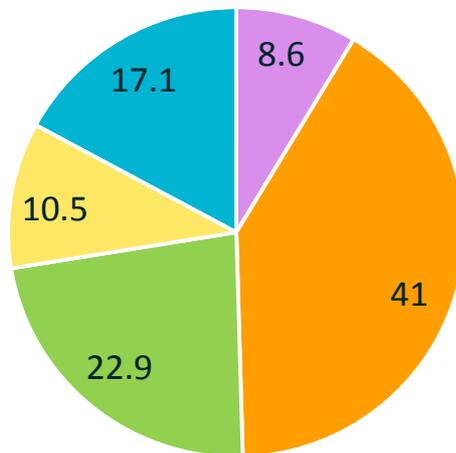
Females (N=254)



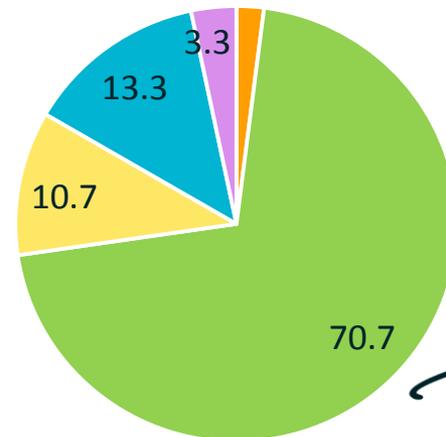
Poles (N=366)



Romanians (N=105)



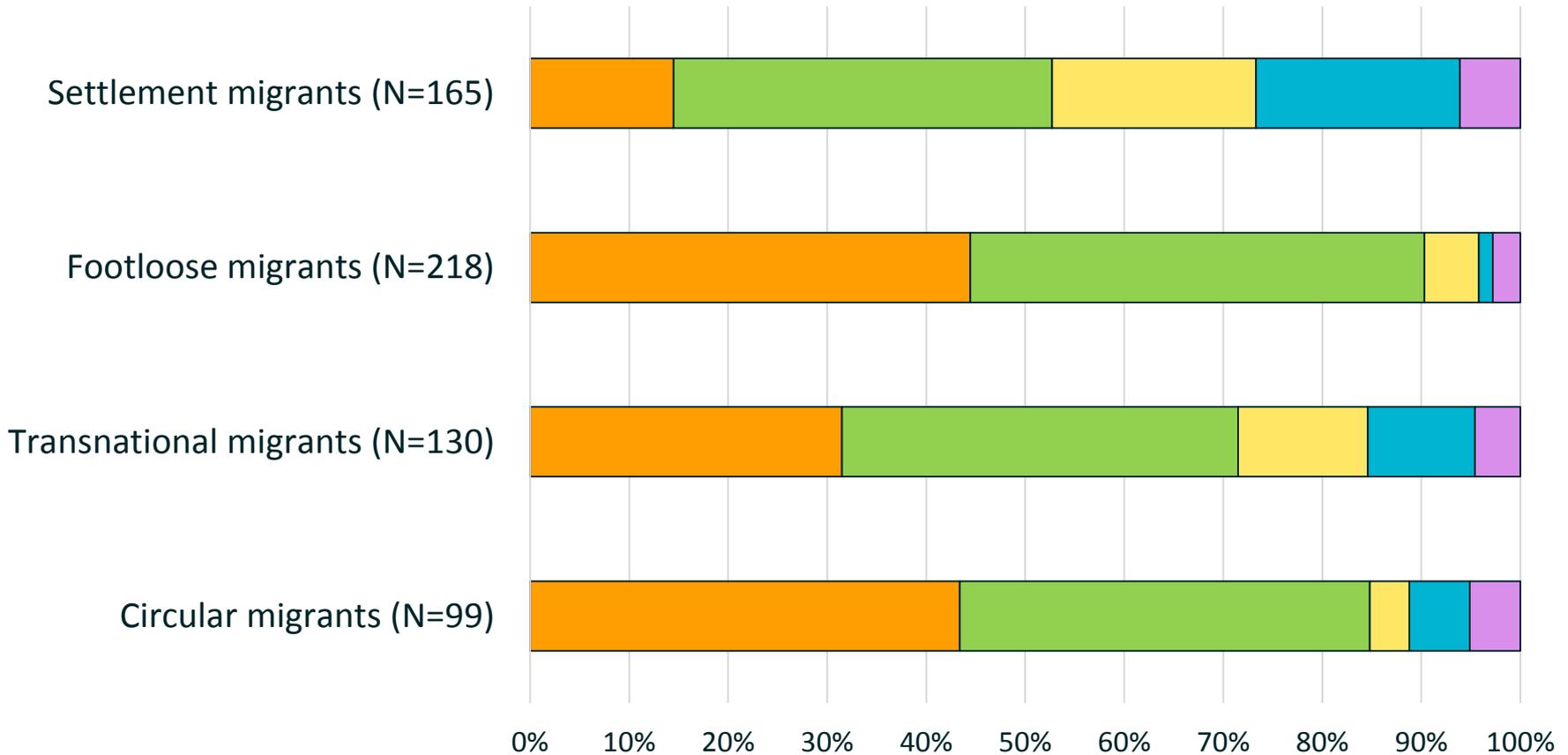
Bulgarians (N=150)



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How did you find your primary job? (%) * Classification (source: Engbersen et al. 2011)

Employment agency Social network Media On their own/ own business Other

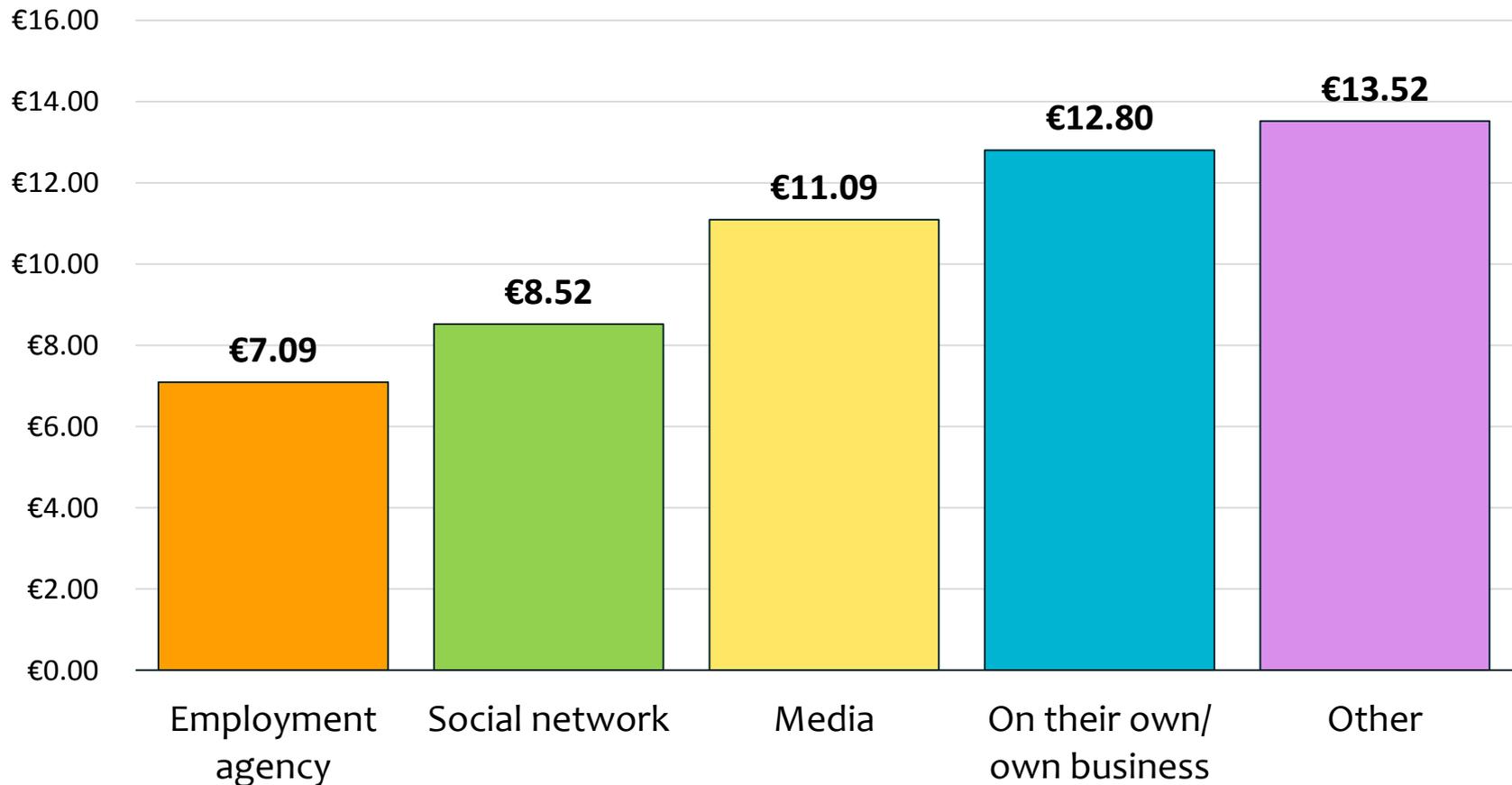


N=621

Results: Hourly wages I

(source: Engbersen et al. 2011)

Mean hourly wage per category (N=606)



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Results: Hourly wages II

(source: Engbersen et al. 2011)

- After controlling for individual characteristics we can conclude:
 - People who found their primary job with help of **an employment agency** have the **lowest hourly wages...**
 - ... followed by people who found their primary job using their **social network**.
 - People who found their primary job **on their own**, or **started a own business**, have the **highest hourly wages**.

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Results: Housing position

(source: Engbersen et al. 2011)

Housing situation and job find through...

	Employment agency	Social network	Media	On their own/ own business	Other	Total
Caravan/tent	49.0	37.3	3.9	9.8	-	100% (51)
Shared room	51.5	31.1	6.6	6.6	4.2	100% (167)
Shared accommodation	30.4	50.0	9.8	5.6	4.2	100% (214)
Own accommodation	17.5	42.3	17.5	15.9	6.9	100% (189)

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- CEE migrants who found their job with help of an employment agency in general **have worse positions** with regard to their income, occupational status and housing position compared to CEE migrants who found their job on their own, started their own business, or found their job via media.
- Between CEE migrants who found their job with help of an employment agency and CEE migrants who found their job using their social network, significant differences exist in **hourly wages** and (less clear) **housing position**.

→ **significance**: *under which conditions* does a migrant migrate?
(insights in this has importance for their stability on the labour market and likeliness for deviancy)

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Context 3: Migration from a social-economic perspective

“immigration can be seen as a labor-supply system particularly suited to the needs of firms where the organisation of the labor process entails low wages and powerless labor” (Sassen, 1988: 40).

‘Ambitious ‘new Europeans’ are in danger of becoming a new Victorian servant class for a West European aristocracy of creative-class professionals and university-educated working mums” (Favell, 2008: 711).

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	Urban region	Online survey	Interviews	Urban Living Lab
Austria	Linz	N = 23	N = 8 (9)	N = 8
	Vienna	N = 23	N = 5 (7)	
	National level	--	N = 1	
The Netherlands	The Hague	N = 15	N = 5	N = 16
	Rotterdam	N = 15	N = 5	
	National level	N = 16	N = 2	
Sweden	Gothenburg	N = 22	N = 8 (12)	N = 30
	Stockholm	N = 15	N = 5 (7)	
	National level	--	N = 4	

Typology

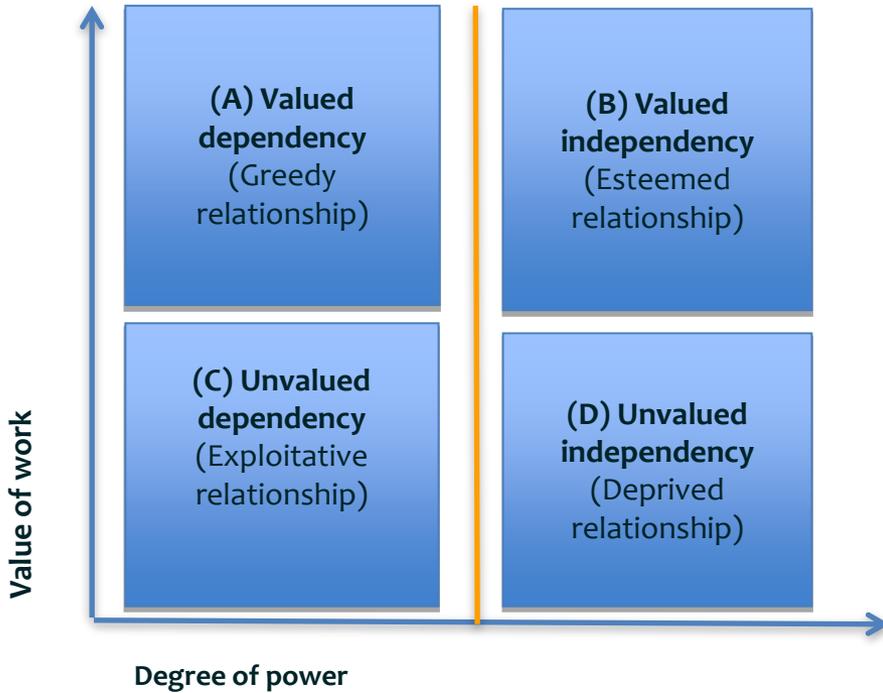


Table I: Operationalization of labour commodification

Degree of power		
Elements	Defined as	Indicators
Individual strategies	Investment or compliance strategies for labour agency	Valuation of labour agency (Independency and autonomy in work floor decisions, information, trade union membership, voice)
Corporate strategies	The usage of resources to invest in labour agency	Fulfilment and valuation of agency conditions (Autonomy in work floor decisions, accessibility of information, trade union membership)
Value of work		
Elements	Defined as	Indicators
Individual strategies	Investment or compliance strategies for labour activity	Valuation of primary and secondary labour conditions (wages, information, contractual and collective agreements)
Corporate strategies	The usage of resources for development or investment in labour	Fulfilment and valuation of primary and secondary labour conditions (wages, information, contractual and collective agreements)

F

Findings

Corporate strategies:

‘There are large wage differences between native and mobile workers. Every person encounters that, sooner or later, they will see that they get lower wages for the same work than Dutch people, which is the case for years now’ (Matti).

‘The goal is to find good personnel for as little money as possible, the best and least complicated persons’ (Martin).

‘These construction corporations blame each other for having cheap labour force on their constructions. All the time, the focus is to keep the expenses low and they know very well what they are doing. They know that they can pay these workers a lot less than native Swedes and thus earn a lot of money using underhand means’ (Dennis).

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Findings

Corporate strategies:

‘Two or three years ago I was really busy with selling Polish personnel well. [...] Now, we have a bit the same problem as back then. I hear from my customers: those Polish people are a bit too experienced with the work here, the conditions, rules... maybe it is time for a new Polish person!’

“Most of those people speak the language. Formerly, that was an advantage. Now this is for some customers (companies hiring temporary personnel, MvO) a disadvantage. Because with the knowledge of language they begin to talk too much and too fast with other people, comparing, salaries. And they are not busy with their work. But only with living, let’s say it like that. Formerly, someone needed to speak English or German. Now this doesn’t make any difference. The most important factor is motivation. If he comes to me and he wants good labour: I don’t give a shit. Get your norms and you don’t need to talk”



Findings

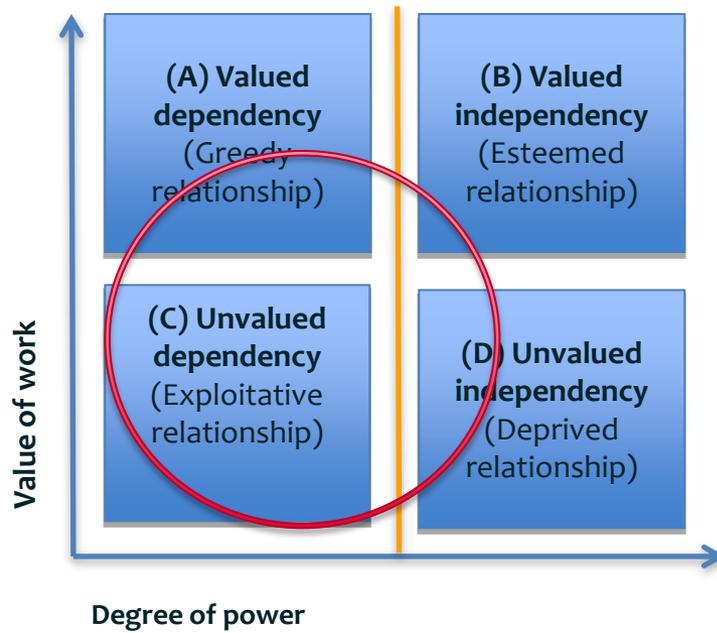
Individual strategies:

'Yet people come who are better qualified and take up jobs where they earn more than at home. So highly qualified people take up low-qualified jobs like sitting at supermarket checkouts. Still they earn much more and often know German well ... For those who come from Slovakia and Hungary, low-wage jobs are in fact high-wage jobs' (Martin).

'If I can earn 200 Euro for stupid work in Poland, I'd rather prefer to earn 1000 Euro for stupid work in the Netherlands' (Matti).

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Typology



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Concluding socio-economic context

- A *nuanced* picture about the ‘celebrated’ aspects and ‘shadowsides’ of EU movement
- **Both** employers and employees contribute to such situations by:
 - *Low value of work by: strategies of cost minimization* (of employers) on the one hand and *dual frames of reference and investment strategies* (of employees) on the other.
 - *Low degrees of freedom by competitive aims* (of employers) on the one side and *compliance strategies* (of employees) on the other.
- Complex responsibilities in the labour process of ‘problems’
- Comparative findings (in NL, AUS, and SWE) despite different transitory regimes, political composition and institutional outlook, transnational market processes overrides national differences.



It displays:

- *A regime shift at the Dutch national government mediating between the local and European demands*
- *Causing differences in policies, laws and legislation between European and national level*
- *What migration or mobility are, depends first and foremost on the way how this phenomenon is discursively defined. Consequentially, whether migration or mobility appear as 'problem', 'solution', 'a return from the past' or 'as hope for the future' should be seen as the outcome of a discursive struggle over the definition and the meaning of intra-European movement.*
- *It positions freedom of movement (and mobility or migration) not so much as a legal or descriptive but as a moral and normative phenomenon*

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Back to TCN

- **Sociological context** shows the importance of attachments. Not only for mobile citizens but also for TCN's to get attached to the country of arrival. Other studies have shown the importance of well-designed infrastructure to embed people in the labour market, housing situation and schooling system which limit the possibilities of deviant behaviour, informal attachments and illegality
- **Socio-economic context** shows the dual responsibilities to improve the situation of migrant workers. They both have incentives to limit the possibilities of migrants lives
- **Political context** shows that freedom of movement is not considered in the same perspective on EU and member-state level. This is not the case with TCN migration which could stimulate cooperation and joint actions

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Back to TCN

Why do migration and criminality seem to have an issue-connection?

- Because of limited attachments
- Or because of the significance of *particular* attachments (social network) that cause of *feed-forward effect* on their labour market position, housing situation, primary job
- Lacking or specific social capital resonates to labour market position and future prospects
- It shows the importance of ‘integration’, participation or embedded infrastructure to gain social capital, to enlarge peoples networks, to get new attachments that embed individuals not only as workers but as full citizens

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For every dilemma “*there is an answer that is clear, simple, and wrong*” (H.L. Mencken)

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Thanks for your attention!

Questions?

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