

Regularization programs within the European Union: an effective tool to manage irregular migration?

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Summary

Irregular migration across Europe has been a long term pertinent issue for policy makers¹. As a growing phenomenon in recent years, it now poses major challenges as to how best to manage and monitor the situation. In 2013, the UN General Assembly High-level Dialogue on International Migration and Development called upon Governments to protect the human rights of migrants in an irregular situation². Within the EU, this is particularly relevant, given that throughout the last decade much of the EU discourse has been dominated by a need to prevent and reduce irregular migration, rather than addressing policies which may work to manage the issue, and in doing so acknowledging the vulnerability of irregular migrants³.

As a policy tool, regularization programs have repeatedly acted as a way to address the rising numbers of unauthorized migrants within the borders of the European Union (EU) member states. From an irregular migrant's point of view, regularization programs

1 (<http://migration.unu.edu/publications/policy-briefs/the-external-dimension-of-the-eus-migration-policy-towards-a-common-eu-and-rights-based-approach-to-migration.html>)

2 (http://www.un.org/en/ga/68/meetings/migration/pdf/migration_8points_en.pdf).

3 (http://gcm.unu.edu/index.php/component/docman/doc_download/61-unu-gcm-02-02?Itemid=)

can dramatically change their life, representing an opportunity to access their rights, state welfare and opportunities to progress in and contribute to society. Due to the diversity of situations within each member state, and the different actors involved, programs tend to be of a multidimensional nature, which are implemented in reaction to various aspects of the issue, from the presence of large numbers of irregular migrants, to labour market conditions and humanitarian issues (Kraler et al, 2014).

This report aims to illustrate that throughout the last decade regularization programs have continued to fulfil a purpose within EU member states. For this reason, the practice of regularization should be discussed with more clarity at EU level. In doing so, the EU would acknowledge the potential role for regularization, and could offer guidance to member states as to how a program can be implemented appropriately to the specific situation. Thus, there is an opportunity for the EU to provide a framework for the use of regularization in addressing those migrants who find themselves in a legal limbo. Throughout the past number of years the EU has concentrated on specific facets of irregular migration such as asylum policy, the strengthening of border controls, and increasing return measures. These have coincided with the development of integration policies for legal migrants. Evidently, there appears to be an absence of discussion about those who fall between these pillars of policy, and yet still reside within the EU.

While the nature of irregular migration means there are no concrete statistics concerning the population residing within the EU, the 2008 independent research project CLANDESTINO produced a thorough calculation⁴ estimating irregular migrant residents in the EU 27 member states to be between 1.9 and 3.8 million in a total of the then approximately 498 million EU inhabitants (Vogel, 2008). This policy report urges policy makers to consider the management of this significant group of irregular migrants in a more focused manner. Action should be led by a core objective of providing protection to migrants from exploitation of their vulnerable situation, while empowering society through their integration, and strengthening the governance structure through increased control.

Introduction

A “regularisation programme” is defined by the EU Commission funded REGINE study “as a specific regularisation procedure which (1) does not form part of the regular

4 http://irregular-migration.net/fileadmin/irregular-migration/dateien/4.Background_Information/4.2.Policy_Briefs_EN/ComparativePolicyBrief_SizeOfIrregularMigration_Clandestino_Nov09_2.pdf

migration policy framework, (2) runs for a limited period of time and (3) targets specific categories of non-nationals in an irregular situation" (Edwards, Baldwin, M & Kraler, A,2009).

Regularization programs aim to bring unauthorized immigrants into mainstream society, typically for either economic or humanitarian reasons, and with a long term goal of curbing irregular immigration. There are many reasons migrants find themselves in an irregular situation, perhaps due to forced migration, the lure of informal employment opportunities, trafficking etc. In an irregular situation, migrants are vulnerable and face major challenges in accessing their fundamental rights⁵.

While other tools such as visa policy⁶, border controls⁷, prevention of illegal employment and removal of unauthorized migrants⁸ have frequently been examined, the legalization of irregular immigrants through regularization programs has received less attention. This is despite being one of the earliest developed, and most frequently used tools for managing irregular migration (Papademetriou, 2005).

This policy report intends to examine the circumstances in which regularization programs are implemented, in doing so it will evaluate four different cases of regularization programs, these being Spain in 2005, Italy in 2009, Belgium in 2009 and Poland in 2012. The investigation of these programs will address the numbers legalised relative to the numbers of irregular migrants recorded as present within the country at the time, the migrant eligibility criteria, the benefits offered to migrants, the programs accessibility to migrants, and the actors involved in policy formulation. Further to this, it will address the EU's attitude towards regularization as a policy tool to address irregular migration.

5 (http://gcm.unu.edu/index.php/component/docman/doc_download/61-unu-gcm-02-02?Itemid=)

6 European Migration Network (EMN) study 'Visa Policy as a Migration Channel', see: <http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=3%2E%20EMN%20Studies>.

7 (http://gcm.unu.edu/index.php/component/docman/doc_download/63-unu-gcm-02-04?Itemid=),

8 Triandafyllidou, A and Maurizio A. (2011) "Irregular immigration control in Italy and Greece: Strong fencing and weak gate-keeping serving the labour market." *European Journal of Migration and Law* 13.3 (251-273).

Regularization programs within the EU

Throughout the past two decades regularization programs have been responsible for at least 3.5 million migrants being legalized within the EU. Interestingly, while many member states continue to turn to regularization programs as a policy tool, they have yet to formulate a common policy on it at EU level (Chauvin, Mascarenas & Kraler, 2013).

The varying irregular migrant situations in each member state means that each program design and its resulting effectiveness differs greatly. Italy and Spain are said to have facilitated the largest scale regularization programs within the EU, with approximately 600,000 legalized in Italy in 2002, and approximately 500,000 in Spain in 2005⁹. Since then, many EU member states have carried out regularization programs, with one of the most recent program reportedly being carried out in Poland in 2013. Many complex intervening factors such as the program design, migrant population, and member state political environment play an influential role in the long term effectiveness of the program.

Regularization program case studies

Italy 2009

Both Italy and Spain have experienced a rapid inflow, substantial volume and high proportion of irregular migrants over the last two decades (Zincone, G, 2011). The reasons for these patterns have been a combination of the countries economic structures, geographical location, and also their immigration policies. The regularization program which was passed by Italy in 2009 was one following five previous programs since 1986. The frequency of the programs reflects evidence of immigration being a topic of continuous political concern, to each of the frequently changing governments. An

9 International Labour Organisation
(http://www.ilo.org/public/english/region/eurpro/moscow/info/publ/regularization_en.pdf)

especially fragmented migrant population resides in Italy, with the top three nationalities of Moroccan, Albanian and Romanian migrants comprising of 43.4% percent of the immigrant population. Italian regularization programs have tended to focus on different groups, in 2009 it focused on offering care givers and domestic workers access to legality. This apparently due to the absence of social services for the elderly, thus attracting private caregivers and positioning many Italian families in favour of migration flows and regularizing those undocumented (Zincone, G, 2011).

In Italy, a crucial role has been played by the advocacy coalition in favour of immigrants in the decision making process concerning immigration and immigrants rights (Zincone 2006b, 2010; Basili & Zincone 2009, 2010). This coalition is made up of various organisations, with Catholic associations and employer representatives being prominent and powerful groups. According to scholars, the Italian Home Office had expected between 500,000 and 750,000 applications to be submitted, but reported that in the end 295,000 had applied. Scholars claim that rather than a smaller presence of irregular domestic employees than expected, the reason for the small number of applicants was down to the strict criteria. Within this criteria migrants were required to only work for one employer, and ensure a social service payment of 500 euros was made, while the employer was required to be earning at least 20,000 euros a year¹⁰ (Ceruzzi, F & Di Santo, P. 2010).

Spain 2005

Similarly to Italy, Spain transformed from a country of emigration to immigration and has also carried out many regularization programs throughout the last three decades, with the 2005 program being the sixth since 1986. Before 2001, proof of a number of years of residency was the primary requirement for eligibility, afterwards this definitively changed to proof of employment. An important difference to the situation within Italy is the fact that both regular and irregular immigrants have enjoyed almost all basic social services,

¹⁰ http://interlinks.euro.centre.org/sites/default/files/WP5_MigrantCarers_FINAL.pdf

including education, housing and health care to a wider extent than in Italy (Tyuryukanova, 2008). This has resulted in an increased pressure on the welfare system, in 2005 the Government claimed that the regularization program had two clear aims, to regularize jobs in the informal economy, and improve Spanish society by increased taxes and social security contributions. The eligibility criteria was focused on the migrant having a legitimate connection with the labour market, they were required to have a contract with an employer within Spain for at least six months prior to program initiation. In legalizing over 500,000 migrants, it granted a year long permit which entitled the migrant to work in a specific employment sector. The formal application being made by employers was notably different to other programs, and evidently presented a case of forgiveness to employers for having workers in an illegal status (Sabater & Domingo, 2012). Over 50% of the immigrant applications came from Ecuador (20%), Romania (17%) and Morocco (13%), with domestic workers, construction workers and agriculture workers making up the largest proportion of applicants (Tyuryukanova, 2008).

This particular program stimulated migrants to protest on the streets of Barcelona and Madrid in an effort to expand the eligibility criteria of the program (Zapato-Barrero, R, 2009) Further to this, petitions led by NGO's, trade unions and social activists have been brought to Spanish parliament in the hopes of pressurising Government to move forward with regularization programs reflecting the recognition within society that policy was lacking in managing the situation. Spain's two largest trade unions were significantly involved in the program formulation. In addition, many smaller employers welcomed the opportunity to legalise their irregular employees.

Irregular employment and employees evidently act as a catalyst for action within migration policy; on one hand, there are certain civil society actors who are concerned about employee rights and avoiding the risk of their exploitation. On the other hand, within countries with such large numbers of irregular migrants, trade unions may see them as potential new members which can strengthen their presence within society (Callejo, Bruquetas, M et al, 2011).

Poland 2012

Poland's accession to the EU in 2004 meant it adopted harmonisation with EU migration and asylum policy. However, the adoption of the EU policy did not lead to any significant development within national immigration policy (Kincinger & Korys, 2011). Following two unsuccessful regularization programs which were implemented in the last decade, Poland's most recent programme represented stronger figures, with 9,500 applicants reported. Ukrainians, Vietnamese, Pakistanis and Armenians represented the majority of the applicants (Reichel, 2014). The Polish case is unique in that it primarily addresses irregular residence, without focusing on additional irregular employment, humanitarian and integration demands (Kraler et al 2014).

Much of the praise regarding the successful implementation of the 2013 program has been said as a result of the active presence of NGO's within Poland, such as the Helsinki Foundation, specialising in migrant advocacy, Polish Humanitarian Action, and Caritas amongst others (EMN, 2012). It has been remarked that prior to 2012, the Polish NGO's were more focused on working with refugees rather than irregular migrants, thus, the success of this particular program reflects the valued input by civil society actors in policy formulation on the topic (Malinowska, A, 2011). Further to this, there was an extensive public information campaign entitled "Stay Legally -Abolition 2012", orchestrated by the Office of Foreigners in collaboration with NGO's. The information campaign involved radio and television advertisements encouraging migrants to file abolition applications, a special website dedicated to the matter, a telephone and email service set up for queries, and all program information available in fifteen languages. The overarching campaign was a collaboration between the Ministerial Office for Foreigners, public administration entities such as the voivodeship offices, along side NGO's (EMN,2012).

Commentators claimed that as a country experiencing economic growth, yet emigration of more than one million Poles since the EU accession in 2004, the ideal conditions were in place to bring irregular migrants into mainstream society. While

President Komorowski publicly noted that there was a need for a stronger immigrant policy within Poland, as it is becoming a more attractive country to immigrants. He alluded to the necessity of a third regularization program as testament to this need for a more evolved immigration policy (Desmond,2011). Interestingly, within the program criteria for eligibility there were almost no stringent requirements except that persons who resided in Poland without legal residence status on 1 January 2012 had to have lived in the country since at least 20 December 2007 without interruption and could provide identification. Additionally, the criteria outlined that beneficiaries that obtained a residence permit for two years and were allowed to work under an employment contract, without obligation to possess a work permit, unless their civil contract requires the provision a work permit.

Belgium 2009

As a central European country, Belgium has experienced more immigration than Poland, but far less immigration than many other member states. Although small in comparison to those carried out in southern Europe, the 2009 programme resulted in a large proportion of migrants there being legalised. The programme was guided predominantly by humanitarian goals (Baldwin-Edwards, M., & Kraler, A. 2009; Kraler et al, 2014). Following claims by Belgian NGO's that many irregular migrants formed a valuable part of society, and that the social exclusion of these migrants questions the cohesion of the overall society, it became an important political topic. Despite certain parties opposing it, it was in the context of bargaining amongst a coalition of five parties throughout a political transitional period that it was enacted. Parties who were both for and against regularization programs negotiated, with an agreement regarding irregular migration policy becoming one of the compromises. Each party, that is the Flemish against the Walloons, and Liberals against Socialists, and Christian Democrats, wanted a proportion of benefits in this sector. While the Walloon Socialists and Walloon Christian-Democrats advocated for a regularization program based on humanitarian criteria, the

Flemish Liberal party sought regularization because of economic reasons, however, they accepted it on humanitarian grounds in order to maintain control over the issue (Merrin, 2012; Tieleman, 2009).

The program entailed two groups of immigrants being eligible to apply for regularization. Those immigrants who had lived in Belgium for at least five years and had submitted, before 18 March 2008, a request to obtain a residence permit, and those who had lived legally in Belgium for a time before that date. The other group of immigrants constituted those who had lived in Belgium since at least 31 March 2007, and who were in a position to present a contract of employment.

Applicants for both categories were obliged to prove that they are well-integrated into the Belgian community, demonstrated by the knowledge of one of the national languages, by employment efforts, and children at school. Further, the eligibility was extended to asylum seekers, rewarding those who had previously initiated a procedure to obtain a residence permit, even if this procedure had been rejected (Merrin, 2012; Tieleman, 2009). Overall it can be argued to have been a significantly open policy, accessible to many of those living irregularly within the country, with a purpose to provide legal rights for the benefits of the migrant, and the society itself.

Context of irregular migration and regularization programs discourse within the EU

Crossing borders is at a high risk in many circumstances, with some states classifying irregular border crossing as itself a criminal offence¹¹. The guiding policies addressing irregular migration within EU member states has been formulated predominantly from a prevention and reduction point of view. Interestingly, despite many member states continuing to implement regularization programs throughout the latter part of the last decade, the concept of regularization has been over looked as a potential policy to

11 (<http://migration.unu.edu/research/forced-migration/statelessness-and-transcontinental-migration.html#outline>)

address the issue at EU supranational level.

Indeed, academic discourse has claimed that policies such as regularization programs have come as a result of bottom up pressures exerted by social actors, such as NGO's, religious organisations, humanitarian organisations and employer representatives, alongside certain regional and local governments (Callejo, Bruquetas, M et al 2011). This pressure is focused on putting an integration policy in place to enable irregular migrants access fundamental and labour rights. Thus, there is currently a two strand dialogue, on the one hand, there are actors which are working to ensure irregular migrants access their fundamental rights and avoid vulnerabilities of being in a legal limbo. On the other hand, EU policy can be said to be increasingly focused on prevention of irregular migration and creating more stringent boarder controls in an effort to reduce numbers.

EU Policy concerning irregular migration

The EU's Area of Freedom, Security and Justice (AFSJ) formulated Stockholm Programme, outlines the political priorities which has led the EU's immigration policy and legislative agenda from 2010 until 2014. Within the programme, the EU Commission contributed a section entitled "An area of Freedom, Security and Justice serving the citizen: Wider freedom in a safer environment", with the "challenges ahead" for the EU's AFSJ highlighted as both tackling the factors that attract clandestine immigration, and ensuring that policies for combating irregular immigration are effective as being a major element of their agenda (Com, 2014).

In examining the presence of a reference to what the rights and status of irregular migrants are within this section, and the overall Stockholm Programme, with the exception of reference to 'unaccompanied minors', they remain void of reference to the social insecurities and vulnerabilities of irregular migrants in Europe. In essence, certain scholars claim there is a 'no-policy' strategy at EU level to address the insecurities faced by irregular migrants (Carrero and Merlino, 2010).

Separate to the Stockholm Programme, the Global Approach to Migration and Mobility (GAMM) serves as the overarching framework of the EU's external migration and asylum policy. The GAMM is concerned with Mobility Partnerships, it is intended to compliment EU foreign policy within the field of migration and mobility, while pushing beyond the EU territory, into third countries. It does so by focusing on partnership and readmission agreements signed between the EU member states and third countries. This essentially allows peripheral EU member states to return irregular migrants to their countries of origin. This externalisation policy, and extension of border responsibility by the EU often leads them to signing additional agreements concerning development aid or trade relations, short term visa schemes, or even visa free travel for citizens of third country nationals (Triandafyllidou, 2010; Carrera et al, 2012). Critics suggest that the signing of these additional agreements can divert attention from providing a long term solution to irregular migration and the general welfare of migrant, to significantly different aspects of the agreements. Thus, the motive of gaining asylum in Europe by the migrant is often disregarded (Triandafyllidou & Dimitriadi, 2014).

EU discourse on regularization

The EU Commission's stance towards regularization appears to have alternated throughout the last decade. Initially, based on its understanding as a tool to be used for economic reasons and to address labour shortages, the Commission openly opposed regularization. It disagreed with the practice of opening legal channels to irregular migrants through labour integration (Com, 2001).

However, in 2003 it changed its view of it as a policy tool to one which could potentially be used to offer protection to irregular migrants. By addressing migrants that did not meet the criteria for attaining refugee status, regularization would “attempt to bring such migrants into society rather than leaving them on the margins, subject to exploitation” (Com, 2004).

Although the Commission acknowledged that for practical and humanitarian reasons it understood a policy of return to country of origin for irregular migrants was not always possible, it remained more supportive towards a policy of return rather than regularization within irregular migration policy. In terms of EU law regarding irregular migrants, one of the more prominent measures remains to be the 'Returns Directive'. This Directive, first adopted in 2008, governs a broad range of issues, specifically the method by which member states return irregular migrants to their country of origin. While the focus is on the method of return it also refers to the treatment of migrants during expulsion proceedings, entry bans, procedural rights and the grounds and conditions for detention. Notably, it does not oblige states to deport migrants, and says that states may choose to regularize them. The practice of returning migrants to their country of origin presents an appealing method of managing the issue for many Governments, however it can be said to be a short sighted solution.

The many political, economic and environmental problems and reasons that are at the core of a migrants decision to leave their homeland are rarely considered. In some cases these are reasons which may "turn the homeland into a space of exclusion" (Nair, 2013). Thus, the concept of return and reintegration is one which in practice has far greater repercussions than often considered. It is about more than safe return "back home". In cases where the same situation exists within the homeland as when the migrant first departed, be it a case of environmental issues or a culture of exclusion, it is challenging to envisage how successful reintegration can take place (Nair, 2013). From a host country and domestic policy point of view, it has been shown¹²that the higher the number of long-term immigrants, the better individuals' attitudes towards them within the society. In contrast, the higher the number of short-term outsiders, the worse individuals' attitudes towards all migrants (Bello, 2013).

Despite referring to regularization within certain EU Commission statements, there is

12 Study was based on figures within the European Social Survey database, the tables can be viewed within this report: http://gcm.unu.edu/index.php/component/docman/doc_download/24-unu-gcm-01-10?Itemid=

an absence of clear guidance from the EU on the practice of regularization, both in terms of mechanisms and and programs. While the Commission continues to be vocal about providing protection to irregular migrants on humanitarian grounds, within the last five years it has rarely referred to regularization mechanisms or programs as a policy tool. Recent statements by the Commission regarding how they hoped to address irregular migration focused on heavily on the “Returns Directive” and enhancing cooperation with third countries. Further to this, it referred to the integrated management of operational borders, reinforced legislation to fight against human trafficking, irregular employment policy developments, and the integration of legal migrants (Com, 2014).

While the EU appears to overlook regularization as a policy tool in its statements, its interest in researching the issue is evident in the large scale studies which it has funded. The most significant of which was the International Centre for Migration Policy Development (ICMPD) REGINE study in 2009, entitled “Study on practices in the area of regularisation of illegally staying third-country nationals in the Member States of the EU” (Baldwin-Edwards, M., & Kraler, A.2009). In assessing the Commission's opinion on regularization, brief statements in 2008 and 2010 reiterate the same point, that is that individual based or case by case regularizations for humanitarian or economic reasons, not mass regularizations that can be perceived as “general amnesty”, are the favourable model (Com, 2008, Com, 2010).

This perspective reflects the conclusions of the results of the 2009 REGINE report, which clearly differentiates between ‘regularization programs’ and ‘regularization mechanisms’. With the regularization program being a one-off event which continues for a limited period of time, and targets specific groups of migrants, and is not a dimension of the regular migration policy. In contrast, the regularization mechanism is: “any procedure other than a specific regularization program by which the state can grant legal status to illegally present third country nationals residing on its territory.

While 2013 was important for the advancement of the Common European Asylum System (CEAS), the recast Dublin and Eurodac Regulations, and Reception Conditions, in

addition to the finalising of Asylum Procedures Directives, these advancements all lack a focus on those irregular migrants who fail to meet asylum criteria, and who remain in the EU in an irregular status (Com, 2014). Overall, while the Commission has acknowledged regularization as a potential tool to be used for protection reasons in the past, by observing its lack of attention to the topic we can conclude that it views regularization, in particular programs, in a poor light. Despite the EU being involved in studies in the past and supporting the conclusions of them, there remains to be a void of information in terms of regularization guidance.

Regularization programs: a matter for migrant rights, or state and economic benefit?

As we have seen regularization programs can be implemented with an aim to provide "protection" to migrants who have found themselves in a vulnerable situation, absent of fundamental rights. On one hand this is "protection" from exploitation and the dangers of being in a legal limbo, which studies assert can leave millions within the EU without access to health care, employment rights and a sense of stability for their families. In addition to the vast disadvantages which these people face in living day to day within European society, they also pose challenges to authorities in policy making, the enforcement of authority, and health risks to the surrounding community.

On the other hand the concept of regularization programs has been seen as a method to achieve economic benefit, that is to give the government greater control over the labour market by decreasing the numbers within the informal market, filling skill gaps within the formal market. Indeed, the concept of regularization could also be seen to offer Governments an element of "protection", through informing them of the numbers of irregular migrants present, their characteristics, and the potential benefits which they can offer. This essentially presents Governments with an opportunity to gain more control over those living within their member states. While the implementation of programs

aiming to achieve economic gains has often been shown neglect the welfare of the migrant in terms of policy formulation, the commonality of gaining increased control over a states population exists between both types of regularization programs.

Conclusions and Recommendations

Schneider appropriately remarks that the EU's policy towards irregular migration stems from the notion that human mobility can be "controlled", claiming that the management of irregular migration is not just a way for states to maintain control of their internal security, but also of maintaining their "regulatory power" (2012). While the EU recognises the difficulty in monitoring the numbers of irregular migrant numbers, stating that statistics on them are "likely to be incomplete or are affected by reliability weaknesses", and suggest indicators for use such as numbers on refusals, apprehensions and returns, they continue to neglect regularization policies as potential tools (Com, 2014). A regularization program that includes specific eligibility criteria may help to provide authorities with informed data on irregular migrants profiles and characteristics. By sharing this valuable information they have the potential to control and manage the issue more coherently.

Studies referred to above have concluded that regularization programs are not the final answer, rather a long term regularization mechanism as part of irregular policy which addresses those who do not qualify for repatriation to their country of origin, or gaining asylum. More recognition should be given to irregular migrants who may not depart from their countries because of political persecution, but often due to situations which are counter to general human rights. These migrants still need protection and support within society.

In spite of the EU's lack of explicit attention towards regularization as a policy tool, the continuous implementation of regularization programs by EU member states reflects a gap between national and supra national policy coherence. With EU policy more focused

on border protection than ever before, it is difficult not to acknowledge this practice happening which is directly connected to the issue they are so very focused on. There is an opportunity to bring some clarity and consistency to how member states can approach the issue of regularization. Although one defined concrete policy would not be advised, there are merits to providing guidance in terms of looking at regularization as part of integration policies. As the EU borders continue to expand increasing its population and introducing new variables to the complex issue of migration, the phenomenon of irregular migration is likely to gain further momentum necessitating greater long term attention.

Recommendations

- EU formulation of regularization framework in parallel with increased legal migration channels. Both of which should be developed appropriate to the complexity of the issue, and focused on irregular migrants who do not qualify for asylum rights or repatriation.
- Central to these policies should be the concept of “protection” for the migrant. In the long term protection and promotion of migrant rights for humanitarian reasons can be seen to benefit both the migrant and society.
- Regularization programs or mechanisms should incorporate an informed and thorough eligibility criteria based on the irregular migrant population within particular member states. It should not aim to grant a residence or work permit to all applicants, each member state case should be assessed thoroughly.
- The argument that regularization can reward those who violate laws, thus attracting more irregular migrants should be presented in tandem with the many other factors which can have a causal link to increased irregular migration. These include

such factors as a lack of legal migration channels, demand for irregular labour, high costs of accessing legality, availability of smuggling channels.

- An open forum between EU member states that have implemented regularization programs should be established between member states and EU high level representatives.

References

Baldwin-Edwards, M., & Kraler, A. (2009) "REGINE Regularisations in Europe. Study on practices in the area of regularisation of illegally staying third-country nationals in the Member States of the EU.". Vienna, ICMPD.

Bello, V. (2013). "Attitudes Towards Immigrants in European Societies. A comparison between The Perceived Group Threats Theory and the Intercultural values theory through a multi-level analysis." Policy Report No. 01/10. Barcelona: United Nations University Institute on Globalization, Culture and Mobility (UNU-GCM)

Carrera, S. and Merlino, M. (2010). "Assessing EU Policy on Irregular Migration under the Stockholm Programme". Centre for European Policy Studies. Available at:http://www.coe.int/t/dghl/monitoring/socialcharter/presentation/AccessHousingUndocumentedMigrantsGS_en.pdf. Accessed 6 June 2014.

Chauvin, S., Garcés-Mascreñas, B., & Kraler, A. (2013). "Working for Legality: Employment and Migrant Regularization in Europe." *International Migration*, 51(6), 118-131.

Ceruzzi, F, and Di Santo,P, (2010). "Migrant Care Workers in Italy-A Case Study".Stand 20.10.2010, S. 3.

European Migration Network. (2012). "Annual Policy Report. National Contribution of Poland: 2012." [Online]. (Available at <https://www.emn.gov.pl/ese/publications/emn-poland-publication/annual-policy-reports>.) Last accessed on 17^t July.

Commission of the European Communities (2001) European Commission,(2001). "Communication from the Commission to the Council and the European Parliament on a Common Policy on Illegal Migration" 672.

Commission of the European Communities (2009) European Commission,(2009).
"Communication on an Area of Freedom, Security and Justice serving the citizen: Wider freedom in a safer environment" 262, Brussels, 10 June.

Commission of the European Communities (2010) European Commission(2011).
"Communication from the Commission to the European Parliament and the Council Annual Report on Immigration and Asylum".291 final.

Commission of the European Communities(2014). European Commission.
"Communication from the commission to the European Parliament and the Council"286. 5th Annual Report on Immigration and Asylum. Brussels,5 May.

Desmond, A. (2011). "Poland's 2012 Regularisation Programme". PICUM. (Online) Updated 6 September 2011. Available at:<http://picum.org/en/news/blog/29221/>. Accessed 9 June 2014.

Kraler, A., Reichel, D., König, A., Baldwin-Edwards, M., & Şimşek, M. (2014). Feasibility Study on the Labour Market Trajectories of Regularised Immigrants within the European Union (REGANE I).

Kraler, A and Rogoz, M (2011): "Irregular migration in the European Union since the turn of the millennium –development, economic background and discussion." Database on Irregular Migration,Working paper No. 10

Malinowska, A. (2011). "Green light for immigrants". wiadomosci.ngo. (Online). Updated 30 August 2011. Available at: <http://wiadomosci.ngo.pl/wiadomosci/678179.html> (accessed: 9 June 2014).

Nair, P. (2013). "Homeward Bound?Questions on Promoting the Reintegration of Returning Migrants."UN Chronicle. Vol. L. No 3. September.

Papadopoulou,A,(2005). "Regularisation programmes: an effective instrument of migration policy? ".Geneva: Global Commission on International Migration.

Perrin, N. (2012). "Practical measures for reducing Irregular Migration in Belgium". European Migration Network. Available at: http://www.emnbelgium.be/sites/default/files/publications/be_20120120_practical_measures_for_reducing_irregular_migration_finalversion1.pdf

Triandafyllidou,A and Dimitriadia, A. (2014). "Governing Irregular Migration and Asylum at the Border of Europe: Between Efficiency and Protection". Instituto Affari Internazionali. No.6. May.

Tieleman, J. (2011). "Regularization Campaign in Belgium: A Breakthrough". (Online)

Updated 11 December 2009. (Available at: <http://migrationonline.cz/en/regularization-campaign-in-belgium-a-breakthrough>. Accessed 9 June 2014.

Tyuryukanova, E. (2009). "Regularization and Employer Sanctions as Means towards the Effective Governance of Labour Migration. Russian Federation and International Experience." International Labour Organisation. (Online). Available at: http://www.ilo.org/public/english/region/eurpro/moscow/info/publ/regularization_en.pdf. Last accessed 22 July 2013

Schneider, J. (2012). "Practical Measures for Reducing Irregular Migration." Federal Office for Migration and Refugees (BAMF) Working Papers, (41).

Vogel, D. (2008). "Size and Development of Irregular Migration to the EU". CLANDESTINO Comparative Policy Briefs, 2009, p. 4, (Online). Available at: <http://clandestino.eliamep.gr/comparative-policy-briefs>

Zapato-Barrero, R. (2009). "Dynamics of Diversity in Spain: Old Questions, New Challenges". The Multiculturalism Backlash. European Discourses, Policies and Practices, Routledge. Chapter 9.

Zincone, G, Penninx, R, Borkert, M. (2011). "The Dynamics of Actors and Contexts in Past and Present". Migration Policy Making in Europe. IMISCOE Research