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Editorial introduction to special issue: migration state in practice

Introduction

If the 20th century has been called "the age of migration" (Castles & Miller, 1993), how can we describe the current times, when the processes of population movement are even more rapid, uncontrolled, on an unprecedented scale, and often accompanied by crises of different levels and forms? Traditional destination regions such as the US, Australia, and the European Union are experiencing constant migratory pressure caused by an increasing influx of migrants pushed out of their places of residence not only by economic reasons and aspirations for a better life but also by persecution, wars, and environmentally-induced changes. Today, both the old and new transit and receiving countries still face the same challenges as they did in the past, such as border management, control of migration flows, integration of migrants, or cohesion of multicultural societies. These days these challenges have lost none of their relevance; on the contrary, they have become even more critical at a time when migration processes are more global, more complex, more dynamic, and more unpredictable. Furthermore,

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despite the development of supra-state migration systems, such as the Schengen Area in the EU or inter-state regulations, the national state is still the most important player on the global "migration scene".

In the present reality, the question formulated by James Hollifield (2000) in the title of his text "The politics of international migration. How can we 'Bring the state back in'?" still remains valid. He called for the restoration of the state's place in migration research through the development of theories, concepts, and research approaches existing in political science and related disciplines to explain convincingly the relationship between the state and migration processes. Hollifield (1992, 2004) framed the concept of "migration state" and systematically developed it under the influence of the critical opinions that pointed, among other things, to an overly western-centric approach and focused only on one type of migration inflows – labour workers (see: Adamson & Tsourapas, 2020; Natter, 2018; Sadiq & Tsourapas, 2021). In Hollifield's view, the "migration state" is constituted by two kinds of forces: the economic interests (the needs of the labour market and demand for foreign workers) and the rights of migrants (protection of individual rights according to the rule of liberal democracy). When implementing migration policy, the state must reconcile (sometimes conflicting) interests of the economy and the logic of rights. In time, the additional goal of "migration state" became a priority – ensuring the state's security and its inhabitants' economic well-being. The increasing migratory pressure and cultural diversity of newcomers create additional challenges for the host state, such as social and cultural cohesion (Holilfield & Foley, 2022).

One of the processes that require more attention is the impact of different forms of crisis (economic, political, military, and related to global health) on both migration flows and on how migration is governed. If the previous scholarship on migration state focused on the "normal" times and the economy-stimulated premises of labour migration, later contributions underline that not all migration is voluntary, but the opposite – instabilities are encompassing more regions which in turn induces more forced migration. So far, the COVID-19 pandemic disbursed a balance between rights, economy and security, causing border closure and other mobility restrictions. It is not yet clear whether this is a critical juncture in the further development of global migration processes and policies or just a short-term disturbance in the previous patterns.

One of Hollifield's best-known concepts (1992) is "liberal paradox". It explains the contradictory powers related to immigration, which each destination state has to reconcile. On the one hand, the needs of the economy and labour market (demand for foreign workers as a low-cost labour force) require openness of the state to migrant inflows. On the other, the fundamental need for social and cultural cohesion of society as well as security requires the closure of the state borders to the people influx. This clear contradiction between possible economic gains and politico-cultural threats defines the frontiers of the state's migration policy. It creates the space within which governments design the legal rules and practices related to admission, settlement, and integration. The predominance of cultural concerns is inevitably linked to the growing role of the migration-security nexus. The September 2001 terrorist attacks in the US and the following terrorist attacks in Europe, made a rapid shift in how migrants started to be perceived by both the governments and public opinion. Particularly, it concerned migrants from Islamic countries. In this context, Western societies

were more eager to perceive migration as a threat to their national and cultural identity as well as social stability (Holilfield & Foley, 2022).

The concepts of "migration state" and "liberal paradox" have also been the starting points for the Authors of the articles included in this issue. They confirm that there is a variety of empirical research and analyses on the relationship between the state and migration that goes beyond the classical approach, looking at the migration and integration policy from the different levels, not only the national state but also sub-national and international ones. The Authors also develop creatively new perspectives in the study of the state-migration relationship – regarding the role of security, demography, human rights, and migrant communities.

The two articles that open the issue concern the two countries described in the literature as "classical" examples of immigration states: Australia and Canada. Both countries are "mature" because of their long tradition of migration inflows and migration governance. They also serve as perfect examples of "liberal paradox" and how challenging it is for the state authorities to deal with it successfully. **Jan Pakulski** portrayed current Australia facing the challenges of managing migration and reconciliation of different interests related to the economy (demand for foreign labour force), demography (problem of ageing society), integration (based on the idea of multiculturalism), and security (growing migration pressure and increasing phenomenon of people smuggling). The Author describes the Australian system of immigration management as always being "state-controlled" and "state-regulated". He explains three main channels of legal immigration (for skilled migrants, family members, and refugees), which serve as selection streams and regulate the inflows of foreigners to Australia; each of them has different rules of entry, settlement, and integration facilities. The Author summarising the Australian migration strategy says openly that even if it is not "universally valid and applicable […], the successes of this strategy make it interesting and relevant for other societies".

Canada, a country's case presented in the second article in this volume, is another example of a success story. **Iwona Wrońska** studies the evolution of Canadian immigration policy, which also faced similar challenges as Australia related to economy, demography, and multicultural society. In her article, she describes the unique refugee relocation and resettlement system designed and adopted in Canada in the mid-1970s. This system is founded on the private sponsorship programme, allowing individuals and local communities to be engaged in refugee accommodation with the authorities based on partnership. It is considered a good practice and, as such, followed by other states. What is worth mentioning is that both Authors pay attention to the pragmatic and utilitarian (rather than ideological) character of immigration policy implemented by Australian and Canadian authorities as well as practical adjustment to changing social conditions and various challenges, regardless of the political orientation of successive governments.

Another article in this volume shows an alternative case to the previous two. **Meltem Yilmaz Sener** presents Turkey and its rich history as an emigration, immigration, and transit country. Turkey represents the regional power with strong connections to both Europe and the Global South, and is an especially interesting case for several reasons: the dynamic of migration flows, its geographical position as the main

transit country on the migrants' way from Asia and Africa to the European Union, and the host country for refugees from Syria and other countries. She discusses how Turkish authorities tried to manage migration flows during different historical periods since the 1950s. Following the typology introduced by Adamson and Tsourapas (2020), the Author presents Turkey's evolution as a migration state and distinguishes four periods: from a nationalising, through a developmentalist and an early neoliberal migration to a late neoliberal migration state. She considered not only the migration flows but also the importance of other factors influencing state policy such as remittances, foreign investments, engagement of the Turkish diaspora, and recently – the politicisation of migration issues by the authorities.

The two last articles touch upon different levels of migration management – beyond and below the national state. **Dorota Heidrich** and **Justyna Nakonieczna-Bartosiewicz** explore the conditions and context of the possible impact of state policy on the international refugee regime. They concentrate on Poland's case and examine the evolution of the country's engagement and approach towards the international system of protection for asylum seekers since the early 1990s. The Authors focus on the recent period when the Polish rightist government shifted towards open anti-immigrant rhetoric and accelerated the politicisation of migration-related topics. It was especially visible in 2015 (refugee/migration crisis) and 2022 (humanitarian crisis on the Polish-Belarusian border), when the reinterpretation of the formative norms of the international refugee regime (the right to protection and principle of non-refoulement) took place by the Polish government. The Authors explain how it may destabilise the international refugee regime and why this pessimistic scenario has not materialised.

The last article in this volume concentrates on the sub-national level. **Jacek Kubera** deliberates on the relations between immigrant communities (and their organisations) and the country of settlement and examines the influence of the integration policy framework on these relations. By using the case of Polish diaspora organisations in France, he illustrates the evolution of the traditional republican integration model, based on secularism and the official rule of non-recognition of migrant and ethnic communities by the French state. The Author's original field research confirms the paradox of French integration policy. In practice, the lack of legal recognition of immigrant organisations is not an obstacle to being represented in the public sphere and achieving their goals. Moreover, immigrant leaders and organisations have the potential to modify the legal and institutional framework of integration policy from the bottom up.

All articles in this issue show a reflection on the relationship between the state and international migration from various perspectives, focusing, in particular, on the influx of people and their (non)reception in countries under study and the national responses. They discuss how the issue of migration and its management has gained importance over the years, no less than economic or security issues. Hollifield's concepts, despite critical voices, are still an essential point of reference for today's and future discussions about the state and migration in a rapidly changing reality. Sometimes, the most obvious approaches are the most timeless, and their conceptualisation evolves as we observe the world around us.

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Evolution of Canadian immigration policy. The experience of resettlement and measures towards inclusiveness

Abstract

As a strategy, immigration has been central to Canadian development since Canada's inception in 1867. Bearing in mind what James Hollifield describes "a liberal paradox" that is a trend among states towards greater international economic openness accompanied by internal closure due to security concerns, this article investigates whether Canada is trapped in that paradox. The article argues that the Canadian government succeeded not only in implementing an immigration management system but also in introducing measures towards inclusiveness. Consequently, Canada, to a large extent, escaped this trap.

Explanation of the decision-making processes in immigration policies as well as the function of the main political actors in Canada is based on classical system analysis theory. The main questions are asked: how do inputs from society affect public policy on immigration? How, in turn, do outputs of public policy affect society and subsequent demands? How have inputs and outputs changed immigration policies over time?

Keywords: immigration, refugees, Canada, resettlement, inclusiveness

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Introduction

As James F. Hollifield points out, migrations are linked to various dimensions of politics that trapped the liberal states in a "liberal paradox". In order to maintain a competitive advantage, a government must keep their economies and societies open to migration which involves greater political risk, because migration is often seen as a threat to national security. There are several challenges that the liberal states need to address to escape the trap, such as the politics of immigration control and the politics of integration. Therefore, states must be willing to accept immigration and grant rights to outsiders (Hollifield, 2004, p. 885–887). I would like to argue that over the years, Canada has been able to accept immigrants and grant them rights. It has devised a framework that combines the proactive and controlled immigration policy with the policy that accommodates immigrants. Measures towards inclusiveness were further expanded through resettlement programs but especially through the unique private sponsorship program for refugees. Since 1867, immigration has been central to Canadian development and immigrants have been the main driver of population growth. In 2022, the total population amounted to over 38 million, an increase of around 1.8% in one year. This increase was driven mainly by the influx of immigrants and non-permanent residents. They accounted for 70% of Canada's population growth (Statistics Canada, 2022).

The explanation of the decision-making processes in immigration policies as well as the function of the main political actors in society is based on classical system analysis theory (Easton, 1953). For this investigation, a political system is an entity of interaction in a society through which political decisions biding the society, are made (Easton, 1957, p. 385). Thus, the political system encompasses political institutions (government) and political processes that make political decisions based on society's demands and support (inputs). In return, the decisions (outputs) generate feedback which, in turn, affects further demands and support (Easton, 1957, p. 384).

This approach allows us to organise inquiry into policy formation. The main questions are asked:

1. How do inputs from society affect public policy on immigration?
2. How, in turn, do outputs of public policy affect society and subsequent demands?
3. How have inputs and outputs changed immigration policies over time?

Thus, the first part of the paper will focus on the evolution of Canadian policy highlighting factors (inputs and outputs) that affected current immigration policy. The second part will investigate the current pillars of Canadian immigration policy identifying the primary principles and values that shape this policy. The third and fourth parts will illustrate measures towards inclusiveness that accommodates immigrants.

The evolution of Canadian immigration policy

The federal government has been the key institution responsible for immigration regulation and implementation in Canada. Federal immigration policies have always been regarded as an important tool for influencing the demographic future and eco-

nomic growth of Canada, however, over the years, they have evolved to reflect the country's shifting needs. Since 1867, the federal parliament has introduced several immigration acts that have been supplemented by amendments and various Orders in Council which have reflected the governments' objectives based on economy, social structure, and demography. Six distinct phases of immigration policy can be identified (Wrońska, 2020, p. 206).

Territorial expansion was the main driver of the first phase of Canadian immigration policy that lasted until the outbreak of the Great Depression. The large-scale immigration policy aimed at the promotion of the settlement of the West. Canada actively encouraged the immigration of farmers and farm labourers not only from the British Isles and the United States but also from Continental Europe. Overall, between 1893 and 1913, over 2.5 million immigrants entered the country (Statistics Canada, 1917). Nevertheless, during the first phase, the immigration policy was ethnically selective and exclusionist towards certain nations, especially the Chinese.

The Great Depression and the Second World War influenced the second phase. The federal government not only limited the admission of immigrants, leaving a small opening for farmers, British subjects, and United States citizens with sufficient means to maintain themselves but also applied a strong anti-refugee stance. As a result, the ship St. Louis carrying Jewish refugees from Germany could not enter Canada in the spring of 1939.

The fostering of population and economic growth, while protecting the Anglo-Saxon character of the country were the main factors that shaped the third phase. Mackenzie King's government emphasised the need to foster the growth of the Canadian population through immigration while ensuring the careful selection of desirable immigrants. Overall, in the post-war period, the federal government primarily focused on attracting foreign labour from preferred nations in Europe with importance given to family ties, but also on assisting in the resettlement of displaced persons and refugees from Europe. Moreover, the government promoted a sovereign nation-building concept by introducing Canadian citizenship that came into effect on January 1, 1947 (Canadian Citizenship Act, 1946)[2]. It permitted residents of Canada to apply for citizenship regardless of their country of origin. The Act introduced *jus soli*, so persons born in Canada automatically obtained Canadian citizenship and offered a naturalisation procedure to those who had resided in Canada for five years, providing they were of good character and possessed knowledge of English or French.

The fourth phase commenced with the enactment of the Canadian Bill of Rights (1960) by the federal parliament. The act influenced the federal policy on immigration that gradually eliminated racial discrimination during the admission procedure. The new system established two admissible classes of immigrants: the unsponsored or selected immigrants with skills or money and the sponsored or unselected ones with close family members in Canada. In a White Paper on Immigration (White Paper, 1966), the federal government suggested further modifications to the process of selec-

[2] Until January 1, 1947, a person born or naturalised in Canada was a British subject. The British Nationality and Status of Aliens Act ascribed citizenship to any persons born within British Dominions which included Canada.

tion of immigrants. There was no question whether Canada still needed immigrants, but the question was about the number, kind, and place of origin of immigrants. The existing sponsorship system was still ethnically selective favouring British subjects and Americans.

An Order in Council (1967) incorporated modifications outlined by the White Paper, thus the fifth phase of immigration policy commenced. The new rules established a points system for non-sponsored immigrants and allowed Canadians and permanent residents to sponsor a family member from any country. Non-sponsored applicants could be granted admission to Canada for permanent residence based on an assessment. The assessment considered several factors such as education and training, personal qualities, job prospects in the area of residence, level of occupational skills, age, arranged employment, knowledge of one of the official languages, and the presence of relatives in Canada. Furthermore, a foreigner who wanted to establish a business or retire in Canada could do so based on a separate evaluation. These regulations have opened a new path to immigration to Canada which was founded on objective criteria. They have been applied since that time.

As presented above, the points system proves that immigration was, is, and has been used as an economic policy tool in Canada (Green & Green, 2004, p. 120) The "open door" policy further continued with the announcement of the implementation of a multiculturalism policy with a bilingual framework by Prime Minister P.E. Trudeau on October 8, 1971. The announcement took into consideration the diverse social structure of Canadian society and offered accommodation to various cultures and ethnic groups. In other words, ethnic pluralism was recognised as the essence of Canadian identity and as a response to inclusionary immigration (Wrońska, 2020, p. 210).

The Immigration Act of 1976 further expanded the changes in the political approach toward immigration by spelling out its main objectives (Immigration Act, 1976). The objectives included support for immigration based on demographic and economic needs and free from discrimination, as well as family reunification and the protection of refugees and displaced persons. Three classes of admissible immigrants were recognised: a family class, an immigrant class selected based on the points system, and a refugee and displaced person class. Furthermore, the Act required the federal government to cooperate with the provinces in the planning, management, and setting of annual levels of immigration. The provisions of the Act enabled the government to adjust levels of immigration to market conditions, facilitated family reunifications, and provided for the protection of refugees. For example, due to the recession of the early 1980s, the government of Canada lowered the level of immigration. Then it was readjusted based on the market needs and fertility rate. Consequently, the level of inflow of immigrants jumped significantly. As Figure 1 shows, the number of immigrants has been changing per year. Since the 1990s, the number of immigrants has fluctuated between 200,000 to 300,000 per year.

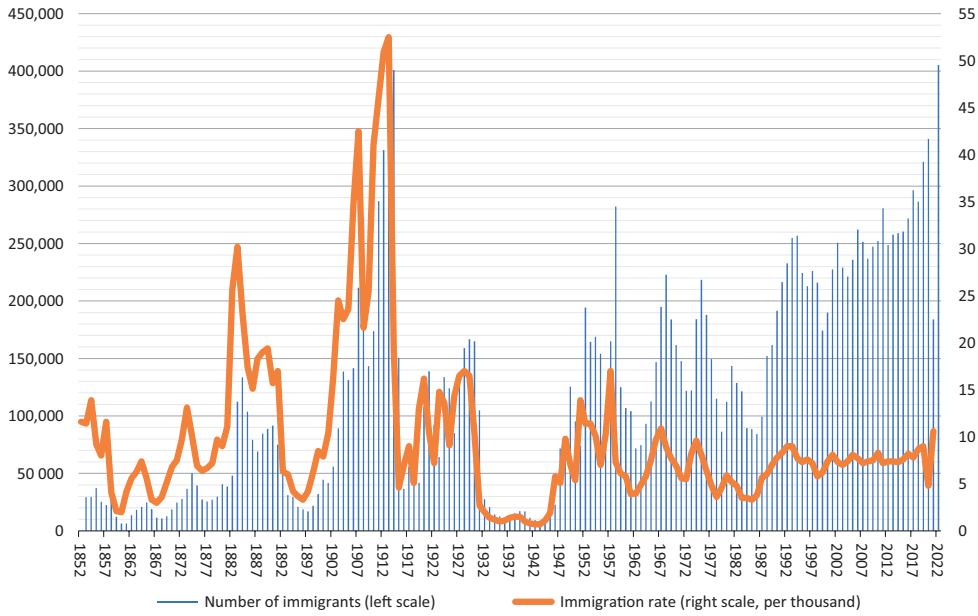

Figure 1. Number of immigrants and immigration rate 1852–2021

Sources: From 1852 to 2014, Statistics Canada (2016); from 2014 to 2021, Immigration, Refugees and Citizenship Canada (2022)

Proactive immigration policy as a response to demographic and economic challenges

The current policy is based on the statement: "Into the 21st Century: A Strategy for Immigration and Citizenship. The Strategy called for immigration levels to be mandated at 1% of the population, changing the basis for the points system, and providing all provinces with the opportunity to choose several independent immigrants to meet their economic objectives" (CCIC, 1994). Since then, the provinces and territories have been active in supporting immigration management through provincial programs. Given the low fertility rate (1.4 birth per woman in 2021) and aging population, Canada is dependent on immigration for its population and labour force growth. Consequently, as Figure 1 shows the number of immigrants has been growing but the immigration level of 1% of the population was met in 2021. In 2021, Canada exceeded its immigration target by landing 405,303 new permanent residents. Today, over 8 million immigrants with permanent resident status live in Canada which consists of 23% of the population (Statistics Canada, 2022).

The Immigration and Refugee Protection Act (IRPA, 2001) has regulated immigration issues since 2002. It relates to the 1970s perception that emphasised the importance of immigration by offering a coherent system of selection of immigrants related to economic needs, family reunification, and refugee protection with the promotion of integra-

tion. It also assures the facilitation of family reunification and the protection of persons with a validated fear of persecution. Overall, the Act provides specifies requirements for entering, remaining in Canada, and removing from the country. The IRPA distinguishes three general class categories of immigrants who can apply for permanent residency: economic immigration, family reunification, and refugees (see: Table 1).

Economic immigration is based on the ability to become independently established in Canada. Admission to Canada under the economic category depends on the immigrant potential to meet labour market needs or to make an investment. The selection criteria are based on the points system. The Economic Class includes three federal high skills programs: Federal Skilled Worker (FSK); Federal Skilled Trades (FST) and Canadian Experience Class (CEC)[3]; the special pilot immigration programme designed for the Atlantic Provinces; a special programme aimed at caregivers; the entrepreneurs' programme; the provincial nominations, and the Quebec programmes. The federal high skills programmes also offer the possibility to apply for permanent through the fast-track immigration pathway. The Express Entry program launched in 2015 is supposed to speed up the processing of applications based on labour-market needs. First, an applicant must register for one of the three high skills federal programmes, then selected applicants are accepted into the pool of candidates to be evaluated by the Comprehensive Ranking System (CRS). The candidates with the highest score get invitations to apply for permanent residence. The economic class of immigrants represents around 50–60% of all admissions to Canada. From 2016 to 2021, over half of the immigrants were admitted under the economic category. One-third were selected through skilled worker programmes and another one-third through the Provincial Nominee Program (Statistics Canada, 2022), which indicates the provincial involvement in the process of selection of immigrants. It is especially visible in Atlantic provinces where the share of immigrants raised significantly[4].

The second class consists of the close family member (spouse, common-law partner, child, parent, or other relatives) of a Canadian citizen or a permanent resident. It accounts for around 30% of admissions to Canada.

The third class comprises Convention refugees or displaced or persecuted persons. Usually, it accounts for around 10–20% of admissions. The number of permanent residents planned to be admitted under the Humanitarian Class depends on several factors. First, it provides for an exceptional way of application where each applicant is assessed individually based on a well-founded fear of returning to their country of origin, so it is difficult to estimate how many claims will be successful. Secondly, it is influenced by global conflicts and natural disasters that force people to flee their homes,

[3] The Federal Skilled Worker is a programme for foreign experienced skilled workers who would like to stay in Canada. In order to apply they must have skilled work experience, language ability, and education. They are then selected based on a points system; Federal Skilled Trades is a programme for foreign skilled workers in trade; Canadian Experience Class is a programme for foreign skilled workers with Canadian work experience. The applicant must meet the required language level and have at least one year of skilled work experience (managerial, professional or technical jobs, and skilled trades) in Canada

[4] There are four Canadian provinces located on the Atlantic coast: New Brunswick, Newfoundland and Labrador, Nova Scotia, and Prince Edward Island.

Table 1. Classes of immigration, with persons who might qualify

Classes of immigration	Persons who might qualify
Economic Class	entrepreneurs; investors; the self-employed
Family Class	family members
Humanitarian Class	refugees; persons under humanitarian measures

Source: Based on IRPA

consequently, the number of refugees and displaced persons looking for Canada's protection fluctuates. Nevertheless, every year the Canadian government makes a commitment to resettle refugees and protected persons. Since 2018, Canada has been a leader in resettlement worldwide.

Therefore, immigration has remained the main driver of population growth. The 2021 Canada Census (Statistics Canada, 2021) indicates nearly one quarter (23%) of people in Canada are immigrants. This is the highest proportion of immigrants in the population in more than 150 years. Overall, over 1.8 million immigrants settled in Canada between 2016–2021. Figure 2 shows the number of immigrants that have settled in Canada since 2016 and planned admissions until 2025.

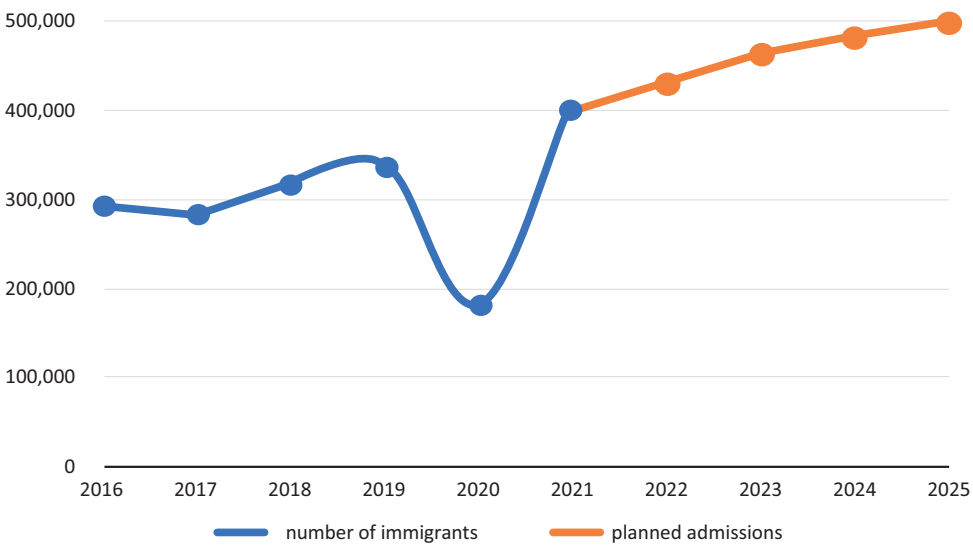

Figure 2. Number of immigrants between 2016–2021 and planned admissions until 2025
Source: Immigration, Refugees and Citizenship Canada (IRCC, 2022)

Immigration is intended to increase in the years to come (see: Table 2). The latest population projection indicates immigrants could represent around 30% of the total population by 2041 (Statistics Canada, 2022).

Table 2. Immigration Levels Plan, 2022–2025

Admission Stream	2022	2023	2024	2025
Economic	241,850	266,210	281,135	301,250
Family	105,000	106,500	114,000	118,000
Refugee	76,545	76,305	74,115	72,750
Humanitarian	8,250	15,985	13,750	8,000
Total	431,000	465,000	485,000	500,000

As Table 3 shows Asia, with India as a leading country, remained the continent of birth for most recent immigrants (62.0%). In contrast, the share of recent immigrants from Europe continued to decline, falling from 61.6% in 1971 to 10.1% in 2021(Statistics Canada, 2022).

Table 3. Top 10 place of birth countries reported by immigrants, Canada, 2016 and 2021

Country	2016	2021
India	12.1%	18.6%
Philippines	15.6%	11.4%
China	10.6%	8.9%
Syria	2.5%	4.8%
Nigeria	1.4%	3.0%
United States	2.7%	3.0%
Pakistan	3.4%	2.7%
France	2.0%	2.0%
Iran	3.5%	1.9%
United Kingdom	2.0%	1.7%

Source: Statistics Canada (2016; 2021)

Inclusiveness measures: accommodation of immigrants as a response to ethnocultural diversity

The economic and social consequences of immigration are perceived differently, so countries apply diverse measures towards the process of immigrants' adaptation. By applying John W. Berry's (2005) model of acculturation that categorises individual adaptation strategies into different cultures, we can identify two major models of state interventions in liberal democracies to make the process of adaptation easier[5]. The first of them is the model of a state policy leading to assimilation. The second model is a policy leading to ethnic integration. The integration policy can only be "freely chosen" and successfully pursued by nondominant groups when the dominant society is open and inclusive in its orientation towards cultural diversity. Therefore, mutual accommodation is required for integration to be achieved when the nondominant group adopts the basic values of the host society while the host society adapts its state institutions to the needs of the new group. As Berry points out, this strategy can only be introduced in multicultural societies that accept the value of cultural diversity, which means that they demonstrate a low level of prejudice, accept different cultures, and identify with the larger society (Berry, 1997, p. 11). Arend Lijphard (1968) used the term "accommodation of differences" that emphasised a peaceful coexistence of differences within a common and shared entity. The concept of accommodation can be linked to the idea of mutual accommodation as one of the strategies of acculturation (Wrońska & Murdock, 2020, pp. 142–143). This concept can be found in Canadian multiculturalism, as one of the inclusiveness measures.

An announcement of the implementation of multiculturalism and bilingualism in Canada came with the proactive immigration policy at the end of the 1960s. The announcement took into consideration the diverse social structure of Canadian society and offered accommodation of various cultures and ethnic groups due to the new immigration policy. In other words, ethnic pluralism was recognised as the essence of Canadian identity and a response to inclusionary immigration. To a great extent, the Official Language Act of 1969 was an important tool leading to the accommodation of ethnocultural minorities in Canada by accepting French as the official language. This recognition can be seen as a further step towards political pluralism. Therefore, multiculturalism is rooted in the integrationist objective that was promoted in the late 1960s by the Liberal Party which valued ethnocultural diversity.

One can agree with Will Kymlicka (2007, p. 138) who proposes a multilayered explanation of Canadian multiculturalism. He distinguishes three dimensions of it as: fact, policy, and ethos. It is a fact that Canada has been a multicultural society since its inception with three founding ethnic groups: the Aboriginal people, the French, and the British. Ethnocultural diversity has expanded, and today, over 200 different ethnic groups live in Canada. Since the beginning of the 1970s, the Canadian government has responded to this fact as a strategy of immigrant inclusion by applying a policy that accommodates diversity in public institutions through a broad framework of legisla-

[5] Berry identified four categories of acculturation: assimilation, separation, integration, and marginalisation (Berry, 1997, p. 9).

tion and programmes. Commitment to multiculturalism is entrenched in the Constitution. Section 27 of the Constitution Act 1982, states that the Charter of Rights shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians. Additionally, the representation and equal treatment of ethnic groups within public institutions is assured by Section 15(2) of the Constitution Act 1982, which guarantees equality through affirmative action. The Canadian Multiculturalism Act defines multiculturalism as a policy reflecting the cultural and racial diversity of Canadian society so that all citizens can keep their identities, take pride in their ancestry, and have a sense of belonging. It seems that this institutionalisation of multiculturalism influenced the development of Canadians' identity rooted in multiculturalism, so it can be also seen as a certain ethos.

In practical terms, the multicultural approach is on the one hand a response to ethnocultural diversity through official languages schools, ethnic weekends schools, and school curricula advocating cross-cultural understanding as well as mutual tolerance, and on the other, a means of compensating ethnocultural groups for the past exclusion through affirmative actions, employment, or pay equity legislation. Especially important is inclusive education. Schools teach tolerance and respect for each other regardless of ethnic origin and impose a zero-tolerance policy for any form of discrimination.

Data indicates that Canadians value multiculturalism as a defining characteristic of the country. The Environics Institute survey of 2015, showed that an increasing majority of Canadians identify multiculturalism as one of the most important symbols of the country's national identity (Environics, 2015, p. 2). Paul May study on how the term "multiculturalism" was perceived in Canadian newspapers between 2010–2020. indicated that unlike in other Western democracies, there was no increased criticism of the term "multiculturalism" over time in the Canadian public debate. Newspapers that supported multiculturalism have maintained such a positive view over time (May, 2022). Similarly, the Multiculturalism Policy Index, which monitors the evolution of multicultural policies across 21 Western countries, confirms the strong multicultural policy in Canada (MCP, 2020).

Additionally, as several other surveys indicate, the majority of Canadians support immigration policy. According to the Environics Institute (2021), in a survey conducted in September 2021, two-thirds of Canadians supported immigration levels. Most of them (80%) agreed that immigrants are beneficial for the economy and play an important role in the growth of the country's population. Another Environics Institute (Neuman, 2022) public opinion survey on Canadian attitudes about immigration and refugees, showed that regardless of the many disruptions and challenges facing Canadians in 2022, the public as a whole has never been more supportive of their country's welcoming path when it comes to immigration and refugees. Even as the country is now taking in more than 400,000 newcomers each year, seven in ten Canadians expressed support for current immigration levels – the largest majority recorded on Environics surveys in 45 years (Neuman, 2022). According to the Migrant Integration Policy Index (MIPEX)[6]. Canadian policy promotes immigration and creates favourable conditions for integration.

[6] The Migrant Integration Policy Index (MIPEX), is a tool that measures eight areas of integration policy in countries across six continents in 56 countries.

Canada scored the highest among the other traditional destination countries. Over the past five years, the country has improved policies on access to basic rights and equal opportunities. Canadian integration policies have shaped not only social attitudes toward immigrants based on tolerance and interaction but also immigrants' attitudes shaped upon a sense of belonging and participation. Under inclusive policies like Canada's, both immigrants and the public are more likely to interact together and think of each other as equals (Solano & Huddleson, 2020, p.72–73). Overall, Canada creates favourable conditions for family reunification, and education, with well-developed multicultural education, access to naturalisation as well as anti-discrimination laws and policies. Still, there is work in progress to offer better labour market mobility and faster access to a permanent residence permit. These findings are confirmed by the 2020 Survey of Canadians which demonstrates that in almost all the situations presented in the survey, immigrants are more likely than people born in Canada to say they feel more Canadian. This includes both ceremonial situations such as on Canada Day or when hearing the national anthem and situations related to the country's diversity. In a country where close to one in four people are foreign-born, it is reassuring from the point of view of integration that national symbols and celebrations appear more, and not less, likely to resonate with the newcomers (Environics Institute, 2020).

Recent data from Canadian public opinion about immigration and refugees has shown that regardless of the many disruptions and challenges facing Canadians today, the public as a whole has never been more supportive of their country's welcoming path when it comes to immigration and refugees. Even as the country is now taking in more than 400,000 newcomers each year, in 2022, seven in ten Canadians expressed support for the current immigration levels – the largest majority recorded on Environics surveys in 45 years (Neuman, 2022).

The naturalisation procedure is also a part of the response to ethnocultural diversity, which enables an individual to be a member of a political unit with the right to participate in the political processes. According to Bryan Turner, in citizenship, it may be possible to reconcile the claims for pluralism, the need for solidarity, and the contingent vagaries of historical change (Turner, 1993, p. 15). In Canada, the dynamics of the migration process interacted with political, economic, and social developments towards a more inclusive conception of citizenship. The law on Citizenship that was introduced in 1947, is based on the *jus soli* principle. *Jus sanguinis* is used when a child was born abroad to a Canadian parent or was adopted by a Canadian citizen. The naturalisation procedure is open to immigrants with permanent resident status, given the following conditions: having lived in Canada for 1,095 days during the five years before making the application, filing an income tax return if required under the Income Tax Act, passing a test on knowledge of Canada, a language test (English or French)[7], and paying the application fee (Citizenship Act, 1985). Several important changes to the Citizenship Act were introduced on June 19, 2017. These amendments liberalised the criteria for acquiring citizenship and repealed the revocation of citizenship provision for dual citizens brought by the Conservative Government

[7] The language requirements must be fulfilled by permanent residents between 18 and 54 years old.

in 2014[8]. Overall, due to the inclusive criteria of naturalisations and the intake of immigrants, Canada has one of the highest naturalisation rates among OECD countries (Wrońska, 2020, p. 214).

Inclusiveness measures: resettlement policy

Canadian resettlement policy is another indicator of inclusionary measures. The concept of resettlement refers to the transfer of recognised refugees to another state, which is willing to admit them. It is regarded as a strategic means and durable solution to provide international protection for refugees. Today, Canada is a world leader in resettlement programmes thanks to impressive public involvement in the process. According to the 2021 Census, there were 218,430 new refugees admitted as permanent residents from 2016 to 2021, and still present in Canada at the time of the Census (Statistics Canada, 2021). Over the decades, the countries of origins of refugees have changed considerably. In the 1980s most refugees came from Vietnam, Poland, and El Salvador. Then, in the next decade, Sri Lanka, Bosnia and Herzegovina, and Iran accounted for the largest share of refugees admitted to Canada. In the first decade of the 21st century, refugees originated from Colombia, Afghanistan, and Iraq. Due to the war in Syria since 2015, many Syrian refugees have settled in Canada. Overall, from 2016 to 2021, 60,795 Syrian-born exiles were admitted and living in Canada, accounting for over one-quarter (27.8%) of the new refugees in the country. Iraq (15,505), Eritrea (13,965), Afghanistan (9,490), and Pakistan (7,810) were the other most common countries of birth for new refugees from 2016 to 2021 (Statistics Canada, 2021).

The Canadian government's determination to succeed in refugee resettlement programmes would not have been possible without the overwhelming response of Canadian society, especially to the "boat people" and to the Syrian humanitarian crisis. About 60% of refugees who have arrived in Canada over the last decade have been admitted by the Private Sponsorship of Refugees (PSR) programme. The PSR is a unique programme through which Canadian residents can engage in the resettlement procedure.

The PSR programme is an initiative established in the mid-1970s to help, the aforementioned "boat people"[9].The Canadian government pledged to match whatever commitments the public made up to a total of 50,000 Indochinese refugees. Ultimately, between 1979 and 1982, more than 7,000 groups from all over Canada resettled Vietnamese, Cambodian, and Laotian in 18 months, about 26,000 were government-assisted and 34,000 were privately sponsored (Adelman, 1982, p. 45)[10]. Additionally, private sponsoring played an important role in refugees' socioeconomic integration

[8] The amendment of 2014 changed the concept of citizenship to permit those born in Canada to be excluded due to an offence. This issue became crucial during the 2015 federal election campaign because of this exclusionary concept.

[9] Private sponsorship was formalised by the Immigration Act of 1976, 1, article 6.

[10] Howard Adelman, a York University philosophy professor actively participated in organising sponsorship groups.

(Hou, 2020). With the Syrian refugee crisis, the "boat people" project was revitalised. Once again, Canadian communities responded to the crisis. Between November 2015 and January 2017, 14,274 privately sponsored Syrian refugees entered Canada (Statista, 2017). Overall, between 2016 and 2021, almost 90,000 refugees were admitted under the PSR (see: Table 4).

Table 4. Refugees admitted under the PSR between 2016 and 2021

Year	PSR
2016	18,360
2017	16,700
2018	18,670
2019	19.145
2020	5,314
2021	9,514

Source: Statistics Canada (2021)

Through the PSR programme, a Canadian citizen, or a permanent resident, as a member of an association or an organisation such as a Group of Five, Community Sponsor, or Sponsorship Agreement Holder (SAH) can raise funds or use their income to support a resettlement of a refugee and her or his family for at least their first year in Canada (see: Table 5).

Table 5. Private Sponsoring of Refugees Structure

Name of the group	Members
Group of Five	five Canadian residents of the same community, where a refugee is expected to settle, pledges the sponsorship
Community Sponsor	an organisation, association, or corporation
Sponsorship Agreement Holder	an incorporated local, regional, or national organisation, located in Canada with the necessary financial capacity the signed an agreement to sponsor refugee with the Government of Canada

Source: Based on IRCC data

In the case of Group of Five, at least five Canadian residents can file an application for sponsorship to Immigration, Refugees and Citizenship Canada (IRCC) providing that the group commits to supporting a refugee and his family financially and emotionally for 12 months from the date of arrival. The members of the group must reside

in the community where the refugee is going to settle and must have financial resources to fulfil the terms of the sponsorship. The Community sponsor represents an organisation, an association, or a corporation that has the financial capacity to undertake the sponsorship in their community. Sponsorship Agreement Holder (SAH) forms an incorporated organisation that is authorised by the Minister of Immigration, Refugees, and Citizenship Canada to manage the sponsorship of refugees. There are around 120 SAH units in Canada except in Quebec, that work with Constituent Groups such as churches, educational institutions, or local governments, and with individuals' co-sponsors (RSTP, 2015).

Generally, private sponsors are responsible for associated start-up costs, need to give up to six months of financial support, and need to give up to one year of social and emotional support. The support comes directly from groups of citizens centred on faith-based groups, neighbourhood associations, or even book clubs. The very important feature of this programme is the requirement that the resettled family live in the neighbourhood of the sponsor, thus it is easier to create bonds between them. As Barbara Treviranus and Michael Casasola emphasised the private sponsorship programme has been a flexible tool able to respond to both small- and large-scale resettlement needs (Treviranus & Casasola, 2003, p. 177). The refugees ready to resettle undergo health and security screening abroad. It is done before being issued a Canadian visa which authorises them to receive permanent resident status when they enter Canada.

Conclusion

James F. Hollifield argues that many states are trapped in a "liberal paradox" to maintain a competitive advantage (Hollifield, 2004, p. 885). Even as states become more dependent on trade and migration, they are likely to remain trapped in "a liberal paradox" for decades to come (Hollifield, 2004, p. 905).

This study shows that Canada to a large extent escaped this "paradox" by putting in place a coherent national regulatory scheme not only to manage immigration but also to accommodate immigrants. Canada not only accepts a large number of immigrants but also grants them rights. The public policy on immigration responded to the inputs from a society based on market and demographic needs by implementing proactive and points-based policy with a humanitarian dimension. Over the years, the outputs have affected society by changing the ethnocultural structure, which in turn influenced the implementation of inclusiveness measures. The measures include a zero-tolerance policy for any form of discrimination, affirmative actions, the promotion of cross-cultural understanding, or the naturalisation procedure. In particular, the private sponsorship programme that accounts for two-thirds of Canada's resettled refugees confirms the inclusiveness of Canadian society. It also shows that Canadians are very generous and considerate by welcoming refugees through various social channels.

In other words, ethnocultural pluralism was recognised as the essence of Canadian identity and a response to inclusionary immigration. Inclusiveness measures include the accommodation of immigrants' ethnocultural diversity and resettlement policies. As Berry points out, this strategy can only be introduced in multicultural societies

which accept the value of cultural diversity (Berry, 1997, p. 11). Data indicates that Canadians value multiculturalism as a defining characteristic of the country. It seems that Canada has emerged as a liberal state that creates a legal and regulatory environment in which immigrants are able to pursue individual strategies of acculturation.

The Canadian immigration system is not ideal. It is a selective system favouring high-skilled workers, but on the other hand, through various programmes, it allows the state to maintain the legal channels for temporary or permanent residents, and refugee resettlement.

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The case for an extended understanding of the migration state: regulating migration in Turkey

Abstract

Migration state can be a very useful analytical tool for analysing how states regulate international migration, and for comparing the practices of different states in this realm. However, we need an extended understanding of the notion of migration state to include the regulation functions of the developing country states for international migration and to reflect on the historical changes concerning these regulation functions which take place in parallel with the changes in the economic and geo-political position of the countries. This paper starts with a discussion of Hollifield's conceptualisation of the migration state, reflecting on its existing assumptions. Hollifield's conceptualisation is reviewed critically especially based on the criticisms in Adamson and Tsourapas (2020) as well as Tsourapas (2020). While the paper benefits from the typology of nationalising, developmental, and neoliberal migration management regimes in Adamson and Tsourapas (2020), the importance of having a temporal perspective is emphasised which is lacking in this study. Rather than looking at these three types (nationalising, developmental, neoliberal) as existing in different contexts, the paper focuses on the shift from one type to the other in the case of a single country. The

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paper demonstrates how the migration state in Turkey has gone through transformations during the period from the foundation of the Republic until today. The paper then discusses the implications of this focus on Turkey for a revised and extended understanding of the concept of the migration state.

Keywords: Turkey, developmental, neoliberal, migration state, nationalising

Introduction

In the field of migration studies, there has been a focus on immigration after World War II from the periphery to the core countries in the West. This general trend was based on an understanding that considered migration from the Third to the First World or from the Global South to the Global North as the main route of international migration. However, South-to-South migration is, in fact, just as common. The way it has been conceptualised so far, the concept of migration state has also mainly focused on Western states and the economic immigration to the Western developed countries or South-to-North migration. Non-Western countries have gone through different paths of state formation which are different from the trajectories in the Western countries. Potentially, migration state can be a very useful analytical tool for analysing how states regulate international migration, and for comparing the practices of different states in this realm. However, we need an extended understanding of the notion of migration state to include the regulation functions of the developing countries for international migration and to reflect on the historical changes concerning these regulation functions which take place in parallel with the changes in the economic and geo-political position of the countries.

This paper will start with a discussion of the literature on the migration state, reflecting on the existing assumptions and limitations of this literature. The paper will then turn to the case of Turkey to discuss how the migration state has functioned in the case of Turkey during different historical periods regulating both emigration from and immigration to the country. Starting from the early period of modern Turkey, moving on to the 1950s and 1960s when bilateral labour agreements were signed with the industrial states of Europe; to the period after the Oil Crisis and the halt of labour immigration to Europe during the 1970s; the emergence of new migration patterns during the 1980s and 1990s due to several changes (such as the military coup in the country and a new constitution, wars in the Middle East, and neoliberalisation) and the changes in migration governance with the AKP governments since the 2000s, the paper will demonstrate how the migration state in Turkey has gone through transformations during this period. The paper will then discuss the implications of this focus on Turkey for a revised and extended understanding of the concept of migration state.

Hollifield's conceptualisation of the migration state

This paper will use Hollifield's (2004) concept of the migration state while pointing out the limitations of his use of it and proposing an extended understanding of this notion which will make its application for contexts that are outside of the Global North possible. Hollifield argues that modern states face a dilemma while they are dealing with the impacts of globalisation and the increasing levels of international migration. He argues that states are trapped in a *liberal paradox* (Hollifield, 1992). On the one hand, international economic forces like trade, investment, and migration are pushing states towards more openness, especially since the end of WWII. On the other hand, the international state system and domestic political forces exert pressure on states for more closure. This paradox reveals some of the contradictions of liberalism (Hollifield, 2004; Hollifield et al., 2008; Hollifield et al., 2017). This is a liberal paradox because "the economic logic of liberalism is one of openness, but the political and legal logic is one of closure" (Hollifield, 2004, p. 887). Hollifield (2004, p. 896) presents the case of "guest workers" as the perfect example of the liberal paradox. He argues that importing labour during the 1950s and 1960s was a logical move for states and employers; it was in line with the growing trend towards internationalisation. However, when it became clear that the "guests" were going to stay and become permanently settled, those liberal states increased their efforts to stop further migration, going in the direction of more closure. According to him, transnationalism which can take the forms of trade, cross-border investment, and international migration can bring challenges to the sovereignty of the nation state. In terms of international migration, he argues that especially unauthorised movement of people across national boundaries can challenge the principle of sovereignty and there is a need for at least some degree of territorial closure.

Hollifield (2004) also discusses the transformation of the state in terms of its functions. He states that the Westphalian state is primarily a *garrison state*, which tries to maximise its power, protect its territory and people, and pursue national interests. Nevertheless, the state has also undertaken economic functions at least starting from the industrial revolution in Europe and has also pursued free trade policies. These have given rise to the formation of the *trading state*. Hollifield argues that the emergence of the trading state also brings the rise of the *migration state*, for which migration as well as commerce and finance drive considerations of power and interest (2014, p. 888). The global integration of markets for goods, services, and capital gives rise to higher levels of international migration. For that reason, those states that aim to support free trade and investment should also be prepared to have higher levels of migration. States usually respond to the challenge by promoting the migration of highly skilled, while limiting the mass migration of other groups:

> *Many states… are willing, if not eager, to sponsor high-end migration because the numbers are manageable and there is likely to be less political resistance to the importation of highly skilled individuals. However, mass migration of unskilled and less educated workers is likely to meet with greater political resistance, even in situations and in sectors like construction or health care, where there is high demand for this type of labor.* (Hollifield, 2004, p. 902)

For Hollifield (2004), the way in which migration is managed by the powerful liberal states is crucial, as they will be setting the trend for other countries. Although he proposes that states should cooperate to build an international migration regime, he is not very optimistic about its possibility. This is mainly because of the asymmetry of interests, especially between the developing and developed countries, which will prevent them from cooperating on international migration.

Critique of Hollifield's use of the migration state

As summarised above, in the way Hollifield has conceptualised it, the concept of migration state has mainly focused on Western states and the economic migration from developing to developed Western countries. This is an implication of the fact that the existing research on immigration policy has almost exclusively focused on Western liberal democracies (Natter, 2018). Potentially, migration state can be a very useful analytical tool for analysing how states regulate international migration, and for comparing the practices of different states in this realm. However, we need an extended understanding of the notion of migration state to include the regulation functions of developing country states for international migration and to reflect on the historical changes concerning these regulation functions which take place in parallel with the changes in the economic and geo-political position of these countries.

Adamson and Tsourapas (2020), provide an important critique of Hollifield's conceptualisation of the migration state. They argue that much of the current literature on migration and citizenship depends on studies of Europe and North America and has a bias towards liberal democratic states. The findings of these studies cannot be easily transferred to other contexts. They argue that Hollifield's concept has four biases which restrict its "conceptual portability" (2020, p. 858). These are an immigration bias, an economic migration bias, a state capacity bias, and a liberal bias. *Immigration bias* refers to the fact that Hollifield's concept of migration state focuses on state management of migration flows *into* a destination country. In other words, it looks at the management of immigration rather than emigration, being applicable to receiving states rather than sending or transit states. *Economic bias* is about how Hollifield's migration state focuses on the state management of economic migration, but not on management of political and forced migration. *State capacity bias* is related to the migration state concept's focus on advanced industrial countries which have high levels of state capacity, neglecting an analysis of states with low levels of capacity. *Liberal bias* refers to the focus of the migration state concept on states with liberal democratic regime types, with limited applicability for illiberal democracies, authoritative regimes, autocracies, etc. Tsourapas (2020) argues that non-democratic migration states of the Global South often encounter an *illiberal paradox*: while seeking to restrict emigration for political and security reasons, they also seek to support emigration for economic reasons (for attracting remittances, decreasing unemployment, and overpopulation, etc.).

Adamson and Tsuorapas (2020, p. 855) claim that what Hollifield is referring to is, in fact, the *liberal immigration state*. They propose three additional types of migration

states (*nationalising*, *developmental*, and *neoliberal*) which make it possible to have a more comprehensive understanding and theorisation of state migration management in those countries which are not in the Global North. For the *nationalising migration state*, the focus is not on markets and rights, but rather identity-based and politically driven. Accordingly, forced expulsions, population exchanges, and refugee flows should be studied as components of migration policy for nationalising migration states, as their attempts to create ethno-religious homogeneity. For the *developmental migration states*, their developmental strategies may depend on labour export through emigration. They use labour emigration to both reduce unemployment and increase foreign exchange reserves through remittances. Finally, the *neoliberal migration states* explicitly seek to monetise migration flows through the use of instruments such as citizenship-by-investment schemes and the use of refugees and migrants to get benefits from external bodies like states or international organisations. In addition to these three types of migration states, in a more recent study, Sadiq and Tsourapas (2021) also refer to the *postcolonial migration state* for post-independence migration management in countries like India and Egypt.

In this paper, I will benefit from Adamson and Tsourapas's (2020) conceptualisation of different types of migration states and demonstrate how the Turkish migration state has been transformed from a nationalising to a developmental, and later to a neoliberal migration state during the history of the Republic from 1923 until today.

Turkish migration state during different periods

There is a general impression that Turkey's participation in international migration started with labour migration to European countries during the 1960s. However, contrary to this belief, Turkey has experienced mass inflows and outflows of people starting from the last quarter of the 18th century during the period of the Ottoman Empire (Akgündüz, 1998). İçduygu and Aksel (2013, p. 167) talk about four key periods for migration patterns in Turkey: "a) the two-way immigration and emigration circulation in the early period of modern Turkey; b) the emigration boom since the 1950s; c) the emergence of new migration patterns in the 1980s; and d) the new forms of migration governance employed since the 2000s". They argue that starting from the early 20th century, the Turkish state has used mobility both within and across borders as an instrument for the goal of modernisation, and state policies for both emigration and immigration have been key components of the nation-building process. One example of this is encouraging the immigration of people who are of Turkish origin or have Islamic faith to Turkey and discouraging non-Muslims from staying in Turkey (İçduygu & Aksel 2013, p. 168). However, during the different periods mentioned above, there have been changes in terms of the main aim and focus of government policies regarding immigration and emigration. For that reason, it is crucial to look at these periods separately to clarify the dominant aspects of the Turkish migration state during each period.

1. Early period of Modern Turkey (1923–1950s): the nationalising migration state

As Adamson and Tsourapas (2020) argue, the notion of *nationalising migration state* presents a challenge to the assumption that economic and market concerns dominate as the major factors in state migration policies, demonstrating the possible political, and ideological roots of state migration policy. This was also relevant for the early period of modern Turkey. The collapse of the Ottoman Empire triggered mass population movements, especially in the form of forced population exchanges (Kolluoğlu, 2013). Already in 1913 and 1914, the Ottoman Empire had had population exchanges with Bulgaria and Greece. There have been continuities in not only social, economic, and political structures but also in government policies between the late Ottoman and early Republican periods. The Turkification agenda was one of the major continuities between the two periods and "the founders of the Turkish nation state inherited a legacy from the previous period that would shape both their mentality as well as practices in nationalising Turkey" (Şeker, 2013, p. 8). Turkification took place together with Islamification, and both served the homogenisation of the population through the emigration of non-Muslim populations from Anatolia and the immigration of Turkish Muslim populations especially from the Balkan countries (İçduygu & Aksel, 2013). The transition from the Ottoman Empire to the Turkish Republic has been a period of nation-building through the state management of forced migration (Yildirim, 2007).

The founders of the Turkish Republic had a modernist project which intended to homogenise the society within the area specified in the National Pact. "A society that traditionally had been known as a multi-ethnic and multi-cultural one would be transformed into a uniform and homogeneous Turkish nation-state" (Kirişçi, 2000) After the Turkish War of Independence, at the Lausanne Peace Treaty of 1923, Turkey and Greece agreed on the exchange of populations[2] excluding Greeks in Istanbul and Turks in western Thrace. During those years, the migration of Muslims from the Balkan countries continued. As Akgündüz (1998, p. 112) argues, "(t)he factors generating Muslim emigration were mainly political instability in the countries of origin; mistrust and implicit and explicit discriminatory policies of the governments; close religious, cultural and in most cases linguistic affinities with Turkey; sometimes kinship and familial ties between immigration pioneers and those left behind; and Turkey's

[2] Regarding population exchanges, this note by Shields (2016) is crucial: "By the end of World War I, both the Great Powers, which demanded protection and expulsion, and the Turkish nationalists, who responded to those demands, had adopted two notions that would hardly have been recognizable only a century earlier, before far-flung empires housing multilingual and multireligious populations had given way to would-be homogenous nation-states: Muslims and non-Muslims were unable to coexist, and a diverse society was a pre-modern anomaly. This article argues that the unprecedented and internationally-administered forced migration known by the euphemism 'population exchange' has its roots in the centuries-long legacy of European fantasies about the brutality of 'the Turk', while at the same time satisfying the much more contemporary desire of an emerging Turkish-nationalist elite, which seized on the 'exchange' as a way to consolidate its new state and legislate a foundational Turkish identity" (p. 121).

generous admission policy". The Law on Settlement (Tur. *İskan Kanunu*) which came into effect in 1934 indicates that only those of Turkish descent and culture can migrate to and settle in Turkey. However, this nationalist concept of the law did not bring changes to the admission policy in practice and Muslims have been regarded as eligible for migration and settlement (Akgündüz, 1998). The major concern in terms of migration during this period was the management of immigrants who came to the country, rather than emigrants. The state used the concept of a migrant to refer to those of Turkish origin who moved to Turkey, not those non-Muslim populations who left the country (İçduygu & Aksel, 2013, p. 171). Consequently, as Adamson and Tsourapas (2020, p. 865) argue, the transition from the Ottoman Empire to the Turkish Republic brought the creation of a migration management regime which is based on the homogenisation of the population. This is what the *nationalising migration state* entailed during this period. Migration in Turkey was mostly characterised by the exchange of populations and the process of nation-building until the 1950s.

2. The period between 1950s and 1980: the developmental migration state

Adamson and Tsourapas (2020, p. 868) argue that the developmental migration state has the aim of using emigration policy for exporting labour and decreasing domestic socio-economic pressures. The Turkish state during the period between 1950 and 1980 demonstrates these characteristics. While looking at the international labour migration from Turkey during the 1960s, Penninx (1982, p. 785) emphasises that while the "free choice" of individual migrants is largely shaped by the regulations of industrial nations, the "sending country" may also have a significant impact on the size and nature of that migration. Sayari (1986) also states that along with the policy preferences of the industrial European countries, Turkey's migration policies also played a significant role in the growth of the migratory flow between Turkey and Western Europe during the 1960s and early 1970s. Especially after the Second World War, migration in the context of Turkey changed and emigration from Turkey became a part of the migration strategy. In the case of Turkey, especially during the 1960s, we see a "state-sponsored labour emigration" through agreements between the governments of Turkey and industrialised countries that had labour shortages As Abadan-Unat (1995) argues, the steep rise in Turkish emigration especially to Europe during 1960s coincided with Turkey's first five-year development plan (1962–1967). Those who prepared the plan argued that "the export of excess, unskilled labour to Western Europe represents one of the possibilities for alleviating unemployment" (Abadan-Unat, 1976, p. 14). Emigration was considered a way of reducing demographic and labour market pressure (Paine, 1974; İçduygu, 1991). These planners also believed that those who emigrate might acquire new skills and contribute to the industrialisation of Turkey. The new skills and training of migrant workers would be used upon their return and they would also bring foreign capital which would be invested in the development of their local communities (Sayari, 1986, p. 92–93). The state policy, in general, was based on encouraging the flow of remittances and facilitating the easy

return of migrants (İçduygu & Aksel 2013, p. 173). Turkish migrants have indeed sent a significant amount of remittances and the Turkish government also came up with some policies to encourage migrants to send remittances (Martin, 1991), even though it was argued that the level of remittances to Turkey was not determined by special programs which intended to attract remittances (Straubhaar, 1986). Migrants' perceptions of the stability of the Turkish economy had more impact on their remittance sending.

During the 1950s and 1960s, Turkish migration was characterised by bilateral labour agreements and consequently, during 1960s, there was a huge increase in emigration. "While in 1960 only 2,700 workers had left Turkey, the number rose to 27,500 in 1963 and reached 615,827 in 1973" (Abadan-Unat, 1995, p. 279) The most important of those agreements was signed between Turkey and Germany. Signing bilateral labour agreements was a viable solution for both countries at the time. While Germany expected to have a temporary labour supply and sustain its economic growth without being pressured to raise wages, Turkey hoped that labour migration would support economic development and modernisation through remittances and future return migration (Sari, 2003). Although initially, it was meant to be a cooperative agreement that would benefit both countries, Germany's need for foreign labour declined during the 1970s and the two countries moved away from a cooperative model of labour migration (Sirkeci et al., 2012). The large flow of labour migrants to Western Europe during the period 1968–1973 suddenly stopped in 1973 especially due to the Oil Crisis which triggered economic stagnation, and this marked the end of large-scale state-led labour migration from Turkey to Western Europe. However, the end of the flow of labour migrants did not result in the end of migration as a whole. The migration by family reunification of Turks in Western Europe continued and by the year 1980, the total Turkish population in Europe increased to an estimate of two million (Penninx, 1982, p. 789).

3. The period between 1980s and 2000: the early neoliberal migration state

During the 1980s, there have been significant changes in the Turkish migration regime. First, the mass immigration of "non-Turks" to Turkey for the first time in the history of the modern Turkey necessitated the taking of new measures for migration management. Additionally, the implementation of neoliberal policies attracted foreign direct investments and decreased the importance of remittances for the Turkish economy (İçduygu & Aksel, 2013, p. 175). The focus of migration policies shifted from encouraging the return of labour migrants to accepting the fact that most emigrants would stay in European countries and increasing the engagement with emigrants in the countries where they are living. Especially during the early 1990s, the state took several measures and formulated incentives to increase the engagement of emigrants with Turkey (İçduygu & Aksel, 2013, p. 177). As Kilic and Biffl (2022) argue, with the fourth National Development Program (1979–1983) came the beginning of a new phase of migration policy in Turkey. In this phase, Turkey decided to implement diaspora policies in relation

to Europe where the Turkish diaspora was used as a political leverage for endorsing Turkey's accession to the European Common Market (Düvell, 2014). Although the focus was mostly on diaspora policies, the emigration of skilled migrants (brain drain) also became a major policy concern and the return migration of highly skilled Turkish-origin migrants was promoted (Kilic & Biffl, 2022).

4. Migration after 2000: Justice and Development Party (AKP) governments and the late neoliberal migration state

Adamson and Tsourapas (2020) argue that in a different way from the developmental migration state, the neoliberal migration state explicitly monetises migration flows. The authors also give two examples to demonstrate how neoliberal migration states operate: citizenship-by-investment schemes and using refugees and migrants to extract revenues from states or international organisations. "In these two examples of neoliberal forms of migration management, states strategically use population mobility as a means of generating revenue" (Adamson & Tsourapas, 2020, p. 868). About the first case, the literature on citizenship-by-investment schemes mostly considers purchasing citizenship through these programs as an indication of the commodification of citizenship by those states which embrace the logic of the market (Shachar & Hirschl, 2014; Tanasoca, 2016; Parker, 2017). There are also those scholars who argue that these processes go beyond commodification and "are part of a neoliberal political economy of belonging" (Mavelli, 2018). Such "market-mediated remaking of citizenship" (Sparke, 2006) leads to the market value becoming the main criterion for membership and states aim to attract "elite migrant subjects" (Ong, 2006, p. 501).

Turkey is currently among those countries which offer citizenship by investment programmes, together with countries like Antigua, Dominica, Grenada, Saint Kitts, Saint Lucia, Malta, Cyprus, Montenegro, Jordan, and Moldova (Surak, 2021a). In the case of Turkey, the Citizenship by Investment (CBI) scheme was established in 2017 and it was amended in 2018. As the Ministry of Interior has announced, 1,000 foreign citizens mostly from Middle Eastern countries obtained Turkish citizenship through the investment programme and that 1,700 other applications were pending (Utku & Sirkeci, 2020). According to the CBI scheme introduced in January 2017, although there were multiple options, purchasing property became an attractive way to get citizenship which required a minimum of $1 million investment before. New regulations came in September 2018, which made it possible to give citizenship to foreigners in exchange for: "(1) Purchasing real estate worth at least $ 250,000 (down from $1 million); (2) or putting $500,000 into a fixed capital investment; (3) or keeping a minimum of $500,000 in a Turkish bank account for at least three years (down from the earlier minimum of $3 million); (4) or generating 50 jobs (down from 100 jobs)" (Gunduz et al., 2022, p.701)[3]. It has been reported that wealthy people from Afghanistan, Iran, and Pakistan who wanted to move their base because of political

[3] Three months later, in December 2018, there was another amendment which made it possible for foreigners to apply for Turkish citizenship by buying real estate from unfinished or off-plan projects (Gunduz et al., 2022).

pressure or turmoil in their countries showed the greatest interest to the Turkish CBI scheme (Surak, 2021b).

Regarding the second case, namely using refugees and migrants to extract revenues, we especially see cases of monetisation of forced migration. The governments in the Global North are increasingly unwilling to receive refugees and this resulted in the development of strategies that aim to keep displaced populations in the Global South. One such strategy is providing financial support to the states of first asylum: "Formalized via migration 'deals' and refugee 'compacts', the commodification of forced displacement encourages refugee rent-seeking behavior across Global South states, which seek to attract external economic support in order to continue hosting refugee populations within their borders" (Adamson & Tsourapas, 2020, p. 869). This has especially become manifest during the Syrian refugee crisis.

The Turkish state was one of the original signatories of the 1951 Geneva Convention. However, the country had signed the Convention with a geographical reservation, limiting the country's obligations to asylum seekers only from its Western neighbours and allowing only temporary asylum to non-European asylum seekers until they were sent to third countries (Kirişçi, 2000). Although there were these long-term strategies to avoid asylum from the rest of the Middle East, Turkey found itself hosting the largest number of Syrian refugees after the Syrian Civil War started (Aydemir, 2022). Refugee agreements were signed between the EU and Turkey, and Turkey promised to contain refugees and keep them outside of Europe in exchange for financial support (Haferlach & Kurban, 2017)[4]. There are scholars who challenge the interpretation of the EU-Turkey deal as "another example of the power of the EU to simply externalize its border control policies" (Heck & Hess, 2017, p. 37) and criticise the assumption of a one-way, top-down process started by the EU. According to these scholars, the Turkish government pragmatically benefits from the fear of mass migration to Europe (Heck & Hess, 2017, p. 47) and that the EU leaders became dependent on Turkey because of this deal. Heck and Hess argue that the Turkish government has realised how to use the migration card and "Turkey has gained some sort of a *carte blanche* vis-à-vis the EU" (2017, p. 52).

While the EU-Turkey deal has made it possible for the Turkish government to use the "migration card" for its political aims in the international arena, it is obviously also a result of the EU's attempts to outsource the management of migration flows to Turkey. The EU is not accepting its fair share of responsibility for refugees. The deal continues to be questioned with regard to its legality and compatibility with international law. It has also been criticised for not protecting the rights of refugees and asylum seekers.

EU member states' reactions to the migration crisis have displayed a lack of solidarity and unwillingness to find a unified solution to the worst humanitarian crisis of our time.

[4] In addition to financial support, the Turkish government also emphasised the prospect of visa liberalisation for Turkish citizens in the Schengen area and acceleration of the EU accession negotiations justifying the agreement in the country. However, after the attempted *coup d'état* in Turkey in 2016, EU politicians and bureaucrats declared that visa liberalisation for Turkish citizens did not seem probable under the circumstances.

The deal reached with Turkey to manage the influx of migrants and refugees has created a dangerous precedent for EU cooperation with third countries on migration and asylum, due to its controversial legal nature and the lack of proper procedural safeguards (Batalla Adam 2017, p. 56).

Conclusion

Migration state is a useful conceptual tool for analysing how states manage international migration. The concept, as developed by Hollifield, has become a key concept in migration studies for discussing migration management. However, as Adamson and Tsourapas argue, the concept as it has been defined by Hollifield has some limitations, as it mainly focuses on "economic immigration in advanced liberal democracies" (2020, p. 853). It cannot adequately look at the connection between migration and processes such as nation-building, developmentalism, or neoliberalisation. In this article, I have followed Adamson and Tsourapas's (2020) proposal to extend the concept to be able to use it for an analysis of how states in the Global South manage international migration. Focusing on the case of Turkey, the paper has aimed to demonstrate how the migration state in Turkey has gone through transformations starting from the early period of modern Turkey until today. The paper looked at the four key periods for migration patterns in Turkey, namely: 1) the early period of modern Turkey (1923–1950s); 2) the period between the 1950s and 1980s; 3) the period between the 1980s and 2000s, and 4) the period after 2000. By focusing on these four periods, the paper has discussed how the Turkish state has transformed from 1) a *nationalising migration state* during the early period of the Republic which was based on the homogenisation of the population; 2) through a *developmentalist migration state* during the period between the 1950s and 1980s where emigration and attracting migrant remittances was a part of the developmentalist strategy; and 3) an *early neoliberal migration state* between 1980s and 2000 which was characterised by decreasing importance of remittances due to increasing foreign direct investments, increasing engagements with the diaspora and efforts to facilitate the return migration of the highly skilled Turkish-origin migrants; to 4) and finally to a *late neoliberal migration state* where migration flows were explicitly monetised by the AKP governments.

For looking closely at the neoliberal migration state, I have looked closely at two examples to shed light on how the state has used population mobility as a means of generating revenue: citizenship-by-investment scheme and using refugees and migrants to extract revenues from states or international organisations. However, while discussing the second example, namely the EU-Turkey deal about the Syrian refugees, I discussed that while the Turkish government is using the "migration card" for its political aims in the international arena, the deal is also a result of the EU not accepting its fair share of responsibilities for the Syrian refugees. Therefore, while the deal between Turkey and the EU can be considered an instance of monetisation of refugee flows on the part of the Turkish government, it is also an example that makes it more visible that the migration policies of the EU are going towards stricter conditions for those individuals who want to enter or settle in the region, becoming *Fortress Europe*. As Adamson and

Tsourapas (2020) argue, the typology of migration states (nationalising, developmental, and neoliberal) helps us to reflect on the globally intertwined nature of migration regimes. These different types of migration states in the Global South in general and Turkey in particular have emerged partially in response to the developments in Europe and the rest of the world. The nationalising migration state in Turkey emerged somewhat due to the pressures to adopt the nation state model. Later, the Turkish developmental migration state rose in connection to the labour needs of the migrant-receiving countries. Finally, the emergence of the neoliberal migration state in Turkey is also tied to the broader processes of neoliberalisation and increasing inequalities all over the world. Specifically in the case of the EU-Turkey deal and how refugees and the "migration card" are being used by the Turkish government, the global rise of populist nationalism is an important explanatory factor as well as the Turkish government's attempts to monetise the migration flows.

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How do states challenge international regimes? The case study of Poland and the international refugee regime

Abstract

International regimes became the topic of scholarly discussion in the study of International Relations only in the late 1970s and early 1980s. Very little scholarly explanation has been provided to clarify why, when or under what circumstances international regimes modify or collapse so far, while the expectations of the regime participants may change and disperse. This paper aims to explore how states that are not traditionally considered the most significant for the creation, design, and continuation of the regime might challenge its framework and under what conditions these actions could

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impact the regime.

Poland acceded to the International Refugee Regime (IRR) in 1991 after beginning its transformation. In the process of analysis, we argue that the Polish actions challenging the IRR by breaching its norms were initially accommodated with a mixture of cautious tolerance (especially among the EU Member States who wished to keep the migration flows through the Polish-Belarusian border stalled there), and tacit criticism expressed by international governmental institutions unwilling to exert too much pressure in order not to lose access to people with humanitarian and protection needs. We also claim that although the Polish authorities challenged the core rules of the IRR, their policies and actions have not led directly to a permanent destabilisation of the regime, not to mention its dissolution or collapse. However, unless not repelled in a direct and robust way by major participants of the regime, they might result in undermining the core framework of the IRR.

Keywords: refugees, migration crisis, international regimes, international refugee regime, Poland's asylum policy

Introduction

Poland acceded to the international refugee regime (henceforth the regime, IRR) in 1991 after beginning its transformation from a socialist state and a centrally planned economy into a democracy with a market-driven economy. Signing the 1951 Convention on the status of refugees and the 1967 New York Protocol was an important step in confirming the young democracy's support for the rule of law and human rights protection. Since the accession, Poland's approach and its role in the international refugee regime (IRR) have been changing. After joining the European Communities in 2004, the Polish Eastern border became one of the European Union's external borders (EU). The Common European Asylum System (CEAS), which grew out as one of the community policies, required cooperation in refugee protection while external pressure of migrants on the EU borders, in general, faced the Polish government with new challenges. The IRR at the universal level, rooted in the Geneva Convention and centred around the United Nations High Commissioner for Refugees (UNHCR) sets universal and minimal international protection obligations for its members[2] that may be further developed or enhanced at the national and regional levels, which is exactly what CEAS does, next to other regional refugee protection systems (in Africa and Latin America). The accession to the IRR means the need for incorporation and constant reference to the regime principles and norms in a domestic asylum policy. Therefore, the IRR can be considered as an external constraint on the right of states to formulate and implement their asylum policies unbound. The divergence causes the challenge for coherence, efficiency and compliance in formulating as well as implementing policy goals and strategies.

[2] To some extent also to non-members as, e.g., the non-refoulement norm regarded as customary and universally binding.

The analysis of the problem of acting according to the IRR norms, principles, and rules poses challenges, as the regime itself does not contain a set of organisational sanctions characteristic of it. Nor does any procedural control mechanism exist for the regime's breaches. The responsibility for the breaches may, as a rule, lead to legal disputes before international jurisdictions or negative reactions of the other members of the international community, possibly leading to losing the credibility and legitimacy of the responsible states. However, the latter ones are rather symbolic, which does not necessarily mean that they cannot change states' behaviour. For the most part, abiding by the norms of IRR for the states that wish to present themselves as leaders in the international liberal order is a necessity, if not a must. And if breaches occur, they are rather disguised under an alternative interpretation of the actions, possibly also under the security concerns, etc. Especially breaches of the fundamental norm of the IRR – non-refoulement – may lead to international condemnation or naming and shaming. The question that arises is, however, under what circumstances the breaches of the regime will lead to its modification, decay or collapse. Our research is rooted in regimes theory, which attempts to explain what international regimes in international relations (IR) are, how and under what conditions they are created, how they are changing and their significance in IR. These have been approached by different theoretical schools of thought in IR. By and large, two major approaches appear in the scholarship: rational choice and constructivist explanations, which we elaborate on further.

International regimes became the topic of scholarly discussion in the study of International Relations only in the late 1970s and early 1980s. Since then, the related theoretical reflection has been developed (see: Young, 1980; Krasner, 1982; Krasner, 1983; Keohane, 1984; Pietraś, 2014) to explain why and in what circumstances the growing international cooperation and interdependence can or will lead to the creation of international regimes made of laws and institutions that govern states' activities (Pietraś, 2014, p. 14). So far, regimes have been defined heterogeneously (Young, 1982). However, for the purpose of this paper, we apply a slightly modified classical one proposed by Stephen D. Krasner, "international regimes are defined as principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area" (1982, p. 185) supported by international institutions which promote, elaborate, implement or guard the principles, norms and rules in question (Krasner, 1982, p. 185). Our analysis aligns Krasner's view on international regimes as "intervening variables standing between basic causal factors on the one hand and outcomes and behaviour on the other" (Krasner, 1982, p. 185). Regimes are created when states benefit from their existence, which does not necessarily always translate into material benefits but can also bring symbolic advantages, as well as benefits related to strengthening the international identity of actors. These explanations will vary depending on the theoretical tradition of the study of IR (see: Keohane, 1988; Hasenclever et al., 2000). Rational choice theories emphasise states' relative (realism) or absolute (liberalism) gains. Constructivists in turn, perceive regimes as particular international social institutions where actors' socialisation occurs. The principles and norms are under the process of constant reconstruction and redefinition. Therefore, the regimes are not determined structures but rather dynamic confirmation of common understanding. Therefore, national

interests, preferences, and actions are modified (Krasner, 1982, p. 185; Czaputowicz, 2022, p. 248; Finnemore, 1996). International regimes can have different participants. However, there is little doubt that states are the major ones. The others may include international institutions of both governmental and non-governmental character, whose role in the regime is much less significant than the one of states[3].

Very little scholarly explanation, especially in the regimes theory, has been provided to clarify why, when or under what circumstances international regimes change or collapse so far, while the expectations of the regime participants may change and disperse. Krasner suggests that we should clearly differentiate between a situation in which regimes decompose, collapse or are entirely transformed due to modifications in their fundamental principles and norms from gradual modifications of a regime due to modifications in rules and procedures in decision-making in the regime (the latter will not negatively impact the existence of the given regime) (Krasner, 1982, p. 187–188). Regimes can be resilient to exogenous factors that could weaken them or quite the opposite. In the latter case, its reliance is rather low. According to Young, international regimes, which he perceives as social institutions, are difficult to alter in a planned or guided fashion, however, "they change continuously in response to their own inner dynamics as well as a variety of political, economic, and social factors in their environments" (1982, p. 280). The latter ones include: 1) "internal contradictions that eventually lead to serious failures and mounting pressure for major alterations"; 2) "shifts in the underlying structure of power in the international system"; 3) "exogenous forces" which are "developments external to a specific regime" that "may lead to alterations in human behaviour that undermine the essential elements of the regime" (Young, 1982, p. 291–292). According to Marc A. Levy, Oran R. Young, and Michael Zuern, significant modifications in international regimes are usually due to "fundamental transformation in the domestic political system of **a major** [emphasis added] member state [of the regime]" (1995, p. 290).

This paper aims to explore how states that do not belong to the group of states that have not been traditionally considered the most significant for the creation, design, and continuation of the regime[4], might challenge its framework and under

[3] Our contention on the principal participants of the regime is in line with claims made by, *inter alia*, Levy et al. (1995), Hafner-Burton (2012) as well as Peterson (2012).

[4] The states that signed the 1951 Convention relating to the status of refugees right after it was drafted during the diplomatic conference in Geneva on July 2–25, 1951 and/or before its entry into force (April 22, 1954) were: Australia, Austria, Belgium, Colombia, Denmark, Israel, Lichtenstein, Luxemburg, Netherlands, Norway, Sweden, Switzerland, and the UK. They were soon later joined by other states, e.g., Brazil, France, Greece, Holy See, Italy, and Turkey (United Nations, 1951). Many of these state parties later became principal countries of destination for asylum-seekers. The first group of parties did not include many of the Global South states, which either were not independent at the time or had no interest in joining the system, as they were rather states of origin for refugees. The 1967 New York Protocol (signed January 31, 1967; entry into force: October 4, 1967) was eagerly signed and ratified in 1967–1968 by a handful of African and other Western and Global South states (UNHCR, 2015). As of 2023, the states listed as top refugee recipients are not necessarily members of the IRR regime, e.g., Bangladesh. For the purpose of this paper, we consider the most significant members of the regimes

what conditions these actions could impact the regime. We claim that the constant challenges from the domestic system of these IRR member states might impact the regime only under specific circumstances. We consider a single-case study of Poland to be critical (Yin, 2014, p. 51) for understanding the challenges of the IRR. We make that choice for the following reasons. First, Poland is a country that joined an already existing refugee regime and, therefore, did not participate in its creation. Yet, it did not question its basic tenets upon joining. Second, the importance of Poland in international migration flows has shifted significantly from the country of origin of migrants (including refugees) to a transit and destination country for migrants. In other words, the asylum policy in Poland has gained a new dimension and significance for the government. Poland, from being an insignificant state party to the IRR, became an important Western world regime's contesting member of the Western world regime. Third, and perhaps most important, Poland's Eastern border, which since 2004 has also been the EU external border, has become the key location of stepped-up migration flows from non-EU countries. The conclusions from the data analysis related to the case study of Poland will lead to the generalisation of the findings to see how and when states challenge international regimes and what impact such actions may bring about for a regime.

The principal research questions addressed in the paper are:

1. How have the Polish policy actions challenging the international refugee regime been perceived and accommodated by the other regime participants?
2. Have these policy practices led to any changes in the regime?

In the process of analysis, we argue that the Polish actions challenging the IRR by breaching its norms were initially accommodated with a mixture of cautious tolerance (especially among the EU Member States who wished to keep the migration flows through the Polish-Belarussian border stalled there), and tacit criticism expressed by international governmental institutions unwilling to exhort too much pressure in order not to lose access to people with humanitarian and protection needs. Open criticism was expressed by non-governmental actors of the IRR, which, however, had very little influence on the Polish authorities. We also claim that although the Polish authorities challenged the core rules of the IRR, their policies and actions have not led directly to a permanent regime destabilisation, not to mention its dissolution or collapse. However, unless not repelled directly and robustly by major participants of the regime, they might result in undermining the core framework of the IRR.

We do not aim to make any normative or moral claims about the breaches of norms of international and domestic character the Polish authorities have been committing. The contention that there are breaches, as shown by evidence collected for this research, serves a different purpose. We are attempting to take a fresh look at how the process of norm contestation by regime state members, which are relatively new to their tenants, can influence the existence, continuation, and change of the regime. The Polish case is perceived in our paper as yet another factor leading to a change in the IRR. Change may take place gradually not as a result of contesting norms, rules,

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that were proponents of their tenets at the time of their formation as well as or were in the group of top refugee-receiving states.

and principles in an open and direct way but rather through blurring them. The amassing of similar actions, not repelled by other key state member participants of the regime, might bring about lasting changes in the IRR.

Our analysis considers state members of the regime as actors represented by their executive authorities authorised to make legal and other claims in the state's name at the international level. We do not look at the domestic dynamics of contentious disputes between the executive, legislative, and judicial powers, not to mention an often divergent view of civil society representatives. It is an important reservation, as both the Polish case and cases of other state members of the regime (e.g. Italy, the US, and Australia) prove that there is no linear and coherent approach to the contentious cases at the domestic level.

At the same time, our study does not attempt to take a stand on whether the norms of the IRR are praiseworthy, sufficient or – precisely – the opposite. We look at IRR as an existing fact, with all its shortcomings and loopholes, and we analyse the circumstances that lead to undermining its tenants.

Methodology of the study

In our analysis, we include discursive events, formal documents, policy practices, and judicial actions related to the policy practices towards asylum in Poland. We argue that awareness of these dimensions is crucial for the comprehensive evaluation of policies regarding the human movement (Czaika & de Haas, 2013, pp. 494–495).

We will test our claims by analysing publicly presented opinions, documents, and the direct actions of the Polish authorities towards asylum-seekers and the ensuing reactions of the principal institutions of the regime, as well as judicial bodies, about the legality and legitimacy of the Polish immigration and asylum policies, especially in view of the core character of the principle of non-refoulement . We apply qualitative methods, specifically case study and within it – textual analysis and process tracing (Bennett, 2004). The paper starts with an elaboration on the nature and characteristics of IRR. We then proceed to the presentation of Poland's involvement with the regime, which leads us to the presentation of migration challenges for Poland in the crisis of 2015/2016, as well as from Belarus from the Summer of 2021 onwards and from Ukraine after February 24, 2022.

The international refugee regime

The international refugee regime, at present, is based on the 1951 Geneva Convention, the ensuing 1967 New York Protocol, as well as the principal institution responsible for refugees – UNHCR. The basic architectural design of the universal IRR is centred around the understanding of a refugee as a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable or unwilling to avail himself of the protection of that country" (United Nations, 1951; United Nations, 1966) and around its cornerstone

principle of non-refoulement (Costello & Foster, 2015, p. 205)[5]. The latter is enshrined in Article 33 which contains the prohibition of expelling or returning "a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (United Nations, 1951, Article 33). Institutionally, since 1959, the UNHCR Executive Committee (ExCom) has been an important forum for advising the High Commissioner for Refugees and working on specific themes significant for refugee protection, including the reinterpretations of the UNHCR mandate.

The to-date scholarship on the universal IRR has characterised it as multicentric which means that its norms combine different legal regimes, and multifactorial, meaning in turn that the norms of the regime that regulate states' behaviour are rooted in varied sources of international law (Kowalczyk, 2014, p. 17). Alexander Betts (2010) claims that the IRR (which the author calls simply "refugee regime") should rather be perceived as a "refugee regime complex", as the traditional refugee regime now overlaps with other international regimes, namely, human rights regime, labour migration regime, travel regime, humanitarian regime, and security regime. However, for the sake of this paper, we claim that the IRR should rather be characterised as belonging to a broader understanding of human rights protection norms and, thus must be congruent with these norms. By looking at the IRR in this manner, we contend that humanitarian norms of protection, labour migration protection, and travel regulation must also be in line with the human rights framework. Hence, e.g., the prohibition of discrimination or special protection for particularly vulnerable groups is enshrined in the regime in the sense that it is in line with such basic principles. Moreover, we believe that the IRR should not be perceived as multilayered in the sense that there are universal, regional, and country-level regulations. The universal one is *lex generalis* towards the regional *lex specialis*, while the emanation of domestic law is a natural and indispensable result of the creation and effective entry into force of public international law norms (both of conventional, as well as customary character). We, therefore, refer to the IRR to the protection of individuals through refugee status and various forms of subsidiary protection[6]. Although it is perceived as sound, the construction of the universal IRR is also subject to criticism as contemporary realities on the ground demand substantial regime adjustment (Feller, 2001).

Poland in the international refugee regime

Poland acceded to the IRR in 1991, after signing the 1951 Geneva Convention and the 1967 New York Protocol. Since then, Poland has been obliged to follow the obligations

[5] The non-refoulement principle is now regarded as customary, however, there is inconsistency about whether the norm is of *jus cogens* character which would make it a peremptory one, creating universal legal obligations (see: Costello & Foster, 2015; UNHCR, 2007; Allain, 2001).

[6] In our paper, we do not consider territorial asylum, nor protection for other groups assisted by UNHCR in the refugee context, such as internally displaced persons (IDPs), stateless individuals or returnees.

mentioned in the Convention and the Protocol, as well as to cooperate with UNHCR in the area of refugee protection. In consequence, it started the process of domestic law alignment with international obligations.

Poland's engagement and approach towards international protection for individuals have evolved significantly. The first period from 1990 until 1997 was the time of accession to the regime's norms and was characterised by the rapid internationalisation of Polish asylum policy. Deficiencies in policy practices were considered as part of the adaptation process. The second period, from 1998 until November 2015, had additional features of the Europeanisation of the Polish refugee regime. It consisted of further implementation of the IRR through European regulations. Finally, the third period, from November 2015 onwards, has been coined as a phase of reinterpretation of IRR norms that took form firstly of "counter-Europeanisation" (Florczak, 2019, p. 32). For the purpose of this analysis, we have come up with the fourth period stretching from 2021 to 2022, which is characterised by further reinterpretation but in the form of domestically driven "bifurcation of IRR". What we mean by that can be explained by looking at, on the one hand, the practical application and adaptation of how international protection towards migrants from Ukraine was conducted and, on the other hand, an outright challenge or even rejection of the same regime norms, rules and principles towards migrants on the border with Belarus.

It is important to note that in each phase of the process of Polish adaptation to the IRR, Poland did not fully comply with the regime's standards and norms. The difference is that in the phase of bifurcation, one can see that non-compliance results from the policy decisions and practices conducted by the Polish authorities instead of any kind of incapacities in the adjustment process.

Before joining the IRR, Poland was primarily a country whose citizens applied for refugee status in the West. There was no legal and institutional tradition, nor any experience in dealing with refugees domestically; no adequate regulations, infrastructure, or institutions (Łodziński & Szonert, 2011, p. 168). In the second half of the 1980s, Poland was receiving around 20–30 people a year claiming asylum. Still, they saw Poland as a transit country, as their final destinations were Western European states (Łodziński & Szonert, 2011, p. 169). The only institution occasionally dealing with refugees appearing in Poland was the Polish Red Cross. The year 1990 is considered a breakthrough as Poland faced a significant influx of foreigners eligible for protection for the first time, still in the absence of legal, institutional or infrastructural solutions. That year, Sweden, having recognised Poland as a safe country, deported several hundred foreigners to Poland, who, using forged documents, entered Sweden while passing through Polish territory first. Finally, they were assisted by the Polish Red Cross (Florczak, 2019, p. 37). This new situation made the authorities adapt promptly by joining the universal and regional refugee regime (Gafarowski, 2014, p. 15).

Both the Convention and the Protocol were signed on September 2, 1991, which was followed by swift ratification and introduction of necessary amendments to domestic law establishing the normative framework for the admission of refugees (Łodziński & Szonert, 2011, p. 170).

After 1989, the Polish principal goal was to join Western institutions. Therefore, Poland needed to be perceived as a progressive democracy respecting basic human rights and liberties that implemented standards and procedures (Florczak, 2019, p. 38). Membership in international institutions grouping democratic states required changes of a normative nature. It also brought ensuing further obligations. Concerning the subject under study, of particular importance were commitments in the area of human rights, which shape an asylum policy. Poland established cooperation with several important organisations and institutions dealing with human rights (in general) and forced migration (in particular), including providing assistance to foreigners seeking refuge. These included the Council of Europe (1991), the International Organisation for Migration (1992), the Organisation for Economic Co-operation and Development (1996), and European Communities (the Association Agreement with the European Communities was signed on December 16, 1991). In March 1992, the Liaison Office of the UNHCR began operating in Warsaw. In January 1993, Poland ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

Deficiencies in the adopted domestic legislation, organisational underdevelopment, and the uncertainty/unreliability of the Polish refugee protection system were spectacular (Szonert, 2000, p. 34; Gafarowski, 2014). In 1995, UNHCR in Poland expressed concern about the process of adapting country-level norms as a result of adhering to the IRR. The legal loopholes and underdeveloped procedures were the basic problems influencing asylum-seekers on the Polish border. There were noted cases where asylum seekers, despite contacting the UNHCR office in Poland, were not admitted to the asylum procedure (UNHCR,1995).

The adaptation of the Constitution of Poland in 1997 and new legislation related to foreigners in June 1997, consistent with the principal norms of the IRR started the new, very dynamic phase. It was characterised by an intensive process of forming, reshaping and adapting legal solutions, institutional design as well as procedures for the administration of asylum cases, and implementation of the EU *acquis communautaire*. UNHCR intensively advised the Polish authorities and commented on proposed legislation to protect refugees. Many of its comments were considered in the Law on Aliens adopted in 2003. As a result, Poland in 2003 (the year of signing the accession treaty with the European communities) had asylum-related regulations and procedures generally in line with the EU and international standards (UNHCR, 2003; Sobczak-Szelc et al., 2022, p. 18).

In 2012, Poland took a more proactive approach to the migration problem for the first time as, after years of preparation, on July 31, 2012, it published the document on the *Migration Policy of Poland – current state and postulated actions*, presenting a proposal for a state strategy in the area of migration (Departament Analiz i Polityki Migracyjnej MSWiA, 2012). The UNHCR praised this action.. The Office considered the preparation of the strategy as a manifestation of achievements and good practices (UNHCR, 2011). Regarding asylum-seekers, the strategic document clearly emphasised that country-level policies and actions were "largely determined by international obligations arising from the Geneva Convention and the membership of the Republic of Poland in the European Union" (Departament Analiz i Polityki

Migracyjnej MSWiA, 2012, p. 64), indicating the principle of non-refoulement and the principle of full access of foreigners to the refugee status procedure as crucial for this policy.

At least from 2000, Poland had its first experience with a steadily increasing influx of asylum-seekers from Chechnya (a region of the Northern Caucasus, part of the Russian Federation) (Suduł, 2009, p. 96; Boćkowski, 2020, p. 340). Between 2005 and 2008, the share of Chechens in the total number of foreigners applying for international protection in Poland exceeded 90%, and between 1992 and 2016, in total, Chechens submitted more than 100,000 applications (Górny et al., 2017, p. 43). On the occasion of the increased influx of refugees from Chechnya, systemic problems concerning the standard of protection granted, the rules of integration, and the lack of preparedness of the Polish services for the increased number of refugees became apparent (see: Boćkowski, 2020; Łukasiewicz, 2011; Suduł, 2009).

The 2015–2016 refugee and migration crisis was a stress test, especially for regional solutions offered by the EU. It was the time when the gap between the normative aspirations of the EU and European countries and real-life actions concerning asylum was fully manifested (Trauner, 2016; Beaupré, 2023). The period of intensive Europeanisation ended with the change of the ruling party in Poland, however, the previous liberal government's actions on asylum lacked coherence and robustness which would prove absolute support for the CEAS. The Law and Justice (PiS) party that took power presented open anti-immigration rhetoric, accelerating the politicisation of migrants and refugees. The European Commission, based on 78(3) TFEU, proposed an emergency relocation mechanism for asylum seekers (the Communication of European Agenda on Migration) that was rejected by the new government.

In January 2016, Beata Szydło, the new Polish Prime Minister, during a debate in the European Parliament, defended the modified stance of Poland and stated that Poland had taken in around one million refugees from Ukraine, stressing that these were people whom nobody wanted to help. That statement was exaggerated, and not reflected in the statistics (Górny et al., 2017). In 2017, the Ministry of the Interior and Administration (Pol. Ministerstwo Spraw Wewnętrznych i Administracji, MSWiA) presented a proposal to amend the *Act on granting protection to foreigners on the territory of the Republic of Poland* assuming, *inter alia*, the introduction of the so-called "border procedure" allowing for processing of applications for protection along with simultaneous detention of foreigners. Experts and NGOs criticised these proposals as being incompatible with Poland's international obligations and ultimately were not introduced (Król et al., 2018). Since 2015, the Ombudsman (Pol. *Rzecznik Praw Obywatelskich*, RPO) has been receiving complaints from foreigners who were refused entry to Poland via the Terespol Border Guard in violation of the EU law and the provisions of the Geneva Convention regarding compliance with the principle of non-refoulement. Also, UNHCR noted with concern the sharp increase in the number of foreigners stating that they were not allowed to enter the territory and apply for asylum in Poland, while Polish authorities were insisting that the person did not express their intention for international protection and had economic reasons to enter Poland (UNHCR, 2018, p. 3) The report of RPO prepared in 2021 for the UN Special Rapporteur's on the Human Rights of Migrants regarding pushback practices

and their impact on the human rights of migrants (Biuletyn Informacji Publicznej RPO, 2021) directly pointed out the continuous malfunctions of Polish border authorities that were not consent with the legal obligations taken by Poland, and recommended changes to cease them.

Since 2017, domestic courts have been investigating the already notorious refugee protection norms breaches by the Polish authorities. It was a notable change, as earlier cases of asylum procedure breaches in Poland, as well as of poor reception conditions in the country, were perceived as challenges with adapting to the international standards of protection by international institutions rather than actual breaches of law. As the officials from Poland had not made outspoken claims about the modifications in the interpretation of basic refugee protection standards, these challenges did not lead to harsh official condemnation. In 2017, the UNHCR came up with a submission in the case of Iman Tashaeva v. Poland before the Regional Administrative Court in Warsaw, in which the Office elaborated on the basic normative principles of IRR (UNHCR, 2017). In 2018, the UNHCR in the submission in the case of D.A. and others v. Poland before the European Court of Human Rights, highlighted the discrepancy between the letter of the law and practice (UNHCR, 2018).

A clear change of approach towards Polish inadequacies in institutions mandated with refugee protection and overseeing the application of binding regulation was noted in 2020 in the case of M.K. and others v. Poland (complaints placed in 2017). In its judgement, the Court contended that the authorities of Poland had breached the 1951 Convention by, *inter alia*, denying the applicants access to the asylum procedure and exposing them to a risk of inhuman and degrading treatment as well as torture in Chechnya. Poland had taken decisions in asylum procedures without diligent analysis of individual cases. The judges also determined that the practices M.K. and others had mentioned in their applications formed part of a broader policy of "collective expulsion of aliens" and "refusing entry to foreigners coming from Belarus" (ECHR, 2020).

Poland's policies and actions as regards refugee protection became crucial for the stability of the EU and its asylum policy with the deliberately planned and orchestrated by president Aleksandr Lukashenko migration crisis at the Polish-Belarusian border from July/August 2021. The Belarusian authorities used migrants from third countries (especially: Afghanistan, Syria, India, Yemen, Bangladesh, Ethiopia, Eritrea, Somalia, etc. (Zawadka, 2023)) in a hybrid conflict with the EU as a tool of destabilisation of the EU territory in response to the growing isolation of Belarus, sanctions decided by the EU as well as the support for the members of Belarusian political opposition. Migrants, including asylum-seekers, were welcomed in Belarus and pushed first in the direction of Lithuania and later, after its decision to close the border to irregular migrants, the flows were rerouted to Latvia and Poland (see: Grzymski et al., 2021)[7]. The Polish government as well as local authorities were unprepared for what was about to happen, however, judging from the previous governmental policies and actions mentioned above as well as from the opinion polls

[7] Complex analysis of the migration and humanitarian crisis at the EU Eastern border from various perspectives, see: *Białostockie Studia Prawnicze* (2023).

conducted in Poland (see, e.g., Notes from Poland, 2021a; Notes from Poland, 2021b) it was rather evident that the irregular crossings would not be welcomed in Poland. The Polish government presented the opinion that entrances of asylum-seekers should be strictly formalised. Marcin Przydacz, vice-Minister of Foreign Affairs in August 2021, commenting on disturbances in Usnarz Górny said:

> *[I]n order to apply for asylum or for international protection, one must be on the territory of the Republic or in a Polish mission. Screams issued from outside the territory of Poland […] are not really an application for international protection. […] The Ombudsman [RPO] looks at this from a legal and human rights and fundamental rights perspective, and unfortunately, the Schengen Code says clearly: the border should be crossed in places designated for this purpose. […] These people have the right to apply. There is a consulate in Grodno nearby.* (Przydacz, 2021)

Due to the growing border pressure, especially since November 2021, the Polish government has undertaken legal and operational measures to curb migration flows by legalising push-backs and breaching international and domestic norms on asylum. As early as August 20, 2021, the Minister of Internal Affairs and Administration issued an ordinance amending the restrictions imposed on border crossings from Belarus *inter alia*. With the new regulation, the Border Guard was allowed to return individuals who were not legally eligible to be present on the territory of Poland. That amendment was largely criticised as unlawful and in breach of the Polish constitutional provisions (Amnesty International, 2022; Bodnar & Grzelak, 2023). Nevertheless, the government initiated a new legislation amending the law on aliens and other laws. The bill, approved by the parliament on October 14, 2021, entered into force nine days later (Ustawa z dnia 14 października…, 2021). It cemented the blatant breaches of international law of universal character, the CEAS regulations and directives, as well as domestic constitutional and other normative acts once again. The unlawful character of the amendments was first and foremost related to the fact that it permanently legalised the push-back procedure by determining that migrants, when apprehended immediately after an illegal border crossing, would be expelled from the country according to an administrative decision issued by the Border Guard with the ensuing prohibition to enter the Schengen area for a maximum period of three years. The decision can be appealed, but it does not hold its execution (Ustawa z dnia 14 października…, 2021).

What is more, the appeal will be decided still within the ranks of the Border Guard. The amendment does not differentiate between migrants and asylum-seekers, nor does it exclude asylum-seekers from the push-back procedure. At the same time, the amendment may lead to disregarding the applications for asylum by refusing to handle them, which is contrary to the obligations of state parties to the 1951 Geneva Convention and 1967 New York Protocol, not to mention the CEAS provisions (especially The Return Directive 2008/115, The Qualification Directive 2011/95 and The Asylum Procedure Directive 2013/32), as well as to the domestic regulation.

Both the August 2021 ordinance and October 2021 law stand in contradiction to the prohibition of non-refoulement (Grześkowiak, 2022), as well as numerous

norms of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, as confirmed in earlier judgments of the European Court of Human Rights (D.A. and others v. Poland, M.K. and others v. Poland). Illegal border crossing defies one of the basic assumptions of refugee protection, namely, the fact that refugees cannot be sanctioned for entering the territory of the state of protection illegally (both in terms of the crossing itself as well as in terms of missing entry documents). Even if, during the analysis of asylum applications by responsible state institutions, a final decision on expulsion is reached, asylum seekers' requests, in light of the non-refoulement principle, should be considered[8]. The mentioned law amendments resulted in a critical reaction from the UNHCR. The Office statement read: "UNHCR regrets that the amendments significantly restrict the possibility to seek asylum for persons intercepted in the border area, creating de facto two categories of asylum seekers and penalising those who have crossed the border irregularly" (UNHCR, 2021a). UNHCR also noted that the law amendments allowed the Polish authorities to arbitrarily and without attention to individual circumstances of the applicant reject applications for asylum. As such, according to the Office, it means in practice that the right to seek and enjoy asylum, as stipulated in Article 14 of the 1948 Universal Declaration of Human Rights, 1966 Human Rights Covenants and the 1951 Geneva Convention. The latter's Article 31 has been, according to the UNHCR, misinterpreted and misapplied by the Polish authorities. Its provisions oblige state parties not to punish migrants seeking asylum for illegal entries but also prohibit imposing movement restrictions except for extraordinary circumstances (that is also a regulation contained in the CEAS)[9]. Alas, as reported by numerous NGOs and the Ombudsman Office, the Polish authorities have been using detention as a means of restricting the movement. What is more, the conditions in the detention centres as well as the treatment of the detained individuals, may amount to torture or other inhumane or degrading treatment or punishment. Amnesty International has pointed out that serious violations of human rights have been committed by the Polish officials (Amnesty International, 2022).

On 15 September 2022, the Provincial Administrative Court in Białystok ruled[10] that expulsion of foreigners from the territory of Poland without the necessary procedural guarantees (pushback procedure) based on the amended ordinance and bill of law were unconstitutional and not in line with other domestic regulations as well

[8] The legality of entry of a third party national who applies for protection as well as the subsequent consideration of the application will be viewed in light of the notion of a safe country of origin. Belarus, however, is not regarded as one of the states on the list, which is also confirmed by verdicts on the European Court of Human Rights. The EU Agency for Asylum Expert Panel on the use of the concept of safe countries of origin in international and nation jurisprudence has confirmed this view (European Union Agency for Asylum, 2023).

[9] The Geneva Convention allows, in extraordinary circumstances. to apply detention measures and movement restrictions. However, as pointed to the commentaries to the 1951 Convention and 1967 Protocol, parties to these provisions are obliged to consider the asylum application first and only then to take a decision on imposing the said measures. See: Goodwin-Gill (2001).

[10] The ruling is subject to appeal.

as contrary the provisions of norms of international character that Poland is bound by (Wojewódzki Sąd Administracyjny w Białymstoku, 2022). Participants in the court proceedings included the Ombudsman office which has been presenting critical comments about the situation at the Polish-Belarusian border numerous times before and after the judgement (Biuletyn Informacji Publicznej RPO, 2022a; 2022b; 2023). The judgement did not radically change the situation and the Polish Border Guard has not ceased to use pushbacks towards migrants crossing the border with Belarus. So far, 30 individuals have been confirmed to have died in relation to crossing the border and 200 of them as unaccounted for (Grupa Granica, 2023). The Border Guard has been regularly publishing information about the "attempts of illegal border crossings". In 2022, altogether 15,700 of these attempts were prevented, while in 2021 that number was much higher – 39,697 which, in comparison to the previous years, is striking: 2020 – 129; 2019 – 20; 2019 – 4 (Szczepańska, 2022; Szwed, 2023). Obviously, the numbers are misleading in that sense that the border was guarded much differently before the events relating to the actions of the Belorussian authorities started. What is more, these events led to the decision to construct a monitored wall at the border which makes any border crossing outside of the regular ones practically impossible, yet, if they happen – traceable.

At the onset of 2023, the push-backs were still ongoing. So were the breaches of the migrants' basic human rights. Both at the border and detention centres. The European Court of Human Rights is looking into the case R.A. and others v. Poland (no. 42120/21) in which the UNHCR intervened as a third party with a submission in which it concluded that (emphasis added):

> *[…] systematic* ***denial of asylum-seekers access to the territory and to asylum procedures*** *at the Polish-Belarusian border, which is not only current Polish State practice but authorised by Polish law, is at variance with international refugee law and international and European human rights law. Non-admission at the border which results in exposing asylum-seekers to a* ***risk of refoulement;*** *the wholly* ***inadequate material conditions near the border that have cost lives****; and* ***expulsions without any individual assessment and without providing for an effective remedy****, are at variance with […] ECHR and […] Protocol 4 ECHR.* (UNHCR, 2022, p. 10)

Other UN bodies have also expressed concern about the human rights breaches of the migrants at the Polish-Belarusian border. Three special rapporteurs for the UN Human Rights Council as early as October 6, 2021, reminded both countries that: "the right to life and freedom from torture, refoulement and collective expulsions are non-derogable rights. This means they can never be suspended, not even in a state of emergency" (UNHCR, 2021b). There was no notable reaction of the Polish government to that urge.

What is significant though, is the fact that while the EU institutions have largely criticised Poland's authorities after the refusal to implement the solidarity clauses of the Council decisions reacting to the 2015–2016 migration pressure, the Polish-Belarusian border crisis has been passing without a coherent negative reaction from the EU institutions so far (with the Commission not being outspokenly critical about

the actions of the Polish authorities, contrary to the views expressed by the European Parliament) (European Parliament, 2021; Bodnar & Grzelak, 2023). As Grześkowiak (2022, p. 21) contends, even though the amendments in domestic legislation were a clear breach of the EU law, "the European Commission remained predominantly passive when confronted with legitimate reports pointing to abuse. Representatives of the Commission did not explicitly express criticism towards Polish authorities, let alone initiate proceedings [infringement procedure] under Article 258 TFEU[11]".

The works on the New Pact on Asylum and Migration have been ongoing within the EU since 2020. The draft proposed by the European Commission significant reforms to the CEAS. While referring to the IRR's core values, the Pact proposal has provoked mixed reactions due to the direction of the reform. Some members of the European Parliament have expressed concern that the new legislation may not comply with fundamental human rights (European Parliament, 2020). In particular, it has pointed out that the documents, by introducing the pre-entry screening procedures, would expose irregular migrants seeking asylum in the EU countries to limited access to protection stemming from asylum legislation. At the same time, the proposed border procedures involving the expansion of the competence of border services would limit the rights of asylum seekers (Council of the European Union, 2023; Konsorcjum Migracyjne, 2021)[12].

From the onset of the crisis, it tended to be perceived by the EU institutions and its members as a security issue. Migrants pushed through the Belarusian border were seen as a weapon that President Lukashenko had at his disposal. Mid-October 2021 Tweets from the European Commissioner for Home Affairs Ylva Johansson, as well as her declarations that more pressure would be placed on the governments of Poland, Latvia, and Lithuania to make sure that they abide by the norms of CEAS, together with announcements that there would be neither financial nor logistical support from the Commission was less than could have been expected. In early October 2021, the director of the European Coast Guard and Border Agency (Frontex), Fabrice Leggeri, visited the border and allegedly praised the Polish authorities for how they were dealing with the crisis. Questions and critical comments on Frontex's actions that were largely influenced by the scandal around the agency revealed by the findings of an investigation led by the EU anti-fraud agency OLAF launched in December 2020[13].

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[11] Treaty on the Functioning of the European Union.

[12] The Polish authorities rejecting the core idea of the solidarity mechanism proposed in the Pact have vetoed the whole document.

[13] The report from the OLAF's investigation into the alleged fraudulent actions of Frontex, was leaked to the media on October 13, 2022 (Izuzquiza et al., 2022). The document revealed that the agency covered up serious human rights violations and proved that Frontex, contrary to its mandate, failed to assist the migrants and was involved in deliberate actions amounting to pushbacks and withholding help towards the shipwrecked in the Aegean Sea in Greece. Allegedly these breaches were committed with the tacit approval of FRONTEX's director, Fabrice Leggeri. The leaked report's content confirmed that the EU and its institutions, together with the member states, were approving of keeping the migrants outside of the EU territory at a very high cost – the cost of blatant breaches of the norms of the CEAS (Izuzquiza et al., 2022).

Against that background, Frontex's inaction towards Poland and little pressure on the Polish authorities to cease EU and domestic law infringements presents a pattern of approval to keep as many asylum-seekers from entering the Schengen area.

November 2021 made it clear that migrants were in a dire situation at the Polish-Belarusian border. First fatal casualties of the attempted or successful crossings of the Polish border were recorded, which did not lead to a strong statement from the EU representatives, still expressing solidarity with Poland that was attacked with the use of hybrid warfare (human beings – *sic*!) but with little attention towards the serious breaches of the EU laws. The Polish authorities did not invite Frontex to assist at the border. Instead, the Polish military forces were deployed at the border and in the border regions sealed off from the rest of the Polish territory through the imposition of the state of emergency on September 2, 2021, extended on November 30, 2021, for another seven months (until June 30, 2022) (UNHCR, 2023).

On July 1, 2022, the decision of the Provincial Governor in Podlasie Province on the imposition of the law prohibiting entering the 200-metre-zone along the border with Belarus entered into force with the justification of the applied measure related to the construction of the wall on the border (Rozporządzenie Prezydenta Rzeczypospolitej Polskiej z dnia 2 września…, 2021; Rozporządzenie Rady Ministrów z dnia 2 września…, 2021; Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 30 listopada…, 2021). Nevertheless, the existing wall and barrier did not stop migrants from entering the Polish territory, and there are still fatal cases among those who decide to cross, which is confirmed by independent and state institutions' reports (see: Chrzczonowicz, 2023; Szwed, 2023).

On February 24, 2022 the Russian Federation commenced a full-scale military invasion of the territory of Ukraine, leading to massive forced displacement of the civilian population which was directed towards the borders of neighbouring states, Poland becoming the principal third state of their destination. As of January 3, 2023, 7,915,287 refugees from Ukraine have been recorded across Europe (UNHCR, 2023). With the growing number of Ukrainian citizens amassing in the border checks with Poland, Moldova, Romania, Slovakia, and Hungary, decisions were made both at the EU level and domestically to regulate the legal status of those arriving. As a rule, refugee status was not granted, even though a well-founded fear of individual persecution was the principal cause of the plight in many cases. Instead, a decision was made to offer them temporary protection as it could be awarded without case-by-case analysis of an individual's situation.

Poland, as of January 3, 2023, registered under Temporary protection and other domestic schemes, noted the biggest number of Ukrainians – 1,553,707 (UNHCR, 2023). The first responder to the plight of war-related migrants from Ukraine was the Polish society and non-governmental community. The Poles offered massive support on an unprecedented scale. The state and local authorities were not prepared to act for a longer period of time. However, it must be emphasised that the borders remained open and there were no impediments to the crossings. Moreover, the Polish authorities introduced legal, operational and financial measures to accommodate

the Ukrainians fleeing war atrocities resulting from the Russian aggression[14]. The reaction of the authorities and the society at large to the influx of migrants from Ukraine was entirely different from the one towards the individuals being pushed back, harmed, tortured, and discriminated against when trying to cross to Poland through the border with Belarus. Poland did not request assistance from the EU or international governmental and non-governmental institutions to help with the evolving humanitarian crisis, which, as we claim in this paper, was due to two principal reasons. First, this approach allowed us to present the Polish actions in the field of international protection as exemplary and, through that – reject a few critical comments on the approach towards how the crisis at the border with Belarus was handled. Second, because letting in international actors and granting them unimpeded access to individuals seeking asylum and refuge in Poland could lead to more international attention towards the hidden humanitarian disaster in reference to the border with Belarus (Kozak, 2022; Grześkowiak, 2022).

Conclusion

The existence, stability, and continuity of the international refugee regime, rooted in the interwar period and gradually developed after World War II depends on the role its participants attach to the core principles it is based on. As in every international regime, which, for the purpose of this analysis, was defined as an institution "possessing norms, decision rules, and procedures which facilitate a convergence of expectations" (Karsner, 1983), the IRR will be modified or will collapse when expectations of the regime participants change or disperse (Krasner, 1983), which translates to discontinuity of actions aligned with the regime requirements. If key principles and norms of the regime are questioned and modified or rejected, regimes decompose or collapse. If, however, gradual modifications in rules and procedures in decision-making in the regime take place, regimes can be modified, still, converging the expectations of the regime participants.

The paper aimed to explore under what conditions state policies and actions can influence an international regime by leading to its modifications or collapse. We looked at the case study of Poland and its influence on the international refugee regime and attempted to find answers to the questions about (1) how have the Polish policies and actions challenging the international refugee regime been perceived and accommodated by the other regime participants and (2) whether the Polish policies and actions towards the international refugee regime (especially towards the right to and request for protection as well as towards the principle of non-refoulement which we see as the cornerstone norms of the regime) have permanently destabilised the regime leading to its modification, decay or collapse.

In the process of analysis, we confirmed that the Polish policies and actions towards the IRR have been initially accommodated with a mixture of cautious tolerance,

[14] For details on the legal and institutional arrangements, see: Stowarzyszenie Interwencji Prawnej, 2023.

especially among the EU Member States which wished to keep the migration flows through the Polish-Belarussian border stalled there. Tacit criticism was expressed by international governmental agencies and organisations such as UNHCR and the non-governmental community, which was openly critical which, however, had an almost unnoticeable impact on the Polish authorities. For the time being of completing this research, Polish policies and actions challenging the IRR have not led to permanent destabilisation of the regime, not to mention its dissolution, for Poland as a participant in the regime is not characterised by features that are key to the regime's duration (financially, organisationally, and normatively) despite challenging the regime's core. Poland joined the IRR 40 years after the Geneva Convention was signed. It did not participate in the process of regime creation and was not viewed as key to the continuation of the regime. The first phase of accession to the regime was marked by the creation of the legal and institutional domestic framework for protection through rapid socialisation to the norms of IRR and prompt internalisation. Very little post-war experience with multicultural and multiethnic challenges coupled with little interest of asylum-seekers in choosing Poland as the country of final destination, which rendered the topic of refugee protection invisible in the public discourse. The role of Poland in IRR must not, however, be underrated. Poland was a role model for the democratising former Eastern Bloc states and the West due to its size, population, as well as political significance. Yet, Poland has not become a crucial participant of the regime further on. Though a member of a well-developed and relatively rich Europe with a long external border, the protection of which is key to the EU security and the effectiveness of the Dublin system and the larger CEAS, Poland remained a transit country for a long time. That changed only with migration from Ukraine after February 24, 2022.

Poland's actions are causing bifurcation within the regime because they have not been explicitly criticised by major governmental actors (states and intergovernmental organisations). The only stark opponents are NGOs and – to a limited extent – the institutions responsible for managing the regime. That said, changes in IRR may occur, especially since the CEAS modifications are about to happen, once the New Pact on Asylum and Migration is approved with all its new elements. The modifications in the Pact, however, are not a direct result of Poland's approach to CEAS but rather seem to have played the role of a trigger of a serious debate about reinterpreting the regime's rules of operation.

As noted in the introductory part of our paper and as proved by the analysed evidence regarding Poland, IRR member states' judicial authorities do not always necessarily go in line with the executive actions of states' institutions. Ultimately, however, until such judicial decisions are enforced, states' actions are defined and conducted by the executive[15].

[15] In this regard, a recent judicial decision by a court in Catania, Sicily, provides interesting evidence. In September 2023, the court ruled that the Italian government's decrees providing for detention and speedy border procedures in Italy stand contrary to Italian constitutional law and EU law (Hlebowicz, 2023). Similar to the Polish and Italian courts' decisions are Dutch judicial institutions' proceedings and verdicts dated April 2023 on the illegality of asylum procedures in the Netherlands (Euronews, 2023).

Further and extensive research is needed to see whether the generalised findings claim that international regimes will undergo significant changes only when the approach towards the regime of particular actors will change. These particular actors need to play a crucial, sometimes leading role in the regime's functioning. At the same time, their policies towards the regime and its core norms, rules, principles, and institutions in a specific time span must be coherent and consistent, which excludes acting in the regime along the lines of expectations of the general public and for one-off political gains.

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The French paradox, or a bottom-up modification of integration policy. The republican model and Polish immigrant organisations in France

Abstract

The article provides empirical knowledge on the functioning of the French paradox in integration policy at the mezzo level. The research problem is to explain how immigrant organisations take part in bringing out and sustaining the contradictions inherent in the French model of integration. The analysis is based on 48 individual in-depth interviews conducted in the frame of grass-roots research carried out among activists of Polish voluntary associations in France as well as representatives of French public institutions and non-governmental organisations. The individual in-depth interviews concerned the conditions under which Polish associations function, including the characteristics of France as a host country. The main conclusion of the article is that despite their legal and institutional invisibility, migrant minorities – the elephant in the room of integration policy in France – are able to achieve their own specific goals and forge a public presence through associations operating pursuant to *Loi 1901*.

Keywords: France, multiculturalism, republicanism, model of integration, migrant minorities

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Introduction

"But migration, like any type of transnational economic activity […], cannot and does not take place in a legal or institutional void", wrote Hollifield (2004, p. 901) in an article on the emerging migration state. Using the example of the United States, he demonstrated the increasing role policy has played in regulating international migration in recent decades. This is happening despite the economic pressure to be open towards non-citizens and to guarantee them an ever greater number of civil rights. He called this phenomenon a "liberal paradox", a result of contradictions between the tendencies of modern states to both secure themselves and enhance their opportunities on global markets (Hollifield et al., 2008).

This text concerns France, which, like other Member States of the European Union, has largely transferred the management of migration from third countries to the supranational level (Gońda et al., 2020). The establishment of a European regional migration regime allowed states to finesse or even avoid the liberal paradox (Hollifield, 2004, p. 903). With all citizens of EU Member States having equal rights, France does not pursue any policy at all related to legalising the stay of immigrants from EU countries. As elsewhere in the EU, they are treated *de facto* as internal migrants (Kubera & Morozowski, 2020). And yet, the combination of European principles and the specific nature of the system of the French Republic has brought about something more than the mere elimination of the liberal paradox. For, at the level of national regulations, it is also true that France does not recognise intra-EU immigrants – neither legally nor institutionally – as potential members of cultural minorities. Without being French citizens, they are treated like other French people, towards whom the Republic is blind to the existence of cultural or religious communities (Escafré-Dublet & Lelévrier, 2019; Noiriel, 1988; Weil, 2002). Their right to maintain a certain separateness and to be protected against violence and discrimination are enshrined in the law at the level of the individual, but not collectively, as is the case in other countries (Palermo & Woelk, 2003; see: Commission nationale… 2022, pp. 263–268).

If we consider only the principles of the Republic, European migrant minorities in France, as social wholes, find themselves suspended in the legal and institutional void Hollifield described. Among them is the Polish diaspora, most of whom are French citizens of Polish origin or citizens of Poland – like France, an EU Member State. Yet if we move our analysis from the macro to the mezzo level[2], that is, the level on which non-governmental and other organisations operate, we can observe a socio-cultural reality in which migrant minorities do obtain subjectivity. The aim of this article is to provide empirical evidence at the mezzo level on how the French paradox functions in integration policy. Despite their legal and institutional invisibility, migrant minorities can achieve specific goals and forge a public presence in France. I describe how immigrant organisations take part in bringing out and sustaining the contradictions inherent in the French model of integration. The study is based on field research

[2] Following Pries and Sezgin (2012), I place immigrant organisations at the mezzo level, while recognising that the micro-macro distinction is of an analytical character (see: Alexander & Giesen, 1987).

conducted among Polish immigrant organisations, specifically, Polish voluntary associations in France (hereinafter PVAFs).

That there is a dissonance between the universalistic, colour-blind conception of citizenship on the one hand, and institutional practice together with political discourse, in which more and more emphasis is put on cultural and ethnic identity, on the other, is a conclusion often reached about the contemporary French state (Bertossi et al., 2015; Brubaker, 2001; Escafré-Dublet, 2019; Schain, 1993). France continues to base its policy of cohesion on socio-geographic criteria, without dealing directly with ethnic-cultural communities (Audebert, 2013). Inspired by the EU 2000 directives, the French national government and local governments have developed anti-discrimination and diversity policies over the past two decades, but have often overlooked descent as a cause of discrimination – as took place at the national level, particularly in the years 2007–2012 (Bereni et al., 2020). This phenomenon, known as "deracialisation", characterises many of the practices of administrative officials responsible for anti-discrimination and naturalisation policy. At the same time, in their activities, they often take account of those aspects of reality in which the categories of culture, ethnicity, and race organise social relations (Mazouz, 2017). Moreover, since 1993, French institutions have been collecting statistical data on the subject of descendants of immigrants in French society (Simon, 2010). Initially, this mainly concerned employment; today, it covers many aspects of the lives of the persons concerned, including the relationships between various dimensions of their identity (Simon & Tiberj, 2012; Beauchemin et al., 2018).

While some interpret that dissonance in terms of a "republican dilemma", others see it as an innate feature of the French model, which not only permits but produces ethnocultural definitions of French identity that are directly contrary to republican principles (Bertossi, 2012). The coexistence of ethnocultural and politico-universalistic premises – not only in official practice, but also in local and national legislation – did not appear in France in the 1990s (due to European integration) or at the end of the 1970s (as a result of the suspension of immigration from non-EU countries in 1974), but was characteristic of the colonial system (Kubera, 2020a). Others treat models of integration, including the French republican and the British multicultural ones, as Weberian ideal types founded on certain historically formed philosophies, idioms or paradigms. Faced with the same challenges related to globalisation, France and Great Britain have pragmatically oriented minority policies that resemble one another, since they both seek to balance civic integration and multiculturalism (Bertossi, 2007; Loch, 2014; cf. Streeck, 2023). As Bertossi et al. (2015, p. 74) wrote, *[m]odels are not an* a priori *resource for action or an* ex ante *normative frame through which actors give shape to their strategies. Instead, these strategies give shape to varying, polysemic, and contradictory models*. From this perspective, no policies are ever completely coherent, and the assumptions they are based on are constantly challenged by various stakeholders involved in policy implementation. This applies to integration policies, as well, since they concern a process that extends over time and is shaped by individuals, organisations, and institutions (Penninx & Garcés-Mascareñas, 2016).

Immigrant organisations are proof of the existence of relationships among individuals that cannot be described solely from a universalistic perspective. By definition,

such organisations are founded by persons having a migrant background who belong to a particular ethnic or national group for the primary purpose of providing services (social, economic or cultural) to members of that group, or advocating for them (Nowosielski & Dzięglewski, 2021, pp. 13–14; see: Fennema, 2004; Portes & Fernández-Kelly, 2016; Wang, 2018). While there are indications in the literature that immigrant organisations can influence local and national policy (Maxwell, 2012), less attention is paid how, in practice, those organisations use and negotiate the assumptions of the republican model of integration. In attempting to make a qualitative description of their importance in sustaining the French paradox, I focus on those Polish immigrant organisations that are membership associations constituting part of the non-profit sector and whose activities are based mainly on volunteer work (Smith et al., 2016, pp. 93–94; Tschirhart, 2006, pp. 523–524). I, therefore, mainly use the term PVAFs.

Every year in France about 65,000 new associations are formed, and the total number of active ones is 1.4–1.5 million (Bazin et al., 2022). They function pursuant to the *Loi du 1er juillet 1901* (Légifrance, 2023a), their freedom is guaranteed constitutionally, and they can be established quite easily, without prior authorisation. Only combat groups and private militias can be dissolved, as well as associations that could threaten France's territorial integrity (Palermo & Woelk, 2003, p. 237). In 1981, it became permissible for foreigners, regardless of the regularity of their stay, to establish and run associations headquartered in France, without having to report to the prefecture; such associations have no separate legal status, but also act pursuant to *Loi 1901* (Bertossi, 2007, p. 24; see: Légifrance, 2023b).

The history of Polish immigrant associations in France goes back about 200 years (Christol, 2013; Ponty, 2011). Organisations were founded by political refugees in the first half of the 19th century (the "Great Emigration"), then by those who arrived between the end of the January Uprising and the beginning of the First World War, by economic migrants during the interbellum (mainly concentrated in the mining area in the Nord Pas-de-Calais – NPDC), by WWII veterans, and by a variety of political emigrants from 1945 to 1989 (Garçon, 1992; Gogolewski, 1990; Śladkowski, 1980; Żaba, 1986). In the 1990s, and especially after 2004 (when Poland acceded to the European Union) and after 2008 (when the French labour market opened up to Polish citizens), Franco-Polish relations intensified, and this included economic immigration from Poland to France (Tanajewski, 2004; Brutel, 2014). At present, about 220 PVAFs exist, of which about one-third conduct publicly visible, year-round activity (Kubera, 2023). Located in all regions of Metropolitan France, they often continue the traditions of organisations founded in earlier periods. Participants are Polish immigrants who have lived in France for various lengths of time (who are Polish or French citizens) or descendants of immigrants (second, third or further generation), as well as French people without any Polish migrant background. They differ in many respects, as do the audiences of PVAFs' activities, including the degree to which they are rooted in French or Polish culture (Kubera, 2022). PVAFs most often concern themselves with Polish culture and art, preserving traditions and national identity, and promoting Poland (Krzyworzeka-Jelinowska, 2019; Kubera, 2020b).

Data and methods

In this article, I present the results of a qualitative analysis of 48 individual in-depth interviews conducted as part of a research project entitled "Polish immigrant organisations in Europe" (see: Kubera, 2022; Nowosielski & Dzięglewski, 2021). All of the interviews, which took place between September 2016 and July 2017 concerned the conditions under which PVAFs function, including the characteristics of France as a host country. For the present analysis, I divided the interview subjects into two categories. The first comprises activists of Polish immigrant organisations (41 interviews). They are board members (21) and rank-and-file members (5) of about 20 PVAFs, including five where I used the case study method. Those 20 PVAFs differ in their activity profile, length of existence, geographic location, as well as the characteristics and size of their membership and audience (the number of PVAFs given is not precise because many respondents belonged to more than one organisation). This category also comprises experts (15) – defined as persons of Polish origin who act for the benefit of the Polish diaspora at the supra-local level. They included a journalist, a researcher, a Polish Catholic Mission priest, representatives of umbrella organisations, staff of diplomatic outlets, lawyers, and an art gallery employee. The second category of respondents comprises representatives of French institutions and non-governmental organisations responsible for integration policy or cooperation with the PVAFs, and Polish institutions at various levels (7 interviews). These were employees of government institutions at the central level (2), the regional level (1) and the municipal level (1), as well as employees of non-governmental organisations whose reach is municipal (2) or central (1). In an article on the internal functioning of PVAFs in which I used the same research material (Kubera 2022, pp. 72–75), I provided a more detailed description of the selection procedure and interviewing conditions, as well as of the morphology of the PVAFs analysed, such as their operations and formal structure, combined with their members' and major recipients' prevailing social and demographic features.

The content of the interviews made it possible to examine from the inside, from the perspectives of various participants in society, how PVAFs function (as examples of organisations that act on behalf of an ethnic or national minority composed of migrants in France), not only legally or institutionally, but also sociologically. The research problem the analysis concerned was the role PVAFs play in ensuring that the Polish minority, which is not recognised by the state officially, can achieve specific goals it has and have a visible public presence. In other words, the idea was to find out whether, at the mezzo level of the social structure and practical solutions, the republican model perceives multicultural reality – as it is characteristic, e.g., of the British model. As a first step, the previously transcribed interviews were encoded using a computer program to tease out content concerning the problem under investigation. In the second step, the pertinent data were divided thematically according to three types of narrativised conceptions of republican principles that acted as points of reference in the interviews, for both categories of respondents. These conceptions, as they came out during the interviews, can be summarised as follows: 1) France does not perceive

immigrant organisations as representatives of national or ethnic communities; 2) The assumptions of French integration policy do not correspond to the specific goals and activities of immigrant organisations; 3) French public institutions should not be guided by ethnic criteria when providing support to immigrant organisations. The further sections of this article are the result of an analysis made of interview fragments in those three thematic areas.

"There aren't any Polish organisations, they're French"

PVAF activists often repeated that, both legally and institutionally, their associations do not differ at all from other third-sector French organisations acting under *Loi 1901*. True, many of their names contain the expression *franco-polonais*, and some indicate that they gather together, e.g., Polish students, artists, engineers, veterans or physicians of Polish origin – but formally, they seek support from French institutions *as if* they were not Polish associations. Because there are no separate mechanisms for financing immigrant organisations, they compete for funds from the same sources and under the same rules as other French professional, cultural, social, scientific or sports organisations.

In this respect, the perceptions of representatives of the institutions surveyed were similar. They declared that, when deciding to fund a given NGO, they do not concern themselves with how many of their members are citizens of the Republic or have family ties with different ethnic or national cultures. The institutions usually cooperate based on an assessment of the convergence of the goals of their institution with those of a given NGO, the quality, and the feasibility of the project presented. Even if the Polish embassy publishes a list of PVAFs on its website and calls them "Polish", French institutions, do not officially recognise them as associations of persons connected with the Polish diaspora. All such lists of immigrant organisations are created from the bottom up, or based on their names and activity profile. For example, an article by Berthomière et al. (2015) on Algerian, Portuguese, Turkish, and Vietnamese organisations in France arose from a web search of all French associations (see: Journal Officiel, 2023). Thus, when a French institution encounters a PVAF whose goal is to support the integration of immigrants from Poland, intensify Franco-Polish contacts or develop Polish culture in France, there are no legal grounds for treating it otherwise than as a French association that for some reason takes an interest in Polish culture. It is symptomatic that, in one of the interviews with the staff of French NGOs, Polish immigrant organisations were compared to associations of people from and friends of the French department of Aveyron who live in other parts of the country, such as Paris.

Nevertheless, the responses from both PVAF activists and staff of French institutions did disclose the existence of certain social contexts in which immigrant organisations are treated, formally or informally, as representing a specific migrant minority in France. In the case of PVAFs, this particularly concerns well-known organisations that have a strong local network. For instance, the leaders of those organisations are present, often along with their banners or Polish national symbols, during French na-

tional holiday celebrations in communities in the NPDC mining region, or in the vicinity of Saint-Étienne, where the presence of people of Polish origin dates back to before the WWII. In turn, a PVAF established at the end of the 1990s was invited to take part in a celebration naming an esplanade in the front of the cathedral in Marseille in honour of John Paul II. During the event, with the participation of the mayor of the city, members of the association wore Polish national costumes. Polish symbols, costumes, cuisine, etc. are also visible in many other places during celebrations of associations, cities or neighbourhoods. Many PVAFs run or support Polish schools, scouts, football teams, music groups, choirs, and motorcycle clubs. Like Polish organisations that specialise in a particular type of activity, from providing social assistance to renovating monuments, or those that gather together particular social groups, they cooperate with their *French* counterparts or those associated with another diaspora in France, e.g., the American, Bulgarian, Czech, German, Spanish, Italian, Moroccan or Ukrainian, to name but a few of those mentioned during the interviews. In every department of Metropolitan France today, PVAFs act as informal Polish consultants and centres of culture to which officials (from the local to the central levels), universities, museums, libraries, orchestras, media, hospitals, welfare centres, the police, and many other institutions turn when dealing with something connected with Poland or Polish people.

Immigrant organisations in France may, then, be identified socially in a dual manner – not just as they are defined legally, but also in terms of ethnicity. In the interviews, representatives of French institutions sometimes used the term "Polish association" or "Poles" when referring to PVAFs they knew of. PVAF activists called their organisations "Polish" more often, though many emphasised that they are also French, with a French statute and the privileges that entail. Yet the legal and institutional void mentioned in the introduction also permits a situation where an immigrant organisation is not recognised as such – not only by French institutions but also by members of the diaspora itself, who have internalised the legally sanctioned blindness to cultural diversity. I observed this during the research at least twice. The first instance concerned a PVAF in the Paris suburbs whose work focused on newly-arrived immigrants, organising events primarily for a Polish-speaking public. The leaders of two other PVAFs shared an unflattering opinion about that association because of its orientation mainly towards people of Polish origin. The first described it as an "enclave of Polishness", while the other avoided calling it Polish, as shown in this excerpt from the interview:

Researcher [R]: *But it's Polish [the association]?*
Interviewee [I]: *There aren't any Polish ones. It's a French organisation.*
R: *Do Poles work there? Is it addressed to Poles?*
I: *Yes, it's addressed to Poles.* (IDI_9)

The second instance concerned a PVAF in Paris that specialises in advising Poles who find themselves in a difficult situation (but also helps other immigrants). While its name does not suggest any connection with Poland, its founders were socialised in Poland, its website is bilingual, and during neighbourhood celebrations, it adds Polish

touches (the flag, costume, Polish cheesecake, and traditional cuisine like bigos). In cooperation with other NGOs also well established locally, it ran a workshop on discrimination against immigrants from Central and Eastern Europe. Yet, when I telephoned the office of that NGO and asked if they knew of any Polish associations in the area, the answer was a negative. Later, in the interview, the PVAF employee in question confirmed my conviction that this had not been a mistake. Several times she repeated that her organisation is never perceived as Polish; moreover, she does not use that designation in contact with other NGOs in the neighbourhood.

These situations attest to a dissonance between the republican definition, which legally recognises only the national civic community, and practical definitions derived from life in a culturally and ethnically diverse society. In the cases studied, however, the relationship between these definitions was not conflicting: the practical definitions, formed from the bottom up, but at times even used in formal spheres, did not compete against the legal definition, but supplemented it.

"In France one doesn't think in terms of ethnic groups"

The dissonance between the legal and institutional regulations and social practice did not come up only in how specific immigrant organisations are perceived compared to other non-governmental organisations. It was also visible in how integration policy is defined. The staff of French institutions and NGOs all concurred that that policy only applies to citizens of non-EU states. It is not addressed to any other part of the population of France, whether French, Polish, German or Spanish (i.e., EU citizens) because it only concerns the process of legalising a person's stay or their obtaining French citizenship. In this sense, integration policy is nothing other than a policy of entry (Schain, 1993, pp. 60–61). Understood in this way, integration policy can only apply to EU immigrants who, having met the relevant criteria, express their will to become part of the French national community. According to those I spoke with, all other French policies apply equally to all residents of a particular socio-economic profile, regardless of their citizenship or any ties they may have with one diaspora or another. This view was expressed by, among other subjects, a representative of a French nationwide NGO acting on behalf of immigrants: *In France, one doesn't think in terms of ethnic groups. It's more about the category of social class. Let's say you belong to the social class of the unemployed – whatever your country of origin, you're considered in the overall policy plan for people out of work* (IDI_32). Given that ethnic or national minorities are not recognised, and that the only representatives of other nations, therefore, are foreigners present in the country, it is clear that these policies make no distinction in how French citizens are treated in terms of, e.g., their individual migration trajectory or that of their family.

In effect, in the research, there was an observable paradox related to this narrow definition of integration policy (legality of stay and citizenship) as the only one that concerns immigrants. On the one hand, representatives of government institutions (IDI_28) mentioned public services dealing with employment (*Pôle Emploi*) or social welfare (CCAS, *Centre Communale d'Action Social*) as important integration policy

partners. On the other hand, the public service staff members I contacted stated that immigration issues do not fall within their remit. A curious situation: public services are perceived as playing a leading role in the process of incorporating immigrants into the host society, but describe the people they serve in a way that does not distinguish them from the population at large. One could say that integration policy as broadly defined is implemented almost "by the way", as other state policies are implemented. This explains why, e.g., representatives of government institutions (IDI_28) thus described what the CCAS does: *Their role is to provide social resources for everyone who needs them – among the French majority and minorities of foreigners.* With the exception, then, of integration policy as narrowly defined, there is in France no policy at all under which people of migrant background are given priority treatment and no policy from which they are excluded *a priori*.

In this situation, immigrant organisations have the same status as other French organisations and can be partners in implementing many different policies in France. There is a condition, though – they must be able to fit the sometimes specific needs of their audience within the broader framework. This was confirmed in statements made by representatives of various institutions, including, for example, at the regional level: *We're not going to make an effort to work with Franco-Polish associations just for the sake of working with them. Their activities have to coincide with the interests of our institution* (IDI_29). In the research findings, I noted very many cases where PVAFs pursue their particular goals with the help of French institutions. Financial support given to organisations acting for the benefit of the Polish diaspora did not derive, though, from special mechanisms or a separate pool of funds allocated to the needs of ethnic or national minorities, but from various sectoral policy instruments from the local to the central levels. Aid for activities is usually awarded through project competitions that PVAFs and other organisations enter.

The fact that French institutions do not run separate programmes for people having a migrant background does not preclude those people from taking part in activities that further their integration into various aspects of society. On the contrary, integration – understood as social cohesion and the existence of bonds between individuals – is one of the most important goals of French institutions. While the aim is not to integrate specific cultural and ethnic communities, which are not recognised formally, France does support activities that integrate individual citizens, who may identify more or less strongly with such communities. My findings show that such activities often increase the visibility of those communities in the public sphere, reinforce their distinctive character, and facilitate their achievement of specific goals. Nevertheless, communities of people who have similar migratory trajectories – the elephant in the room of French policy – are treated in those activities as every other French-like non-governmental organisation. Paradoxically, therefore, PVAFs have a better chance of obtaining funding for integration activities when the fact that they gather together people of Polish origin is not the only rationale for their application.

The research results indicate there are several ways integration can be conceived (other than legalising people's stay or granting them citizenship) that argue in favour of French institutions awarding immigrant organisations financial support. Firstly, organisations of immigrants from other parts of Europe are partners for people who

deal with European integration, e.g., in departments of municipal, regional or national bodies responsible for international cooperation. Secondly, staff members of institutions also defined integration as the coexistence – and even the mutual enrichment – of different cultures. They emphasised that their purpose is neither to mix nor assimilate cultures, which is an important indicator of the French model's transformation. At any rate, immigrant organisations can take part in projects that support the recognition of different cultures – be they French or other. Thirdly, and probably most obviously for the republican model, integration means the existence of connections (*mixité sociale*) and equal opportunities among people from different social classes. As part of the *politique de la ville*, additional budget funds and cohesion policy tools are allocated for areas affected by social and economic hardships. Fourthly, activities that support integration can improve the lives of many other categories of people living in France. For example, those PVAFs whose members are among the elderly can apply for assistance for activities that promote intergenerational solidarity.

Integration understood thusly, and covering different parts of the population of France to the same extent, can be implemented whether in a given city, region or in the state as a whole the government is left-wing or right-wing. On the other hand, the leaders of PVAFs and other organisations admitted that the political views of politicians or officials on issues related to migration can affect whether their immigrant organisation obtains funds from a given pool. For PVAFs, culture, education, and intercultural exchanges are among their most frequent areas of cooperation with other French institutions. One-off or periodic concerts, exhibitions, film screenings, stage productions, workshops, and meetings showcasing Polish art and culture are organised in a multitude of public venues, often under the patronage of the French authorities. They feature contemporary Poles and French people of Polish origin, the history of the Polish presence in France, and support the development of Franco-Polish artistic, scientific, sports, and business contacts. Some projects are run at the initiative of the associations themselves, others in response to open invitations to take part in events such as municipal celebrations or European Days. An argument in favour of financing a visit by artists from Poland can be a partnership agreement between Polish and French cities or regions. Some places associated with Polish immigration, such as the Polish Library in Paris, the NPDC mining area, the tomb of Fryderyk Chopin or the Polish cemetery in Montmorency, are treated as elements of the French heritage and are supported for that reason (some of them entered on the UNESCO World Heritage List). Funding for educational projects goes to PVAFS, which runs both Polish and French language courses. Yet, as stated above, PVAFs need not be an obvious partner for French institutions while implementing projects connected with Poland. This is shown, e.g., by a regional institution in Hauts-de-France (formerly NPDC and Picardy), in whose projects with the province of Silesia no PVAFs were involved, only other French organisations that deal with the issues the projects related to (IDI_29).

The Republic's non-recognition of communities other than the civic community concerns not only ethnic and cultural groups, but religious ones as well. The PVAF activists and the staff of institutions interviewed spoke of secularism (*laïcité*) as one of the fundamental principles of the French state. They said that French institutions cannot become involved in projects concerning members of a specific religious com-

munity, and churches cannot be partners in implementing sectoral policy. This has practical implications for the relations between institutions and PVAFs, which often cooperate with Polish parishes. To provide an example, French institutions make premises available to Polish organisations running schools, but on the condition that no catechism lessons will be conducted there (children who wish to take part in them do so in other locations, such as parish halls). It also happens that PVAFs intermediate in the financing and implementation of projects that serve the Polish community gathered around a particular parish. The French paradox then arises in that institutions can allocate funds to secular associations, but not directly to parishes, even for non-religious activities. Thus, French institutions finance, for example, the heating of one of the historic Polish churches in France (the funds go to an association, while the building is treated as a component of the French cultural heritage).

The examples given in this section show how the system enables the practical definitions to be adapted to the rules resulting from the official republican definitions. French institutions engage in activities that do not undermine the principles of the Republic, but at the same time are very similar to those we observe in states that follow a multicultural model. While it is true that in France things are not thought of in ethnic categories, this does not mean that ethnic communities cannot pursue their goals under the auspices of various sectoral policies. It is also worth noting that immigrant organisations can run their own activities independently of French institutions. Some PVAFs choose a path of limited cooperation with those institutions and relatively weak visibility in their non-Polish surroundings. Provided they obey the law, France does not stand in the way of immigrants or any other organisations offering their services to a narrowly defined audience. *Polish enclaves* (IDI_1) and *communities* (IDI_2; IDI_22: IDI_47) can exist, and their organisations can enjoy all the benefits to which every French association is entitled (it is easy to set up an association, which then has easier access to the premises and infrastructure of public institutions, can accumulate funds, employ personnel under preferential conditions, benefit from tax, and insurance relief, etc.). In short, even though institutions do not directly support diaspora organisations as such, the system does not deprive them of the means of developing and financing their activities.

"We're no fans of communitarian associations"

We know, then, that even PVAFs that exclusively or primarily serve Poles can prosper in France. Nevertheless, their cooperation with French institutions is limited to those cases where the institution sees that, through the PVAF, it can achieve its own goals. A staff member of a French national body that deals with foreigners said that, in principle, the NGOs they cooperate with and which help integrate people from beyond the EU should not be associated with any diaspora, especially with the one to which a given immigrant belongs. *We're no fans of such communitarian associations*, she added (IDI_33). The leader of a PVAF to which the authorities of a district of Paris granted premises admitted that that assistance could have been hindered by her organisation being thought of as *a single-nationality association* (IDI_9).

Yet the research revealed many cases of "single-nationality" organisations receiving symbolic, political, and material support from French institutions – at the local, regional, and central levels. Unlike the cases described in the previous section, these projects were mainly addressed to members of the Polish diaspora in France, and cooperation was possible precisely because of the specific nature of the PVAF concerned, and not in spite of it. French institutions recognised the role immigrant organisations can play in intermediating between them and immigrants, particularly, those who have not been in the country long. Formally, those organisations do not represent a collective of people having a common origin, but they can speak and lobby on their half. They can also intermediate for public services when there is a need to operate in a language other than French; an example of this is the ongoing cooperation between the city of Paris and a PVAF that helps people of Polish origin who are suffering the crisis of homelessness. From the interviews, three factors emerge that favour such cooperation by French institutions.

The first is the size of the diaspora and of the immigrant organisation itself (cf. Maxwell, 2012, pp. 136–137). It is not for no reason that the only PVAF to date that has obtained permanent support from the authorities at the supra-local level is Maison de la Polonia, located in the former region of Nord-Pas-de-Calais (now Hauts-de-France), where not only every eighth resident, but many officials as well, are of Polish origin. The organisation was founded by the regional authorities in 1995. In 2007, it merged with the Congress of French Polonia, in existence since 1949, and at the time of the research, it comprised more than 90 PVAFs (mainly in the NPDC). Many respondents argued that federations representing a large number of smaller organisations have a greater chance of being treated by institutions as representing a certain part of society, if not a specific diaspora in France. If an umbrella organisation acts on a larger geographic scale, it can also be financed by the French government; an example of which was an organisation of Moroccan workers that was active in fourteen different cities at some point (IDI_32). In the NPDC, Maison de la Polonia was a federation with such weight, and national-scope ambitions. With the help of the regional authorities, it had a budget it could share with member organisations. Yet, in 2016, it suspended its activities due to changes in the priorities of the new regional authorities (though the Congress of French Polonia still exists).

The second factor is when a French institution takes notice of the fact that an immigrant organisation has political or diplomatic potential. Members of a diaspora are potential voters, and are, therefore, not to be neglected (in the case of French people of Polish origin, see: Voldoire, 2015; Vychytil-Baudoux, 2010). They may also play an important role in the relations between the country of origin and the host country. At the central level, particular attention was paid to PVAFs in 2004, when Poland acceded to the European Union. At that time, after a unification congress that went on for several days, the Federation of French Polonia (FFP) was established at an event held in the prestigious Luxembourg Palace under the patronage of the Polish and French governments. Yet it quickly became evident that the FFP does not embrace most PVAFs. The Maison de la Polonia and the Congress of French Polonia did not become members, only observers, as a result of divisions within the diaspora. In 2016, only 20-something PVAFs were members of the FFP, and Polish diplomatic outlets did

not treat it as the only body representing PVAFs (IDI_3). Despite this rather small membership, the 10th anniversary of the founding of the FFP was also celebrated at the Luxembourg Palace and was attended by the Polish ambassador and the chairman of the French Franco-Polish Friendship Senate Group. The symbolic importance of the FFP is also demonstrated by its presence during French national holiday celebrations at the Arc de Triomphe in Paris. Some of the research respondents associated with various PVAFs expressed their disappointment, however, that Poles in France do not enjoy deeper institutionalised cooperation with the French central authorities. As examples of other entities that are not purely socio-economic but are recognised by the Republic, the most frequently mentioned were the Representative Council of Jewish Institutions in France (CRIF, *Conseil Représentatif des Institutions Juives de France*) and the French Council of Muslim Worship (CFCM, *Le Conseil Français du Culte Musulman*).

The experience of other PVAFs also shows that mayors and other officials accept invitations to take part in events devoted to various parts of the Polish diaspora. Sometimes Polish diplomatic outlets are helpful – especially in the case of younger organisations. For instance, thanks to the involvement of consulate staff, the then-mayor of Paris' 7th arrondissement opened an event organised by an association of Polish professionals in France established in 2004. In turn, assistance from the consulate in Lyon enabled a cultural and educational organisation from the south of France to rent prestigious concert halls normally difficult to access. Another PVAF from the south benefited from an intervention by the honorary consul. He managed to convince the chairman of a department council to permanently subsidise a Polish school the PVAF runs, arguing that most of the pupils at the school were future French citizens and potential voters (IDI_42).

The third factor is how visible and well-networked an organisation is as a result of its activities. Forging good relationships with those who represent institutions takes time, but is vital to building mutual trust. This is so on the central level (see the cooperation with a group of French senators) and the regional level (see Maison de la Polonia), but in fact is observed most often locally. Respondents associated with different PVAFs emphasised the importance of taking part in direct meetings, including local ones, with activists of other associations and staff of institutions, and – when establishing contact – of offering to make a contribution before asking for support. A necessary condition is to *present oneself as an organisation from here* (IDI_38) that is part of the local landscape of associations. Whether they are immigrant organisations or not, those with such an image can count on more than those that are unknown (although, given the limited resources a given city or department has at its disposal, this can cause conflict between associations). One such organisation covered by the research promotes Polish folklore in the NPDC. For years, it has had exclusive use of the school rooms where it holds rehearsals and stores costumes. Another organisation located in the south obtained a subsidy for a bus to take pupils to a Polish school. Activists of the PVAFs I looked at, who had carried out successful projects in the past, often admitted that, in fact, officials come to them with invitations to take part in upcoming events.

These findings show that French institutions do not have to limit themselves to cooperating with immigrant organisations only on projects subject to non-ethnic criteria.

Yet, there are contexts in which associations created (because of current or past migration) are treated as representatives of a specific diaspora. Numerous organisations that are politically significant and well-connected may be recognised by institutions as associations of people of similar origin, even if they are all French citizens. However, not every immigrant organisation is deemed to represent an ethnocultural minority, even semi-formally. As there are no procedures for attaining such a status officially, what is key are the characteristics of the diaspora itself: its size, its rootedness in French society, and its organisational potential.

Discussion and conclusions

The data gathered reveal certain relationships between immigrant organisations of specific ethnocultural identity and the state, where migrant communities are not legally or institutionally recognised as minorities. An analysis of the data allows several conclusions to be drawn.

Firstly, the data confirm the paradox of French integration policy at the mezzo level. Legally and institutionally, the existence of immigrant organisations does not undermine republican principles. PVAFs have the same status and submit the same reports as other French associations functioning pursuant to *Loi 1901*. They cannot be found in official registers among other non-governmental organisations: since, officially, no national and ethnic minorities exist, nor do organisations that could legally represent them. The Republic is blind to the ethnocultural separateness of PVAFs' membership and audiences, and so granting them privileges or discriminating against them would be contrary to the principles of the French state. This definition of the national community and of private contracts between people of French or other nationalities (as associations in France are) is shared by many people in French society, including some of those who are actively involved in immigrant organisations. Yet an analysis of the discourse and practice of how PVAFs function shows that other definitions also exist in which ethnocultural differences in society are recognised. Under the cloak of universalistic criteria, without particular sectoral policies, or even contrary to republican principles, immigrant organisations are treated as representing a significant part of the population. French institutions engage in many activities whose beneficiaries are primarily members of a particular diaspora. It even happens that PVAFs are officially or semi-officially recognised by some institutions as minority organisations, and in this way, French policy approaches a multicultural model. Migrant minorities thus become visible as such in the public sphere, including politically, and are better able to achieve their particular goals.

Secondly, my analysis showed the potential of individuals and their groups to modify policy on existing legal and institutional frameworks from the bottom up. This implies there is a need to take account of the socio-cultural reality created at the point where the micro and macro levels meet when constructing theories on integration policy. While France does not recognise national or ethnic minorities officially, it does allow diaspora communities to function autonomously in the form of associations or in cooperation with institutions, and by doing so they acquire subjectivity. The French

example also reveals the delusory nature of the belief that socio-cultural processes related to migration can be completely controlled in liberal democratic states.

Thirdly, we must not forget that, like other models, the republican model is limited in its ability to achieve a balance between its principles and the values of migrant communities. In this article, I focused mainly on those PVAFs that have managed to fit their goals into a broader framework. Some immigrant organisations, though, remain visible only to a particular segment of their diaspora and have few contacts with institutions. Perhaps, like other French associations, they prefer to function on their own. Or, this may be due to a real or imagined lack of compatibility between a given organisation's goals and republican principles, or to their leaders' lack of knowledge of procedures or of the French language (which puts associations seeking to maintain their members' cultural identity and those set up by recently arrived immigrants at a disadvantage). The experiences of PVAF activists and representatives of French institutions indicate that not every immigrant organisation has an equal chance of obtaining support. The Matthew Effect comes into play since large organisations that have at least some leaders who are well-rooted in the host society (immigrants who have lived in France for a long time or descendants of immigrants) and have the significant political or diplomatic ability are better able to have an impact on integration policy from the bottom up. The same can be said for those organisations that are well-connected and recognisable in their surroundings. These circumstances ensure that the majority culture dominates, as it is promoted and develops through fixed mechanisms and specialised institutions.

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The shaping of migrant society – Australia's changing immigration strategy and policies

Abstract

The chapter overviews the key features of the current Australian immigration strategy: a set of relatively stable and consistent long-term goals and general principles that guide specific immigration policies, as well as the process of immigration governance by the Australian political elites. Special emphasis is placed on the dominant role of the Australian state ("migration state") elites in managing the tension between the economic, socio-demographic and security principles (imperatives) and on the evolution of the immigration strategy over the last half a century. One distinctive feature of the Australian immigration strategy is its close integration with economic growth and labour market policies, sustaining national cohesion (integrative multiculturalism), mitigating the effects of population ageing, maintaining broad access to health services, safeguarding national security, and further strengthening political Integration in the SE Asia region. The chapter highlights some general features of the Australian immigration strategy: its regulation and control by the state, "supra-partisan" (bi-partisan) character, pragmatic focus, flexibility, as well as its strong links with the demographic (population ageing) and national integration policies.

Keywords: immigration state, immigration strategy, Australian immigration, immigration governance

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Introduction

The chapter focuses on the *current* Australian immigration strategy, and not on its historical evolution. This historical evolution, though, deserves a brief comment. Managing immigration has always been the key preoccupation of the Australian state and its ruling elites. In that sense, Australia was born as a post-colonial "migration state" (Hollifield, 2004). The backbone of the current strategy was formed by the reformist Labour and Liberal leaders in the 1970s–1990s, and underwent two important shifts, mainly in the "liberal" direction. It is being revived in the "post-pandemic" period of 2022+ in a largely unchanged form (Jupp, 2007; Fernandez et al., 2021; Adamson & Tsourapas, 2020; Australia's 2023–24 Permanent Migration Program, 2023).

In the first shift (1970s–1990s), the key immigration policies were stripped of their racist overtones and linked with (multicultural) national integration, population and labour market policies. The old strategy aimed mainly at the reproduction of mostly British postcolonial society (pre-WWII), population expansion and security enhancement based on the "White Australia" and "populate or perish" principles. The new strategy abolished racial restrictions, endorsed ethnic and racial diversity, and linked immigration with the programme of integration (multiculturalism). It also stressed the importance of adjusting immigration – its volume and structure – to unemployment cycles and labour market demand. The most recent shifts respond to skill shortages generated by the "long boom" (as well as the recent "slowbalisation"), security-cum-humanitarian emergencies (refugee inflow), and the intensifying post--pandemic "brain-drain competition" (Fragomen Global Migration Trends Report, 2022).

This evolution of the immigration strategy in Australia should be seen as state--managed, state-controlled and bi-partisan (endorsed by the major parties), directed by the Australian political elites. The strategy reflects the elite-constructed, flexibly managed and skilfully sustained consensus about the desirability of mass immigration, as well as the key goals and the guiding principles of immigration programmes. It is also strongly integrated with economic, social-demographic, and cultural strategies of development. The broad elite consensus about immigration is reflected in the lasting public consensus about the desirability of state-controlled, skill-based, and "rejuvenating" mass immigration. Security concerns – about the dangers of terrorism, "immigrant crime", and communal conflicts that the mass immigration may fuel – are defused in many ways: first, by carefully screening the candidates for immigrants; second, by facilitating swift integration and promoting "integrative multiculturalism"; and third, by quashing any attempts at anti-immigration fearmongering. Politicians attempting to capitalise on anti-migrant, xenophobic propaganda, face a condemnation by the mainstream political forces and the mass media. The flare-ups of xenophobic fears are, therefore, rare and politically ineffective.

Other important features of the Australian immigration strategy are its pragmatic and utilitarian (rather than ideological) character, as well as elasticity reflected in a swift adjustment of immigration policies to changing social conditions. For example, the numerical "targets" of immigration grow at the time of low unemployment and are curtailed at the time of increasing unemployment. Moreover, the key policies

forming the strategy are regularly monitored and adjusted to prevent dysfunctions. Consequently, the Australian immigration strategy appears stable but also elastic, continuous but also evolving in a "path dependent" way. Each consecutive iteration of immigration policies dovetails with its predecessors.

As signalled above, the Australian immigration strategy is, above all, pragmatic. It is not derived from any particular ideological stance, and therefore, appeals to all. Thus conservative Australians support its emphasis on family unity, communal support and ubiquitous references to "national interests". Liberals praise its tolerant character, secularism, meritocracy, and endorsement of social diversity. Socialists are impressed by the egalitarian, anti-racist character, regional focus, as well as strong links with integrative adaptation policies. Unlike in Europe and the US, where ethnically diverse mass migration is socially divisive, most Australians follow their political leaders in consensually embracing mass – and increasingly ethnically diverse – immigration and its broad socio-economic and socio-demographic goals. There are occasional deviations from this broad consensus – triggered by such "problems" as terrorist incidents, publicised symptoms of ethno-specific crime, and flare-ups of inter-communal tensions – but the "problems" are interpreted as exceptions and "failures of delivery", rather than consequences of the immigration strategy.

One of the key reasons for this persisting and wide endorsement is the obvious fact that the immigration strategy seems to be "working". Australia enjoys long and high economic growth, a relatively egalitarian increase in prosperity and living standards (except for Aboriginals), a sense of security (eroded most recently by China's policies), and social stability. Migrants are seen as key contributors to these successes. Acts of terrorist violence are rare. The country attracts highly skilled and adaptable immigrants, mainly from the Asian region. It admits predominantly *young, healthy and skilled* workers with high "human capital", with skills matching labour market demand. Moreover, most of these immigrants prove permanent. They *settle* in Australia and integrate successfully. Potential "threats" and "burdens" are sifted out in health and security screening, People with chronic diseases, criminal records and extremist involvements are seldom admitted. Illegal entrants, smuggled into Australia by sea and evading these checks, are "processed" in the detention centres. Immigrants from New Zealand, who can enter Australia without visa controls, are subject to deportation if they are found guilty of serious crimes. All these measures allay public concerns about security risks (terrorism, people smuggling, drug and arms smuggling, import of welfare "burden", etc.). These concerns, nevertheless, reappear regularly due to sensational media reports, and they occasionally fuel anti--immigration and anti-refugee campaigns – but they fail to undermine the broad public consensus about the immigration strategy. The more recent (2010–2016) debates about "securitisation" of immigration governance, the growing emphasis on "border protection", and increasing concerns over environmental effects (sustainability), reflect the growing preoccupation of Australian political elites with allaying public concerns about "risks" related to mass immigration, including the sudden inflow of refugees from the Middle East and South Asia. The message from political leaders is "immigration is under control", and therefore, continues to serve well our national interests.

What helps to maintain this broad consensus is also the fact that the main immigration intake has been through the "skilled stream", whereby the intending immigrants are first, screened for health and security, and then selected according to their labour skills using a point-based method. Most points are rewarded for the level of education, young age and language competence – the key factors maximising employability and swift integration. In its current form – described in more detail below – this selection system is attracting mainly young *students-graduates who are subsequently educated and trained in Australia*. Australia offers them not only opportunities for education and skilling – usually paid for individually or by sponsors – but also multiple pathways to permanent residency as well as settlement information and assistance. Those short and easy pathways from immigrant to citizen distinguishes Australia from most of European countries, where it is easy to get into the country, but difficult to acquire full citizenship rights.

This leads us to the final general feature of the Australian immigration strategy, namely, its backing by state-sponsored "settlement facilitation services". Such services include settlement information and assistance, free language tuition, interpreting services, settlement grants and access to subsidised housing – all part of a broad programme of "integrative multiculturalism". A paradox is that these services are most frequently used not by the "skilled entrants", but by immigrants entering through other channels, mainly "family" and "humanitarian" ones. The immigrants entering through these streams – together about 35–40% of all immigrants – face more challenges in social adaptation, and – understandably – their integration path is longer.

The key features of the Australian immigration strategy

One can summarise the key elements of the Australian immigration strategy in five points:

1. It has been a central element of the state-sponsored state-regulated and state--controlled programme of economic and social development (including "nation-building") that actively supports *mass, controlled and permanent immigration*. Such immigration opens "pathways" to permanent *settlement that, in turn, aid stable economic and demographic growth, safeguards national security and contributes to both, social diversity and integration*.
2. The strategy clearly separates the *main "skilled stream" of immigration* that aims at securing a flexible labour force, from the "family stream" that aids social adaptation and integration of immigrants, and from the "humanitarian stream" that fulfils the political-legal, some say also moral, obligations accepted by the Australian government. Immigrants – who are screened for health and security – are selected principally according to their "human capital" and "cultural capital".
3. The selection of immigrants is *universalistic and meritocratic (point-based),* principally according to *skill, education, age, and command of English – the features that aid social integration*. There are also advantage points granted for familiarity with Australia, employment sponsorship, and special talents.

4. The immigration strategy is closely linked with *population policies and "multicultural" integration policies*. More recently, the immigration strategy has also been linked with *education policies* (attracting foreign students) *"securitised"* (tightened border security) and made more open to entrepreneurial immigrants.
5. The current strategy, while relatively stable, is also *flexible*. The scope and composition of immigration change depending on circumstances, thus providing a "buffer" at times of crises and a "boost" at time of boom. The outcomes are *monitored* and *evaluated* in terms of intended goals and unintended effects. Specific policies are *adjusted to economic and political circumstances*. This flexibility helps in sustaining broad elite support and wide public approval of the strategy.

This short summary of the key features of the Australian immigration strategy serves as a plan of the remainder of the chapter.

Mass, controlled, and permanent immigration

The volume of immigration to Australia has been changing, depending on targets, and quotas set by governments that reflect the economic conditions. The targets are high at the time of economic boom and high demand for labour, and they are lowered at the time of slow growth and high unemployment. Thus in 1984, the net annual overseas migration dropped to c. 49,000 from over 128,000 in 1982; in 1993, it declined to 30,000 compared to over 124,000 two years earlier. At the peak of the COVID-19 pandemic in 2020–2021 it was reduced to a trickle compared to over 240,000 in pre-pandemic years. The current budget estimates (for 2022–2023) envisage a swift return to the pre-pandemic levels. These regular adjustments minimise social tensions that often accompany intense immigration. But they also slowed down post-crisis recovery by exacerbating labour shortages. As labour statistics show, immigrants not only fill the gaps in the shrinking (ageing) labour force but also are more flexible in their employment and more productive.

In the 1980s, immigration became the key component of population growth in Australia. In the pre-pandemic years (before 2020), immigrants accounted for the entire population increase (about 1% per annum.) This placed Australia among the most immigration-dependent and immigrant-rich countries in the world. While during the pandemic immigration was reduced, it is being restored to the pre-pandemic level now (2023), with only minor changes (more emphasis on skills). As a result, Australia has returned to its status as a "migrant society" and "migrant state" with about 30% of all citizens born overseas, and about half of the population having at least one parent born overseas (Jupp, 2007; Demography of Australia, n.d.)

As suggested earlier, the number of immigrants admitted annually typically reflects the strength of demand for labour and the "demographic considerations". More recently, it also reflects concerns about environmental impacts, "urban congestion" and housing costs, especially in Melbourne and Sydney, where most immigrants settle. The changing "source countries and regions" also reflect security assessments (Jupp, 2007, Fernandez et al., 2021).

Australian immigration is – and always has been – "state-controlled" and "state--regulated". However, it must be kept in mind that policy adjustments reflect changing political and economic circumstances, rather than changing public opinion. There is no specific immigration planning body and no specific immigration planning procedures. Rather, as argued earlier, there is a stable strategy endorsed by the federal state administration and its political executives, the federal government. This centralised "governmental (de facto, state) management" of immigration is relatively free of bureaucratic rigidity. It involves not just occasional reviews and policy adjustments, but also regular monitoring aiming at minimising the risks of "policy failures" and "dysfunctions".

Selection criteria and entry streams

While the "skilled" stream remains the largest of the three main channels of immigration, there has been a gradual shift of emphasis in the selection of skilled immigrants. In the past immigrants' skills were assessed according to actual (current) "market demand", as reflected by periodically updated lists of "occupations in high demand". More recently, Australia has been moving towards a "hybrid" strategy balancing demand with supply. It results in selection favouring applicants with a high general education level. Typical immigrants are foreign students-graduates, who qualify for permanent residence upon successfully completing their studies in Australia. Many such applicants also have worked in Australia prior to applying for permanent residence. There are also plans for favouring immigrants with skills in the areas of science, technology, engineering, and mathematics (STEM).

While the overall regulation of selection processes is highly centralised in the hands of the senior staff in the Federal Ministry of Immigration, Citizenship and Multicultural Affairs and its influential Ministerial Advisory Council for Skilled Migration, there are also some consultations with states, territories, and local authorities[2], mainly about sponsoring immigrants. The sponsors of skilled immigrants are mainly individual employers, states, and territories. Recently, sponsorship has also opened to local authorities and individual families. Sponsorship becomes a favourite regulatory tool in preventing immigrants' overconcentration in Sydney and Melbourne – the favourite destination of immigrants.

The selection is two-staged. The candidates undergo, first, a general health and security screening, and then they are selected through a "points test". They must score a minimum of 60 points to secure admission (visa). Points are granted for age, with maximum points (25) granted to applicants in the 25–32 age bracket: English language proficiency, recent skilled employment, and educational qualifications. Applicants are also awarded extra points for living (for a minimum of 2 years) in a "regional Australia/ low population growth metropolitan area", for recognised translator/interpreter level

[2] Australia is a federation of six states and two large mainland "territories" (as well as some smaller territories outside the continent). There are three levels of government: federal, state (or territorial), and local.

skills in any of the community languages, for spouse meeting skill requirements, and for completing an approved professional development programme in Australia. Importantly, sponsored or nominated applicants are also awarded points.

This looks like an arcane system, but in fact, it is simple, clear, objective, and flexible. It also enjoys wide public support. It is credited with attracting (fee-paying) students to Australia, facilitating the social integration of skilled immigrants, and, last but not least, enabling Australia to increase its "regional engagement" by facilitating seasonal immigration of agricultural workers from Pacific Island states. Under the impact of this system the composition of the Australian immigrant-boosted labour force – and population in general – has become more racially and ethnically diverse. With skilled recruitment increasingly selecting foreign students from the Asian region (who form about half of the applicants in the skilled stream), the ethnic composition of the Australian population is undergoing a rapid change. In the pre-pandemic years, the largest number of (mainly skilled) immigrants came from India and China. The similar proportions are expected in the post-pandemic years.

The heavy emphasis on immigrant selection on Australian education and training is easy to justify. The locally acquired education gives the applicants not only high--quality and market-relevant skills, but also a good command of English, useful social contacts, and general knowledge about Australia, and therefore, a good chance of prompt employment and effective social integration. Favouring young entrants, in turn, helps rejuvenate the ageing Australian labour force, reducing the "dependency ratio" (dependent/working population), boosting productivity, and maximizing tax revenue (2021 Intergenerational Report, 2021).

The "family" stream has been declining in importance as a contributor to overall immigration. It no longer brings to Australia mainly the ageing parents and siblings of immigrants. Now, most immigrants coming through this stream are young partners (spouses and partners/fiancés), as well as young children of skilled immigrants – together they are expected to account for c. 80% of "family" entrances. Moreover, the partners of skilled immigrants have now, on average, better education and language skills than in the past. They further upgrade their skills through the Australian education system and enter the labour market early.

The "humanitarian" stream is the smallest of the three. It allows Australia to fulfil its legal-political-moral obligations towards refugees displaced by crises and conflicts, especially those conflicts in which Australia participated. While the consecutive Australian governments commit themselves to maintaining a high intake of "humanitarian entries", in fact, the numbers remain low, partly due to difficulties in securing permissions for refugees to provide appropriate documentation and permissions to leave the most affected "source countries" (Afghanistan, Iraq, Syria, etc.).

Most of the current controversies in Australia concern the humanitarian stream of immigration open to refugees and asylum seekers. Historically, Australia has a long record of humanitarian assistance, especially after WWII, when nearly one million refugees and Displaced Persons settled in Australia, after the Vietnam War and communist takeover, when tens of thousands of Vietnamese refugees arrived by boats and planes, and after the destructive war in Lebanon, when a large number of civilians, both Christian and Muslim, were admitted and settled in Australia. The current wave

of refugees and asylum- seekers – mainly from Syria, Afghanistan, and North Africa (Somalia) – poses more problems, because of intensified security concerns in Australia, and due to the fact that some asylum seekers who arrived by sea, on smuggler boats, are seen as eroding the sensitive border security protection. While Australians remain sympathetic to refugees, and while the government accepts a large – but fluctuating – number of exiles and resettles them successfully, public and government sympathy does not extend to the illegally smuggled "boat people". They are seen as "security risks", "queue jumpers" and "asylum shoppers". Since the 1990s, such "illegals" have been detained and "processed" in on-shore and off-shore centres.

This mandatory detention in isolated centres is highly controversial. While the governments argue that it is necessary as a deterrent discouraging people smuggling, stopping mass drownings, and preventing the entry of "undesirables", the critics point to possible violations of human rights, international agreements, and as immoral. Largely in response to these concerns and criticisms, the last three governments have introduced some innovations in the governance of the "humanitarian stream", which we mention below.

In addition to these three major streams through which about 90% of all immigrants enter Australia, there is also a less publicised "sub-stream" for "exceptionally gifted/ talented" entrants. It has been widened, especially after the flare-up of political conflicts in Europe and Asia.

The "securitisation" of the humanitarian immigration stream

The security measures introduced in Australia predate the post-9/11 fears of terrorism. They were triggered already in the 1980s by two waves of "ethno-specific" crime. Some of the immigrant-gangsters who appeared in the early 1980s were admitted through the "humanitarian" stream without proper security checks. These highly publicised cases, though far from typical, fuelled broad security concerns. They also triggered a backlash against admitting unchecked "illegals"[3]. This is why the smuggled boat people, who were arriving in the 1990s, were subject to mandatory detention in isolated centres. Their credentials have been thoroughly checked and screened, and those (minority) assessed as "not-genuine", are deported after exhausting the legal appeal procedures. From the early 2000s, the Australian government introduced even harsher deterrents to illegal arrivals. The boat people arriving on Christmas Island and Ashmore Reef, the most popular people-smuggling destinations – lost their right to claim asylum in Australia. They can seek resettlement in another country or remain indefinitely in detention centres. Even more controversially, the smuggled "illegals" were detained outside the Australian territory

[3] While reading this comment, one should keep in mind the fact that: only 7–9 % of all immigrants are admitted to Australia through the "humanitarian stream"; crime rates among immigrants are lower than among native-born (except for New Zealand immigrants); only about 1% of all immigrants are affected by "securitisation"; only less than 0.5 % of immigrants is subject to mandatory detention; people smuggling has been stopped; and the off-shore detention centres are being phased out.

(and legal protection) on Nauru and PNG's Manus Island. This was a part of the controversial "Pacific Solution", later extended through bilateral negotiations with Indonesia, Malaysia, and Vietnam, aiming at stopping illegal migrations, preventing people-smuggling, and reducing deaths at sea (drownings). It involves intelligence exchange, coordinated coastal patrolling, and joint security operations against people-smuggling gangs.

These new measures faced growing criticisms and opposition as ineffective and costly: boat arrivals peaked at over 20,000 in 2013, drownings exceeded 1,000, and costs of processing the smuggled immigrants reached 1 billion dollars. Consequently, the government has decided to close the most controversial offshore detention centres, fast-track the refugee-status procedures, negotiate resettlement of the remaining asylum seekers outside Australia, and improve border control through bilateral agreements with Pacific neighbours. We return to these issues below.

One can summarise the key features of the Australian strategy concerning refugees and asylum seekers in three points:

1. Australia accepts a large number of refugees (over 13,000 per year in pre-pandemic years), resettles them promptly and, typically, integrates them successfully. It does it in cooperation with the UN refugee agencies and in consultation with close neighbours. The current controversies concern mainly the "illegal entries" (the "boat people").
2. Australian treatment of the "boat people" is inexplicably harsh, controversial, and frequently criticised – but also widely supported by the political elite and mass public. The most controversial aspects of this treatment – such as the banning of the "boat people" from applying for asylum in Australia, mandatory detention in isolated centres, slow processing, and offshore detention out of the Australian legal protection, parliamentary scrutiny, and media attention – polarises public opinion, occasionally embarrasses the government, and is regularly modified. However, it proved effective – the people smuggling by boats has ceased and the most controversial offshore centres are gradually "phased out".
3. The core elements of the Australian refugee policies are seen as "working" in the sense of eliminating people smuggling and deaths at sea[4], providing safe haven to refugees, regardless of their origins, race, religion, and ethnicity. The strict control measures – including "securitisation" – ally public concerns and reduce the anti-refugee backlash at home.

Most refugees admitted to Australia settle successfully and adapt well to the new life, though their social integration is slower than that of the mainstream skilled immigrants. This is mainly due to their involuntary migration, lower "human capital", and English language command, as well as, on average, lesser compatibility of their skills and experiences with the requirements of the Australian lifestyle, and labour market. The asylum seekers with temporary protection visas are in a more precarious position. They are given the right to live in the community, but very little assistance

[4] No refugee drownings near the Australian coast have been reported in the last five years. By contrast, the estimates of refugee deaths in the Mediterranean 2014–2019 have been estimated at 18,000.

in finding jobs and accessing affordable housing. They are in a sort of limbo: economically vulnerable, unable to work legally and unable to access the mainstream housing services that are open to permanent immigrant settlers. It must be remembered, though, that they constitute only a tiny minority of all Australian immigrants, and that the difficulties they experience are typically temporary: they either get permanent residence followed by citizenship or return to their countries of origin or migrate to another country.

Nexuses with other policies

Australian immigration strategy, as already mentioned, is closely interlinked and integrated with four other national strategies or policy areas – economic/labour market, demographic/ageing/health, and, perhaps most importantly, citizenship and integration/multicultural. More recently, the governance of immigration has also become gradually linked with foreign policy, mainly due to the collaborative suppression of people smuggling. One may also note a growing nexus between immigration and higher education policies. This relatively new development is due to the increasing admission of skilled immigrants through Australian higher education institutions. In the pre-pandemic years, 50–60% of all skilled immigrants came through the educational pathway, and Australian educational institutions became big magnets for intending immigrants, especially from China and India. This pattern seems to return in the post-COVID years. Mindful of the growing importance of foreign students – and growing opportunities for income – Australian universities and colleges internationalised their curricula and lifted their international ranking and reputation.

The nexus between skilled immigration and labour market policies is regarded as the most important for Australia's development. As the World Bank (2018, p. 233) report noted:

> *High-skilled workers play a unique role in today's economy. They are innovators, entrepreneurs, scientists, and teachers. They lead, coordinate, and manage the activities of other high-skilled people in complex organisations – from multinational corporations to research centres to governments. They are also highly mobile, moving between jobs, and geographic locations. High-income destination countries depend on foreign talent to create and sustain many of their leading economic sectors, including many of those that are at the forefront of knowledge creation, and economic growth.*

High-skill migrations are growing due to rapidly increasing supply (education) and demand (skill shortages). So does the international competition for skilled and talented migrants. Australia is among the four top "takers" of highly skilled migrants (together with the USA, Canada, and Great Britain). It is not only among the key importers of skilled immigrants but also among the main beneficiaries of such an immigrant-friendly strategy. Moreover – thanks to the strategy of educating and skilling its immigrants predominantly "at home", Australia is regarded not as "brain

draining" but "brain training", and a "brain gaining" country (World Bank 2018, pp. 239–242; Australia's 2023–24 permanent Migration Program, 2023).

The Australian immigration policies are closely linked with population policies (e.g., Productivity Commission, 2016, p. 3). Most of the population growth over the last two decades was due to mass immigration programmes. Moreover, "rejuvenating" immigration helps Australia to negotiate the dangerous "demographic cliff": the increasing proportion of the aged and the decreasing proportion (and number) of the working-age population. Predominantly young immigrants mitigate age dependency that dampens growth in many ageing societies. It also mitigates the increase of health care and age care costs, as well as a cultural shift in a conservative direction. Mass immigration, like the one embraced by Australia (where the average age of immigrants is below 30, while the median age of the population approaches 50) does not prevent population ageing but transforms the "demographic cliff" into a less dangerous "demographic slide" (see: Pakulski, 2015).

Many commentators point to the benefits of a close link between the Australian immigration strategy and "integrative multiculturalism". Australia not only accepts a large number of young and skilled immigrants and facilitates their naturalisation but also maximises their skill and adaptive potential by offering them assistance in social adaptation and integration. Permanent immigrants have opportunities to improve their English, upgrade their skills, and access numerous services that help in swift integration into local communities. Above all, the new settlers benefit from the migrant-friendly and supportive attitudes of native-born locals – a key factor facilitating swift social adaptation and effective integration. The latter is also fostered by multiculturalism: a set of policies that encourage acceptance and tolerance of all ethnic groups and religions, encouragement of social participation, countering xenophobia, and reduction of racial, ethnic, religious, and lifestyle discrimination.

The climate of ethnic tolerance and widespread acceptance of immigrants is particularly important in sustaining mass skilled immigration from the new "regional" (that is South and East Asian) regions. It works in two complementary ways: it makes Australia an attractive destination to the young, skilled, and entrepreneurial migrants; and it sustains – due to the largely positive outcomes of immigration strategy – wide social approval of immigrants and mass immigration-cum-integration programmes. As the recent report of the Pew Research Centre (2019) shows, Australia is among very few countries with predominantly migrant-approving populations and, at the same time, with a very relaxed liberal attitude to both immigration and emigration (out-migration).

There are two more important "nexuses" that are worth mentioning. The current immigration strategy is increasingly linked with higher education and with the "regional engagement" policies. Over the last five pre-pandemic years the number of fee-paying foreign students in Australian tertiary education institutions (higher and vocational) has nearly doubled, and higher education became the third (after coal and iron ore) major export and source of revenue amounting over to 32 billion dollars annually. This growth has been particularly rapid in higher education and vocational education and training (VET), both attracting in 2018 over 640,000 foreign students, about 30% from China and a further 20% from India. These education sectors have also become

the major recruitment grounds of skilled immigrants, who apply for visa extensions and permanent residence on graduation. The Australian universities, in turn, benefited (in 2018) financially from fees paid by foreign students (and sponsors) to the tune of c. $28 billion. While the COVID pandemic caused a sudden dip in both the scale of immigration, as well as the foreign student recruitment, and earnings, both are expected to recover to the pre-pandemic levels in 2023–2024 (Australia's 2023–24 permanent Migration Program, 2023; International Student Data 2018, n.d.).

Flexibility – the recent adjustments

While the overall principles behind the Australian immigration strategy remain largely intact, the innovation in immigration governance – and regular policy adjustment – make it increasingly flexible. These adjustments can be summarised in a few points:

1. There are regular adjustments in immigration volume and composition – "tweaking" rather than serious alterations. The changes aim at making immigration, especially skilled immigration more attractive, and the immigration strategy more flexible, more congruent with the changing migrant supply, labour market demand, and social expectations. The "tweaking" helps in defusing the populist anti-immigration backlash.
2. More specifically, the policy adjustments aim at preventing excessive concentration of immigrants in major state capitals, especially Melbourne and Sydney, the two most migrant-rich cities that experience serious congestion and "infrastructural stretch". They involve redirecting immigrants to the less populated regions suffering from labour and settler shortages. This is achieved by increasing the number of visas granted to immigrants sponsored by local employers and/or local governments, as well as offering financial incentives to foreign students studying and working in "regional Australia". This trend is likely to intensify due to political pressures. It dovetails with the general trend towards adjusting immigration volume and content to employment opportunities, as well as to ease metropolitan congestion and minimise environmental degradation.
3. In the main skilled stream, the policy adjustments aim at maintaining congruence between skills and labour market needs (as well as the expectations of the employers), and upgrading immigrants' skills and capacities, including linguistic skills. The pre-pandemic increase in student visas – which is likely to continue in the post-pandemic years, indicates a move towards a preference for the Australian--skilled (and educated) intake. Immigrants coming through this intake stream are best prepared for permanent immigration, they find jobs as easily and quickly as non-immigrants, acquire a good command of English, and integrate smoothly, as indicated by a high naturalisation rate.
4. There is a trend towards expanding the "educational" or "student" entry and pathways to settlement. These two categories have been seen as particularly successful from the employers' (flexible labour) and communities' (swift integration) points of view.

5. There seems to be a trend towards increasing recruitment of temporary immigrant workers, especially low-skilled workers, for (mostly seasonal) agricultural work. But it is surrounded by controversies. On the one hand, such temporary immigrants are in high (but seasonal) demand, and their earnings are lifelines to their families and communities. On the other hand, they are most vulnerable to exploitation and abuse. Monitoring their working condition is difficult, and adverse publicity of abuse damages the reputation of this stream.
6. There seems to be a trend in the family stream in facilitating the controlled entry of spouses/partners and children, as well as restricting the entries of aged parents to "supporting parents". Elderly family immigrants may compete with non--immigrants for health and age care resources.
7. In the humanitarian stream – which is estimated to account for over 13,000 entries in 2023–2024 – the changes aim at responding in a flexible way to international emergencies. This results in increasing Special Humanitarian Programmes (special crisis-dependent and UN-negotiated intake of refugees), quicker processing of the detained immigrants in Australia, and faster resettling of the asylum seekers detained in the offshore detention centres. The latter become increasingly embarrassing for the Australian government, and they are likely to be phased out.

The outcomes

Mass skilled immigration is credited with boosting growth and prosperity. Samuel Eslake, the Chief Economist of the ANZ Bank estimated in 2018 that half of the Australian economic growth during the pre-pandemic decade (2009 to 2018) was attributable to the predominantly skilled immigration (What the world can learn from Australia?, 2018). The mass skilled immigration has also rejuvenated Australia's labour force and mitigated the costs of ageing. Those beneficial effects are also detectable among the immigrants themselves. They do well. Those who enter through the skilled and family streams have been successful in their career and social adaptation – more successful than immigrants from other streams. They are, on average, much younger than Australian-born workers, better educated and skilled, and more productive. Unlike some refugees, they integrate well with local communities, do not form immigrant "ghettos", do not suffer from pathologies of mal-integration, and do not generate negative stereotypes that accompany social alienation.

Generally, the mass skill-based immigration strategy is supported by political leaders and business elites, as well as the population at large. It is seen (e.g., by the Australian Productivity Commission, 2016) as fulfilling its principal aims: maximising (and publicising) the economic and social benefits of mass skilled migration; maintaining effective control over immigration programmes and monitoring their outcomes; and maintaining flexibility of the programmes that facilitate their adjustment, as well as reduce political backlash. A recent survey confirms those diagnoses: about 40% of Australians support the current levels of immigration while only 25% would like to lower the intake.

It is difficult to estimate the scope of these impacts and to establish detailed causal links. Most probably causalities go both ways: immigration strategy boosts growth, and growth sustains immigration programmes. Perhaps the most important in maintaining this "virtuous circle" of mass immigration and growth are the labour market outcomes analysed in the recent World Bank Reports (2018–2022).

The labour market outcomes for immigrants, as the Australian Productivity Commission Report (2016) suggests, are mixed and similar to the market outcomes in the major OECD countries (World Bank, 2018). Australian immigrants have, on average, slightly lower employment rates than the local-born people. That, however, differs significantly between boom-and-bust periods, as well as between immigration streams. Skilled immigrants do not differ in unemployment rates from Australian--born peers. Their labour market outcomes improve rapidly, so even when they are disadvantaged at the start of their careers, their incomes soon catch up, and their socioeconomic statuses at the end of their careers are slightly higher than those of the Australian-born population. Immigrants entering through the family stream have worse outcomes than the population at large, and humanitarian stream immigrants lag behind even further. However, the differences are not wide, and the immigrants themselves do not express dissatisfaction.

Metropolitan concentration and congestion are serious problems. Most Australian immigrants settle in the most rapidly growing areas of NSW and Victoria, especially Sydney and Melbourne. The major state capitals are particularly popular because they offer the best chances of good employment, provide good settlement services, and contain established ethnic communities that facilitate adaptation. This contributes to rising house prices, pressures on the infrastructure (transport, schools, health services, etc.), traffic congestion, etc. At the same time, "regional Australia", as well as the less popular states, suffer from declining population and labour shortages.

Recent studies contradict the opinion that mass immigration increases wage competition and depresses wages. They also demolish the myth of immigrants increasing the welfare burden. They show that immigrants have negligible – and if anything, positive – impact on wages and employment conditions. They do not increase unemployment in the long run, though some signs of competitive displacement have been detected among the least skilled categories. The rapid inflow of skilled immigrants is sometimes blamed for the unwillingness of employers to invest in upskilling their employees, but these effects are hotly debated.

Most studies indicate that immigrants have, on average, either a slightly positive or neutral fiscal impact. Young and skilled migrants generate more value than they consume; the older and less skilled ones prove net consumers. The overall impact depends on the age composition and balance, as well as the selection procedures and skill levels in particular streams. The overall impact in Australia is seen as positive because of the proportionate domination of young and highly skilled immigrants, who seldom rely on welfare services. In general, young skilled immigrants are seen by most observers as highly productive growth boosters and job creators (see: Australian Productivity Commission, 2016).

The findings of the reports also confirm that immigrants aspire to integrate, integrate well (find jobs, learn language, join associations, fit into the community, respect law,

etc.), are satisfied with life in Australia, and show high commitment to, and identification with, their new motherland. Further support for these conclusions comes from Census data on naturalisation – relatively high throughout. There are, however, some significant differences between major immigration streams. While skilled immigrants integrate swiftly and successfully – over 80% of them find employment within one year of immigration – refugees seem to lag behind. This is, doubtless, the result of their involuntary migration, the trauma of escape, long wait for the visa, lower level of "human capital", and worse command of English. They note and appreciate, however, immigrant support services, as well as the general sympathy towards refugees.

Crime levels in Australia are also lower among immigrants than among native--born, except for New Zealand immigrants, some of whom are now deported back to New Zealand after sentencing by Australian courts. There are also very few signs of immigrant mal-integration, though most of these "social integration outcomes" are credited to Australia's policies of "integrative multiculturalism", rather than immigration strategy per se. Australia maintains a cultural climate of approval-cum--sympathy to immigrants, even at the time of widespread anti-immigrant backlash. As the recent Pew Research Centre data show, only 35% of Australians want to curb immigration, while the median proportion of such responses in Europe is 51%. There are, though, some signs of increasing public concerns about the numbers. The 2019 Lowy Institute poll showed that 49% of Australians saw immigration levels as "too high", a 10% increase over the previous five years. Nevertheless, about 2/3 of respondents said that "overall, immigration has a positive impact on the economy", that immigrants "strengthen the country because of their hard work and talents", and "make Australia stronger" (Lowy Institute Poll, 2022).

Australians also maintain high levels of tolerance of ethnic diversity and low levels of inter-ethnic strife. The aggregated data showed that in 2014 the overall support for mass immigration (on the current level or above) has been oscillating in Australia and New Zealand at around 60–69%, compared with 50–57% in North America, and 30–38% in Europe (CEDA 2016).

While high and diverse immigration, in general, is accepted as a positive factor in Australia's social and economic development, though there is less approval for mass immigration from Asia and Africa, disapproval of illegal immigration, and some concerns about "overconcentration" "congestion", "infrastructure stretch", and "house overpricing", all attributed in some way (probably wrongly[5]) to high volume and heavy metropolitan concentration of immigrants. The Australian immigration strategy clearly has self-legitimising and self-perpetuating effects, but its legitimation requires some adjustments.

One important point needs to be added to these observations. The public attitudes to ("genuine") refugees – but not necessarily the smuggled asylum seekers – are largely

[5] Critics suggest that Sydney and Melbourne have very low population density (2,000 per square kilometre, less than half of most European capitals, and less than ¼ of most Asian capitals), that the "infrastructure stretch" and "urban congestion" result from poor urban planning and low infrastructural investment by state governments, and that the key factors behind house price increases were massive purchases by the US and Canadian investment funds, rather than high demand from immigrants.

sympathetic and supportive, especially in "regional Australia". They seem to polarise between empathy and disapproval. The former reflects intense media coverage of refugee experiences – which generates widespread sympathy. The latter reflects security concerns and xenophobia mobilised by populist demagogues who target mainly African and Middle Eastern (Muslim) refugees.

It needs to be remembered that the effectiveness (success?) of the Australian immigration strategy is conditional on two broad factors: (1) elite consensus in supporting the current strategy and protecting it from derailing by anti-immigration "moral panics" and xenophobic populist attacks; and (2) persistence of a "virtuous circle" whereby positive outcomes of immigration programmes – monitored and publicised – feed into continuous public approval and support.

Conclusions

Will Australia return in the post-pandemic years to its immigration strategy? The most recent statements by political leaders, the latest budget estimates, and the latest Intergenerational Report 2023 (Commonwealth Australia, 2023) suggest that it will. The predicted annual levels of net migration have been set at 235,000. But reaching this predicted level will depend on the global economic recovery and political stabilisation – both under a big question mark.

Australia has always been a unique "settler society", the Australian nation is seen as an "immigrant nation", and the Australian state is a good example of a (seemingly successful) "migration state", where designing immigration strategies and management of migration processes – closely intertwined with other processes and policies – is a central preoccupation of political elites. This distinctiveness of Australian society, nation, and state should make us cautious in formulating general assessments, especially assuming that the Australian migration strategy is universally valid and applicable. Yet, even if it is not (or only partially), the successes of this strategy – so far – make it interesting and worth considering by political leaders and interested publics on other continents.

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