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Europeanization of Migration Policy

**Case study of differences between Germany and Poland in terms of the
Europeanization of migratoin policy**

MA in European Studies

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ანოტაცია

წარმოდგენილი სამაგისტრო ნაშრომის თემა აქტუალურია იმდენად რამდენადაც ორიენტირებულია მიგრაციის ევროპეიზაციასთან დაკავშირებულ პრობლემებზე ევროკავშირში, რაც ერთ-ერთი ყველაზე უფრო მტკივნეული საკითხია რადგანაც საქმე ეხება ქვეყნის ეროვნული ინტერესების და მიდგომების სუპრანაციონალიზაციას.

ნაშრომის მიზანია იმ ფაქტორების გამოვლენა, რომლებიც გავლენას ახდენენ ევროკავშირის ძველი და ახალი წევრი ქვეყნების (ამგვარად დაყოფილნი არიან იმიგრაციული ტალღების გამოცდილების და არა ევროკავშირის წევრობის ხანგრძლივობიდან გამომდინარე) ევროპეიზაციაზე, რადგანაც, მათ შორის ამ კუთხით განსხვავებები შესამჩნევია.

ზემოთ აღნიშნული პრობლემიდან გამომდინარე ნაშრომის კვლევის საგანია ორი სახელმწიფოს : გერმანიის , როგორც ძველი და პოლონეთის, როგორც ახალი წევრი ქვეყნის კვლევა მიგრაციის ევროპეიზაციის ხარისხის კუთხით და მათ შორის არსებული განსხვავებების გამოვლენა.

კვლევის შედეგად გამოიკვეთა ის ძირითადი მიზეზები, რომლებმაც განაპირობეს განსხვავებების წარმოშობა ევროკავშირის ძველ და ახალ ქვეყნებს შორის.

აქტორების ჩამონათვალი საკმაოდ საინტერესოა და მათი განზოგადებიდან გამომდინარე შედეგად გამოიკვეთა მხოლოდ ორი ფაქტორი : ქვეყნებს შორის იმიგრაციის განსხვავებული ისტორია და ევროკავშირის როლის განსხვავებული აღქმა და პრიორიტეტები ეროვნული ინტერესებიდან გამომდინარე.

ნაშრომის სიახლე მდგომარეობს იმაში, რომ ორი ქვეყნის ანალიზიდან გამომდინარე, გამოტანილია დასკვნები იმ ფაქტორების შესახებ, რომლებიც გავლენას ახდენენ მათ შორის განსხვავებაზე მიგრაციის ევროპეიზაციის ხარისხის კუთხით და მისადაგებული აქვს შესაბამისი თეორიები. რაც მანამდე მოცემული ქვეყნების შესახებ გაკეთებული არ ყოფილა.

Abstract:

The topic of the presented research paper is actual to the extent, that it is oriented on the problems connected to the Europeanization of migration policy in the EU countries, considering one of the vulnerable issues for the EU, as it deals with the supranationalisation of national approaches and interests.

The aim of the research is to reveal the factors influencing the the Europeanization of migration policy in the old and new countries of immigration in the EU, as there exist evidencies in terms of the differencies among them in this regard.

Due to the above mentioned reason, the topic of thesis is the research of degree of Europeanization of migration policy in Germany and Poland and the illustration of differencies between them.

As a result of the research there was formulated reasons, affecting the differencies between new and old countries of immigration in the EU, and by their generalization two main factors are pivotal: different migration history between countries and the peculiar approaches to the role of the EU for the national interests.

The novelty of the research is that, based on the analyses there is made a conclusion on the reasons affecting the differencies between the old and new countries of immigration in the EU , with proper adjustment of the theories , which wasn't doen before regarding the mentioned countries.

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Abbreviations:

EU – European Union

EC- European Community

LI- Liberal Intergovernmentalism

CDU/ CSU - Christian Democratic Party

FDP - Free Democrats

SPD- Social Democratic Party

IMSCOE- Orzanization for International Migration, Integration and Social Cohesion

EURAC- European Academy

GDP- Gross Domestic Product

CEEC- Central and Easter European Countries

JHA- Justice and Home Affairs

1. Introduction

The current paper is dedicated to the disparities of the level of Europeanization in the old and new countries of immigration of the EU. This topic is very actual as it refers to the one of the vulnerable issue for the EU countries, such as - migration policy. This field always was the subject of intergovernmental negotiations, but recently it has moved to the first, supranational pillar of the EU and EU countries, somehow, have lost the power of migration management at the national level. In this case they have to make decisions regarding this policy on the institutional level and transpose all the adopted directives, measures and policies at the national level. This process is called “top-down” Europeanisation, which is shared by member states in a different way. Old countries of immigration appeared more reluctant to refuse their national interests and implement the complete Europeanization of the migration policy, while the trend in the new countries of immigration is opposite, as all of them enthusiastically adopted all the EU directives in this field. (European Union Center of California 2000, 5-6)

The actuality of this topic is based on the fact, that, Europeanization of migration policy is still an ongoing process and the problems, deriving from it, is pivotal for the stability and strength of the EU.

The aim of my thesis is not to find the way for problem solution, but to analyse the situation in the countries and find and demonstrate the reasons of disbalance between new and old EU countries of immigration in terms of the degree of alignment of national migration policies with that of the EU one.

To make a proper conclusion and analyses of the problem , I referred to the cases of Germany and Poland, as old and new countries of immigration and made their comparative analyses . In the process of choosing a country I didn't use any criterias except the history of migration in particular country. In this regard these countries are not exclusion, as they present just one example from the group of countries similar to them in terms of the migration history. So, the selection of this countries, from the groups of the countries , occurred on the occasional basis.

1.1 Research method

In my research I refer the Deductive strategy of research, implying the testing of the hypothesis based on the data. (Blaikie 2000, 101)

As for the research method, I used the Qualitative research method, as most relevant for my research topic. This method has several authors, who have slightly different ideas , but in general the concept is the same. In my research I call for the ideas of various authors due to the relevance of my way of research.

Some of the Qualitative researchers claim, that the beginning of the research is possible and better without certain and clear research topic and research question, as it gives the researcher possibility to consider more opinions and get more information when making conclusion . (Blaikie 2000, 252) My research topic was founded in this way, as I started reading materials related to the field of my research (migratoin) and came across interesting topic for the research.

Qualitative reserch considers the social life as dynamic process, as “ relationship between social actors rather than charasteristic of individuals...” . (Blaikie 251) The main idea of my reseach thesis is the same: relationship between social actors (EU and nation states) and not individualistic approach.

It appeared pivotal, that the Qualitative research method shares the concept of Ground Theory,

especially interesting is the arguments of Glaser and Strauss, who argue that “data collection, data analyses and theory construction in undertaken on the ongoing basis. “ (Blaikie 238) In my case I applied the same style of research and promoted the data collection and data analyses at the same time, but in case of the formulation of theory, it was done at the end of these two steps. This also is in the framework of the Ground Theory, as it doesn't exclude the theory formation at the end of the research. (Blaikie 2000, 241)

1.2. Research question

What factors influence the disbalance between old and new countries of immigration of the European Union in terms of Europeannization of their migration policies?

1.3 Dependent variable

Disbalance between old and new countries of immigration of the EU in the process of Europeanization of their migration policies.

1.3. Independent variables

–migration history

–different priorities in terms of the place of the EU it takes in national politics

1.4. Hypothesis

Migration history and different priorities in terms of the place of the EU it takes in national

politics cause the disbalance between the old and new countries of immigration in terms of the Europeanization of migration policy.

1.4 Theories

In the research I use not one, but a set of theories to achieve the compliance of theoretical approach to the thesis.

My research deals with the migration issue, so I was supposed to use the migration theories, but after analyses it appeared that all of them just was oriented on the formulation of the causes of emigration and I referred to the EU integration theories. This isn't illogical, as by a number of authors Europeanization is associated with integration.

Theories I used are: Intergovernmentalism; Liberal Intergovernmentalism with Rational institutionalism, about which the information is available at the end of the research.

1.5 Delimitation

The paper doesn't deal with the "bottom-up" approach to the Europeanization, implying the transposition of the national interests at the EU level, but is oriented on the "top-down" Europeanization- EU influence on the national migration policy.

Despite the utility of various treaties, directives and other legal documents, the aim of the paper

isn't their scrutinization and detailed analyses.

2. Europeanisation of the EU migration policy

Immigration policy is one of the vulnerable issues in the European Union, as it was and is connected to the national sovereignty. So, this policy appeared one of the latest in the way of EU integration, as almost all the states were against the loss of individuality in this field. Step by step, due to the changes in the EU treaties, the migration policy turned from intergovernmental into supranational policy. (European Union Center of California 2000, 2)

In general terms the definition of Europeanization is as following: "Process of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things", and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies (Radaelly, 2003:30)" (Genc, 2003, 5)

It was very hard to cooperate on the migration matters as it was the subject of state sovereignty, but since 1989, when the Central and Eastern European countries gained independence, there was a possibility, that people from this region would migrate to the Western Europe and this imposed a

great threat for the west as a whole. So, by common efforts they should handle the aspiring inflow of people and had put aside their national considerations to cooperate on this matter and elaborate common strategy. (Favell 1998, 3)

The first step in terms of cooperation on migration matters was Schengen agreement, agreed between France, Germany, Belgium, Netherlands and Luxemburg, in 1985, the purpose of which was the liberalisation of free movement among member states. (European Union Center of California 2000, 5)

Following Schengen group, there was created an Ad Hoc working Group on Immigration on 1986. The members of this group adopted two documents on asylum issue: Dublin Convention, in 1990 and External Frontiers Convention in 1991. (Genc 10)

With regard to the Europeanization of migration the following step was the Treaty on the European Union of 1993. By the Amsterdam Treaty, the matters on “Visas, Asylum, Immigration and other policies related to the free movement of persons” was removed from the third, JHA pillar to the first one.

The culmination in terms of the Europeanization of migration policy was Tampere Summit in Finland, in 1999 where the initiation on Common Visa and Asylum Policy was sounded. (Genc 2003, 10- 11)

3. Case of Germany

3.1. Brief history of migration in Germany and migration policy development

Germany has a very long history of migration. After the beginning of formation of armed forces in Germany in 1956, the need for foreign labour still emerged. For this purpose Germany started the recruitment of “guest-workers” from several countries. This kind of migration was perceived to have a temporary character, but most of the migrants decided to stay in Germany, even after the expiration of recruitment date, even their family members joined them. Although, government managed to make considerable number of the mentioned guest-workers send to their home countries. (IMISCOE Working Paper 2007, 4)

In 1973, when there started well-known oil crisis, German government got the decision to stop recruitment of guest-workers and the Federal Government started to handle the still increasing migration, caused by the immigration of the family members of the former guest-workers. (Federal Office for Migration and Refugees 2005, 23)

The 1990s appeared to be a new step in terms of migration in Germany, due to the unification of

Germany in 1989 and also, civil war in Yugoslavia, in 1993 caused great inflow of people in Western Europe, which was mainly hosted by Austria and Germany. (IMISCOE Working Paper 2007, 4)

Since 2000 the migration policy became very hot issue in Germany, as the Chancellor Schroder launched the so called "Green Card" policy, implying the recruitment of foreign IT specialists for five years to overcome the shortage in the mentioned field, which became the subject of public discourses. Since 1991 till 2004 more than 13.5 million people migrated in Germany. (IMISCOE Working Paper 2007, 15)

Most of German people were against so many foreigners in Germany. According to a plebiscite in 1982 most majority of Germans appeared to be discontent due to the huge number of foreigners in the country and insisted from the government to send them back to their home countries. In 1992 the situation was similar regarding migrants. (<http://countrystudies.us/germany/89.htm>)

In 2006, there was held population census in Germany, according to which it was revealed, that, 15.3 million people (about 19% of total population) were migrants or their descendants. (Centro Studi Politica Internazionale 2008, 3)

Reasons for launch of migration policy in Germany should be searched for after the Second World War and Civil War in Yugoslavia in 1993, when Germany had to receive a lot of migrants and refugees. (IMISCOE Working Paper 2007, 20-21)

Very briefly I will write about the main changes on the way of Europeanisation of German migration policy. In this regard, the first steps were made in 1998 when government adopted a new law about citizenship, which should be entered into force since 2000. (Chair for Foreign Policy and International Relations 2007, 19)

European integration without Germany's role and involvement in it as a main driving force is impossible to study and discuss. By virtue of its own migration crisis in 1993, due to the migration flows from former Yugoslavia and the support for Schengen Agreement, Germany always called for the “more Europe” in terms of migration policy, which means the unification of European countries in dealing with the hot migration issues, as Germany just itself couldn't solve this problems.

Germany modified its national law. For example, it adopted new versions of Nationality Act (2000), Immigration Law (2004) and Residence Act (2004). (Chair for Foreign Policy and International Relations 2007, 6-57)

Germany implemented several EU directives as well, to be more precise – eleven (11) of them, related to migration, integration and asylum. (Federal Office for Migration and Refugees 2007, 5-15)

3. 2. Germany -reluctant country

After writing about the history of migration in Germany and the development of German migration policy, by the self initiated or EU laws and directives, transposed into the national legislation and practice, now the main focus of this sub-chapter will be on the reluctance of Germany to follow completely the Europeanisation of migration policy, thus, the elevation of national interests at the EU level. In this chapter I will just highlight the main initiatives and laws not implemented by Germany, without searching for the reasons.

In terms of implementation of the EU Directives there is sometimes imbalance between the interests on the national and EU level. This is the reason, why Germany sometimes doesn't fully implement the EU Directives regarding certain issues. I will mention the examples I found.

In Germany, partners from certain countries, according to Regulation 539/2001, don't have a right to get residence permit, if visa isn't granted specially for this purpose, which is a violation of the Council Directive 2003/86/EC, which deals with the right of family reunification and excludes such possibility. (International Organization for Migration 2009, 289)

EU legislation prohibits any linguistic requirements from the family members of the EU citizens,

but the new German legislation is in favour of it, which, according to the Article 7 of Directive 2003/86/EC is a violation of the right of family reunification. (Chair for Foreign Policy and International Relations 2007, 23)

Germany refused to accept some European regulations in its Immigration and Asylum Law, which would be in contradiction to the national law.

3) Germany was against the the EU initiation on the common legal migration in the labour market, which will liberalize the immigration. (Chair for Foreign Policy and International Relations 2007, 23)

4)

German Asylum Procedure Act , Articles 44 and 45 , prohibit asylum-seekers , while living in the accommodation centres, to leave the territory of the district they are living, while the EU Reception Directive, Article 7(1) states that: “ Asylum seekers may move freely within the territory of the host Member State or within the area assigned to them by the Member State. The assigned area shall not affect the sphere of private life... “ (Reception directive, Article 7) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>)

All the above mentioned policies and directives, that Germany didn't implement , is a part of Europeanisation of migration policy. As we have seen, Germany is sometimes initiator and good follower of the common migration policy, but sometimes, it is very reluctant to transpose some of the rules in the national migration policy. The implementation of the rules of common migration policy has very diverse character for Germany, as on the one hand it implements the provisions acceptable and vulnerable for its own national course, but on the other hand , if its isn;t in the national interests, refuses to transpose EU provisions in the national immigration policy.

3.3 Analytical viewpoint

It will be very interesting to analyze the reasons of such rapid and dramatic changes in the attitude of the country. If we consider all above mentioned from the history of migration of Germany and add some more facts , it mustn't be difficult to make a proper conclusion.

German skepticism has different reasons deriving from its past experiences regarding migration. Through its whole history of migration Germany came across a lot of obstacles, that affected its future attitude toward migration and migrants. One of such example is a great inflow of refugees in the West Europe because of the crisis in Yugoslavia , which appeared to be really a huge challenge for Germany. To tackle this problem and somehow handle this wave, German government decided to introduce a compulsory burden-sharing policy , the essence of which was as follows: “ all the European countries should share refugees from Yugoslavia according the a distribution key, composed of three criteria (population size, size of Member State territory and GDP), which were given equal weight. Where the numbers admitted by the member state exceeds its indicative figure..., other Member States which haven't yet reached their indicative figure ...will

accept persons from the first state". (<http://news.bbc.co.uk/2/hi/europe/314948.stm>) This proposal was really gainful for Germany, as it would overcome the "pan-European" refugee problem, but several countries, such as France, the Great Britain and Spain, refused to participate in this initiative, as they didn't perceive this threat as essential for them, due to their remote location from the refugee centre. Their action disappointed Germany. This was the case, when Germany saw, that it was alone in front of this problem and lose the confidence of other states. If other states don't do anything against their national interests, which would be beneficial for the EU as a whole, than, why should Germany do the same? This was one of many examples, which persuaded Germany, that it couldn't trust anyone and decided to follow more its national, and not the EU interests. Later actions from the Member States to solve the problem of refugees was that they set up of European Refugee Fund in 2000, but it was already too late for Germany, as it was already skeptical towards the pan-European migration management and disappointed by the actions of Member States in dealing with the above mentioned problem. (Chair for Foreign Policy and International Relations 2007, 22)

For demonstration of Germany's suffer from the inflow of Yugoslavian refugees, even the statement of the Deputy Interior Minister – Kuno Boese, is enough: during the war in Yugoslavia Berlin alone took in more refugees than France and Belgium put together. We're still having enormous difficulties getting them to go back home. Some of them say that they've been in Berlin so long now that they won't go back". (<http://news.bbc.co.uk/2/hi/europe/314948.stm>)

This is a statement of one of the disappointed German policy maker, who thinks that Germany suffered too much from the refugee wave from Yugoslavia, and even so many years later, it is still difficult to handle this problem. After, even this one example, it shouldn't be vague why Germany is skeptical towards the common migration policy with the EU countries.

One more reason of Germany's reluctance achieve full compliance with the EU standards in terms of migration policy, is related to its past experience. As it was mentioned, in the 1950s Germany started the so called "guest-workers" programme, the aim of which was to recruit workers from various countries due to the lack of work force shortage. This recruitment had temporary character, but most of the workers stayed in Germany permanently and even their family members came to join them. (IMISCOE Working Paper 2007, 4) This might be an obstacle for Germany and

could become impetus for such strict policy in terms of common labour migration at the EU level. To connect these two events with each other, let's first of all see, 1) what exactly Germany didn't implement or come against in terms of common labour migration, 2) what kind of negative impact could labour immigration have on Germany as a such and 3) check the peoples, non-governmental organisations and other interest groups' opinion on this issue and if they have influence on the decisions of policy-makers of Germany.

In 2007, the European Commission initiated a so -called “ EU Blue-Card” project in the field of migration, the aim of which was the recruitment of highly-skilled labour force at the EU level, in another words , this programme implied the rejection of national interests , because the EU as a whole needed skilled workers. Germany made some changes in its 2005 Immigration Law, but main trend was still the same – state still was the follower of restrictive position in terms of labour migration.(Centro Studi Politica Internazionale 2008, 4-7)

Representative of Social-Democratic party - Reinhard Grunder ,was in favour of the protection of national interests in this regard and stated that: “ the access to the labour market must remain a matter of the national government”(Centro Studi Politica Internazionale 11), also, the Minister of Labour- Olaf Scholz is a defensive of the same opinion due to the high unemployment rate in Germany, while the representatives of non-governmentalorganisations , such as for example Dieter Hundt- the President of the Associations of Telecommunication Companies (BITKOM) supports the EU initiation of recruitment labour at the European level. (Centro Studi Politica Internazionale 2008, 11)

Official position of Germany regarding the liberalisation of migration is stricter than the opinion of other interest groups on this issue. First of all , I will present all the attitude on this matter and than analyze what may be the real reason of such approaches.

German Chancellor - Angela Merkel , on October 21, 2010 declared, that “ the flood of immigrants is holding back the German economy, although Germany doesn't need more highly skilled specialists , as opposed to the labourers, who have sought economic advantages in Germany” (<http://www.thecuttingedgenews.com/index.php?article=21701&pageid=&pagename=>)

The head of human resources of BITKOM – Stephan Pfisterer in his statement said that : “ Politics is still very much dominated by the ideology , that Germany is a non-immigrant country, unlike the USA or Canada, for example. We have to open up our borders , enter into a much more active , international recruiting process”. (<http://www.npr.org/templates/story/story.php?storyId=130649146>)

So, from this statement it is apparent , that in 1950s and 1960s recruited guest workers didn't return home, which appeared to be a huge problem for Germany , as they resisted to study German language and adopt German culture. Such approach was mainly revealed by Turkish migrants,(<http://www.uclugdi.com/1/post/2010/11/the-growing-anti-immigration-sentiments-in-germany-and-other-countries-of-the-western-world-by-yuliya-suleyeva.html>) that's why the Chairman of Social Union of Germany made a declaration: “ we don't need more immigrants from alien culture... as they have difficulty to integrate into German society... multi-cultural society is dead”. (<http://www.euractiv.com/en/social-europe/german-government-shaken-new-anti-immigration-controversy-news-498740>)

Public opinion is very important as well about the immigration in Germany, as they are mostly the main burden-sharers of immigration flows. British “Guardian” held the poll in March, 2011 in five countries of the EU to see the attitude of people towards migration. As it appeared majority of German population in this case voted for 49% against 19% for migration , but from the EU countries. In case of non-EU immigrants the situation was different- 37% of German people against 30% appeared not to be in favour of immigration . (<http://www.guardian.co.uk/world/2011/mar/13/european-union-immigration-survey>)

As we see the opinion about liberalization and elevation of the migration issue on the EU level is divided. While most of the policy – makers in Germany try to preserve the national interests and introduce strict rules regarding migrants, other interest groups, mainly the company representatives support the idea of more liberal approach towards migration issue. According to the survey “more than 1600 companies of the trade and industry declared that 70% of them needed workers and suffered too much of their shortage. (<http://www.npr.org/templates/story/story.php?storyId=130649146>)

As we have seen, the main argument of the politicians of Germany, who are against the immigration is a negative impact of migrants on German economy and the less integration level of migrants with the local society, which is perceived as a huge problem, while, the insistence of migrants from interest groups is based on the lack of labour force, which is also a vulnerable issue for Germany, but policy-makers are so oriented on the restriction of migrants, that they don't consider its negative effects. All the arguments, stated by both sides, are acceptable, but to make proper conclusion we must check only one- negative effect of migrants on German economy, as all the other arguments are apparent.

It is really interesting to see, if the immigrants really have bad influence on the economy and social field or not. Why one can restrict immigration is maybe its impact on employment and wages, which is very hot issue in every country, among them in Germany as well. There was made several researches in this direction and mostly the conclusions coincided each other. For example, DeNew and Zimmerman in 1994 concluded that "share of foreign workers by 10% was followed by a decline in native wages of 3.5%, which is the strongest impact in the history of Germany's migration" (Steinhardt 21). Bonin (2005) and Steinhardt (2008) made the analyses of 1975-2001 period from the perspective of immigration impact and concluded, that "immigration had only a small negative effect on the wages of the active workforce in Germany. An increase in the foreigner share within a skill group by 10% results in a fall in native wages of 1.02% or 0.63%... in general may say, that immigration doesn't have very strong effect on labour market" (Steinhardt 21).

To sum up all the above mentioned, we may conclude, that in this case as well past plays a significant role in the formation of migration policy of Germany. German policy makers are very cautious when it deals with the immigration and prefer to preserve national interests. As was mentioned one reason of such reservation, declared by the policy makers was the impact of immigrants on the national economy and social life, but, as it was analyzed by scholars such negative impact is so minimal, that it can't be strong argument of country's strict position towards migrants, especially, on the other hand there is a need for labour force, insisted by the various organisations, which is not considered by policy-makers.

All this left a sense of fear of foreign labour and their family ties in Germany and led it to the initiation of restriction of free movement for people from the Central and East European countries and imposed seven years of transition period before they will be granted with the right of free movement inside the EU territory. (Chair for Foreign Policy and International Relations 2007, 23)

Among the arguments against the common labour migration policy we saw the positions of the heads of various states of Germany. This is one more reason, why Germany is unable to have common and fully aligned migration policy together with the EU countries. The importance of German states stands behind it and their position is crucial for the decisions in migration matters, as after the revision of German Basic Law (Article 23) German states- Laender, got influence on official positions of Germany, in terms of the responsibility on the implementation of the EU directives even in the field of migration. (Chair for Foreign Policy and International Relations 2007, 23) Very often all the states don't have the same position on one issue, which makes decision very difficult to accept. This problem was evident in case of the asylum seekers and the conditions they lived, which wasn't in accordance with the EU standards and was violated by Germany very roughly, as all the states has their vision on the problem and as a result it was found to be unresolved.

One more thing is interesting when we speak about the violation or non implementation of EU directives from the German side. Currently Germany doesn't suffer a huge immigration flows, as for example south European countries from African continent and Asia and this gives Germany possibility to not to be involved in the common burden-sharing process to tackle this problem. (Rosenow, Ketrin 2007, 25)

4. Case of Poland

4.1. Brief history of migration and way towards the EU

Main aim of this thesis is to reveal the difference between the old and new countries of

immigration in terms of the level of Europeanisation of migration policy, so, after the demonstration of the migration policy of Germany, which was chosen as an old country of immigration, it is unavoidable to present the new one as well - Poland. To make a proper analyses, here also, as in case of Germany we need to know the migration history of Poland and the path it has gone to become the member of the EU.

Poland, as it is chosen as a relatively new country of immigration, is expected to have not so long migration history. Mostly, as it was evident from the various materials, the migration history of Poland had double character: political, when people had to escape from the communist regime or occupants and economic, when they had to leave country in searching of better life. Political emigration from Poland mainly occurred in the 18th and 19th centuries, but from the beginning of 20th century it was turned into the economic one. (Central European Forum for migration Research 2003, 14)

After the Second World War, there started return of emigrants to their home country - Poland due to the repatriation policy between 1944-1959, which continued again since the 1990s. This immigration wasn't significant for Poland in terms of the number of returnees, as just about 200,000 people decided to repatriate themselves. (Central European Forum for migration Research 2003, 14)

Immigration in Poland started from the 1980s. One year later the number of foreigners was already 1.9 million and in 1991 3.7 million. (Centre of Migration Research 2009, 12)

There can be mentioned just two reasons of immigration: political, caused by the collapse of the Soviet Union, which appeared driving force for the transition of Poland as a democratic country with a lot of reforms, that's why foreigners preferred to migrate in Poland and its border with Germany. Poland was considered to be a "Western country", due to its closeness to the western Europe. (Centre of Migration Research 2009, 23-24)

Economic reason of immigration to Poland was, that it became one of the first from Central and East European countries, which managed to improve economic conditions by virtue of reforms after the collapse of the Soviet Union. But, Poland couldn't finish its reforms in this sphere

effectively, as it had to receive a lot of temporary migrant workers and asylum seekers, which hindered the development of Poland and negatively affected the wages. (Centre of Migration Research 2009, 24)

Poland's way towards the EU was very long and difficult, but it strove to become the part of the west. Such attempt Poland started since 1989 and the same year it signed the agreement on trade cooperation with the EC. This agreement was the serious step towards the EU, as by this agreement a number of legal requirements were to be fulfilled in economic, political, cultural and scientific fields, to trigger the convergence with the EU.

(http://en.poland.gov.pl/Poland%E2%80%99s_way_to_UE,458.html)

In 1993 the Copenhagen Criteria entered into force, which should be implemented by Poland as well, in order to become the member of the EU. In 1997 there was held Luxembourg Summit, where the EU considered the Commission's opinion and started accession negotiations with the Central and East European Countries. Definitely, Poland was among them.

Started negotiations on accession in 1997 finished in 2002, and in 2003 there was signed an treaty on accession. On May 1, 2004, Poland with a number of CEE countries became a full member of the EU. (http://en.poland.gov.pl/Poland%E2%80%99s_way_to_UE,458.html)

4.2. Transformation of Poland

After the break up of the Soviet Union Poland had the first non-communist government. Prime minister – Tadeusz Mazowiecki played a main role to build a new type of republic on the democratic rails. Emerging new order was really a headache for newly emerged independent countries from Central and Eastern Europe, as they feel insecure, were confused and didn't know how to orientate in new Europe. So, the solution was to turn to the west, accept their political, military and economic values and by this way to ensure security for the country, especially, when the main guarantor of the peace- Warsaw Pact, was already dismantled. (Central European Forum for migration Research 2005, 36) So, the independence of Poland brought a lot of Problem for the

country, as it wasn't ready for independent life. Security, coupled with the need to come against and prevent illegal trade of drugs, arms and criminal groups and networks and etc. became number one in the agenda. This was connected to the securitization of migration, as there occurred the liberalisation of passport law in 1990 (The Act on Passport) . (Central European Forum for migration Research 2005, 6)

One more reason of the Polish western orientation was still the transformation of the country, but from the economic point of view. The aim of the new government was to ensure safe environment and international contacts for the proper development of Polish economy. (Central European Forum for migration Research 2005 , 14)

The development of migration policy in Poland is very interesting, as it is very different from Germany and may be , is peculiar for all the CEE countries. If we analyze it very well, we will come across and lot of paradoxes on the way of Europeanisation of Poland;s miration policy.

Between 1945-1989 the migration policy of Poland was very harsh, as it was the part of the Soviet Union and had to obey common ruled in this regard. In every field the isolationist approach was evidence. In terms of migration is was revealed by “ restrictive passport and exit and entry -visa policies, as well as blocked any immigration streams. Asylum was granted for a limited set of reasons mainly for communists escaping junta regimes” (Centre for International Relations 2008, 3)So, Poland didn't have its own migration policy and was depended on the system it belonged to.

In 1989 the Soviet Union dismantled and Poland became independent country, so, it began to formulate its migration policy , along with other policies. The impatus for this was the EU accession, which was seen as a gift for Poland in case of transormation, as a “new migration doctrine” was also formulated. (Centre of Migration Research 2009, 94)

To have a migration policy, at least, poland should have immigrants, in another way the migration policy would be useless. Lets see , how Poland “suffered” from immigrants and approximatly how

many immigrants , asylum seekers and refugees were accepted .

According materials, the inflow of asylum seekers in Poland starts from the 1990, the year, when Poland experienced the biggest influx of asylum seekers until 1995 - just 1000 persons and before 1995 the number was even smaller. There was also influx of refugees from Asia and Africa , the part of which (500 persons) were granted by refugee status and stayed to live in Poland .

Between 1996-1999 the number of refugees increased from 3000 to 3500, and since 2003 this number doubled. (Centre of Migration Research 2009, 15)

Except refugees and asylum seekers Poland experienced an inflow of labour force as well, but their total number, as in case of above mentioned immigrants, wasn't high. According the 2000 data the share of foreign workers of the local population “was 0.1 %, which is 1/50 of the EU average”.

(Centre of Migration Research 2009, 16)

Poland received more types of migrants, such as family members of the immigrants, businessmen, students and etc, but in comparison to the EU average number of immigrants , immigration in Poland was not important. (Centre of Migration Research 2009, 16-17)

It is interesting to see what kind of changes occurred in Polish migration policy, starting from the from the beginning of 1990s, to better understand and analyze the main trend and purpose of transformation.

–“In 1991 Poland implemented and signed the legal framework of international refugee regime, based on Geneva Convention

–Poland started repatriation policy in alignment with the EU standards “(Centre of Migration Research 94)

– “By 2007 Poland implemented the whole Schengen acquis”. (Centre of Migration Research 2009, 98)

–By 2004 , the migration policy of Poland was in full compliance with the EU standards. (Institute for International and European Policy 2005, 18)

4.3. Why did Poland need Europeanisation of the migration policy?

As we can see the migration policy of Poland fully changed this country and achieved the compliance with the EU acquis in this field. But, the information about the history of migration, number and types of migrants in Poland arises a lot of questions about the necessity of the Europeanisation of migration policy for Poland. So, it will be interesting to analyze everything and make proper conclusions regarding the reasons.

From the very beginning of gaining independence Poland strove to become the member of the West, as it considered it as a guarantee of security and economic well-being. The roots of the transformation of the migration policy we should also search in the Poland's desire of the EU membership, as it managed to fully implement all the requirements in every field, including migration sphere, to achieve its aim. (Centre for International Relations, 3)

Above mentioned opinion was shared by a lot of scholars, as they argued that “many institutions and measures, designed in the West in response to the immigration phenomenon were transposed to Poland during the process of harmonisation with the EU. This led to a paradox, with an attempt to create migration policy before there was a real need for it, in terms of numbers of immigration” (Centre of Migration Research, 94)

Especially between 1989-2004 Polish migration policy was characterized by obligations necessary for the accession to the EU. By researchers it was observed, that since the 1990s the migration policy of all the Central and East European countries had been changing step by step. This trend was especially visible and evidence in Poland, which for the last two decades turned from the country of emigration to the country of immigration. Although this transformation didn't bring a lot of immigrants to Poland, especially in comparison to the EU level, some changes in this regard started to be reflected in the Polish migration policy. (Centre for International Relations 2008, 3)

EU interests were mostly more important for Poland than the national one, this is evident even with

regard to the migration policy. In the official position the government of Poland on the EU Green Paper, after accession to the EU, declared that the member states of the EU should shape their own migration policy according to their view and desire, as each country's requirements and needs in terms of labour market were different and it was impossible to have one migration policy in this regard. (Centre of Migration Research 2009, 95) Such declaration meant that, although the EU was "dream" for Poland, it still strove to defend its interests. In the position paper on the Commission Communication on the implementation of the Hague Programme, the government of Poland encouraged the initiation of measures for the increase of legal labour immigration and combat against the illegal immigration in the EU. Such action from the Polish government was justified by the argument, that "it was related to the dynamically changing migration situation of Poland". (Centre of Migration Research 2009, 95) Such statement means, that at that time Poland was neither in need of labour nor measures against them, and in the future what may happen it couldn't predict, but in this case it just followed the decision of the EU.

It was mentioned above that in 1990s Poland joined the Geneva Convention. This happened due to Western countries, as that period they experienced a great inflow of refugees from Yugoslavia. So, although Poland itself didn't suffer from such kind of immigration, it still had to respect the past of Western countries and join the Convention, as it wanted to become the full member of the West. (Centre of Migration Research 2008, 8-9)

After joining the Geneva Convention, Poland changed its Act on Aliens. The old one didn't enshrine the provisions about the temporary permit to stay, entry of foreigners, sufficient amount of money to stay in the country and etc. These changes were followed a lot of debate and two opinions were formulated from them. On the one hand the government declared that such changes would facilitate the immigration of foreign people and at the same time were necessary to come against its negative results, on the other hand, almost all the politicians declared, that the changes in the Act on Aliens helped Poland to achieve the membership of the EU (Centre of Migration Research 2008, 13)

In the Act there were some changes, which were evidence of the influence of Western principles. For example, there was added the "safe third country" concept, which was very popular in the West

in combating the asylum seekers. But as this problem wasn't vulnerable for Poland, which we demonstrated above by the number of immigrants, it is clear, that this provision was adopted because of the support of western values and desire to become the EU member. (Centre of Migration Research 2008, 14-15)

Poland had "visa-free regime" with these countries, but because of the preserve of security, the EU insisted from Poland to abolish such visa regime with these countries, as a condition for EU membership. Poland gained a lot from such relationship with Belarus, Ukraine and Russia, as free movement between them promoted very good economic relationship, which was beneficial for every part. So, there appeared a dilemma for Poland, as on the one hand it needed such ties with its neighbors and on the other hand EU membership was also attractive.

Poland made a choice and abolished "visa-free regime" with Belarus, Ukraine and Russia, in order to become the member of the EU, but it left the space for maneuver and after becoming the member of the EU, Poland introduced easier visa issues for the nationals of these countries, which make them opportunity to enter Poland easily, which was equivalent of non-visa regime, but formally visas exist. Just during the first year of "easy visas" 1.100.000 person from Belarus, Russia and Ukraine migrated to Poland (Centre of Migration Research 2008, 20-21)

This example is a good demonstration of the fact, that despite national interests, Poland couldn't come against the EU and even if it was an important issue for the state, partially, but still implemented all the requirements, which was necessary for the full integration into the EU.

5. Theoretical Approach

I suppose to use the theories of European Integration, as no migration theory is to explain the processes highlighted in the case studies of my research. Theories I apply are Intergovernmentalism, Liberal Intergovernmentalism and Rationalist Institutionalism. None of them adjust fully to the main concepts of the migration flows concerned, but, in overall terms all are useful to fill each other in this case.

Intergovernmentalism as state-centric theory underlines the role of states in the process of integration. What was interesting from this theory for the purpose of explaining certain steps of the states in terms of migration was that: "...states value sovereignty and resist granting open-ended concessions of authority to international institutions...Integration is therefore seen as a careful compromise, balancing the need for efficient international cooperation on the one hand with the desire to preserve national autonomy on the other" (Eilstrup-Sangiovanni 2006, 185-186)

This theory adjusts to the Europeanization of migration in Germany, when it hesitated to implement some of the Directives of the EU, as it was against its national interests. Anyway, despite the fact that EU member countries delegated their power on migration issues to the EU institutions, it still remain a vulnerable issue for them.

"Second theory used in the paper as explanatory mechanism is Liberal Intergovernmentalism, which argues, that: "... states are unitary actors insofar as it assumes that regional policy making is determined primarily by state executives while domestic actors play no independent role in international negotiations" (Moravcik 5)

This assumption is reliable in terms of both case studies: Germany and Poland, as the governments of both countries accepted a decision on the further steps in migration policy formation and role of non-state actors was diminished.

Third theory is Rationalist Institutionalism, some concepts of which is shared by Liberal Intergovernmentalism. One of the important cornerstone of this theory is that: "... states are unitary actors defining utility of their further course of action and making decisions based on

maximization their utility... international institutions, on this view, are perceived by states as preferences, by which they can better achieve their individual goals, than through unilateral action..." (Eilstrup-Sangiovanni 2006, 187)

This assumption explains the Polan's reference to the EU and transposition all the migration acquis at the national level.

6. Literature review

The issue of Europeanization is one of the important and discussed topics among researchers, so a number of literature is created with this regard. I will overview not all the sources, related to my research due to the limit, but just focus on several of them.

To the process of Europeanization and its role in terms of migration very interesting work is dedicated by Julie Watts, who presents the development of this phenomenon by illustrating the certain treaties and policies. She poses the question about the logic of shift the migration policy from national to the interest of EU institutions. She also focuses on the influence of EU migration policy on the national ones and presents the implications of the disparities among countries, in implementing the migration *acquis*. (European Union Center of California. 2000)

As in the research the Europeanization of migration policy is addressed in Germany and Poland, the logic begs the literature to be overviewed about them.

The work of Borkert and Bosswick is interesting in terms of the migration in Germany. They provide us with the exhaustive information about the migration history in Germany and describe the external and internal factors of migration, as well as the attitude of various circles, such as : parties, non-governmental organizations, labour force and etc. to the immigration in Germany. So, for my research this work plays one of the pivotal role in highlighting the migration history of Germany. (IMISCOE Working Paper, 2007)

Niemann and Post suggest double approach to the role of Germany in the process of the Europeanization of migration policy. They argue that Germany isn't just a “downloader” of the directives and policies created by the EU institutions, but sometimes it is main actor and “uploader” some initiatives, which is later shared by the EU institutions and its easier for Germany to “download” them at the national level. (Centre of Migration research, 2008, 18)

Adam and Devillard dedicated their work to the “law for legal immigration in 27 member countries of the EU”, which contains a lot of information in this regard about all countries of the EU. For my research this material was interesting to the extent, that it contains the information about the EU Directives regarding migration implemented or not implemented by Germany. (International Organization for Migration, 2009)

Interesting materials were also about the Europeanization of migration policy in Poland. The paper of Korys supplies with the information about the migration history of Poland from its gaining independence after the break up of the Soviet Union, and analyses some trends about it. To make some conclusions about the Poland from the perspective of the topic of my research the investigation of migration history is crucial and the mentioned work provides with this possibility. (Central European Forum for migration Research, 2003)

About Poland crucial information is provided by Gorny. She analyzes and mentions two reasons of inflow of people in Poland: political and economic. Also, the focus is made on the legal documents implementing by Poland in order to achieve the compliance of migration policy with the EU standards. She also is oriented on some speculations regarding the reasons of Europeanization of migration policy and provides with some statistical data. Main idea of the research is to describe, how Poland turned from emigration into the country of immigration. (Centre of Migration Research, 2009)

7. Conclusion

The goal of the research was to highlight the main factors of the disbalance between the old and new countries of immigration of the EU, in terms of the degree of Europeanization of migration policy. The results of the research were interesting, as a lot of factors affected these process. I generalize all the reasons and may group them under two titles: migration history of the country and the priorities in terms of the importance of the EU for the national politics.

To justify the results of the research , two case studies were addressed: Europeanization of German and Polish migration policies , chosen according the migration experience as new and old countries. Comparative analysis showed absolutely dufferent trend in terms of the Europeanization of migration policies in there countries.

So , the main difference between Germany and Poland in terms of their attitude to the Europeanization of migration policy is apparent. While the former tries to stand on its national interests , the latter does opposite and achieves absolute alignment with the EU migration policy standards. The reasons mentioned above are enough to clear out the main motives of such behaviour.

So, the current research hepled us to find out the main reasons of the disbalance between new and old countries of immigration of the EU in terms of the Europeanization of migration policies. Although it is still crucial to scrutinize and research the Europeanizatoin of migration policies of all the EU countries to make a proper conclusion and generalize the reasons of the disbalance of the

degree of Europeanization in the old and new member countries, it is important due to the limit of the research paper, but the done research , provide us with the information, enough to highlight the certain underlying factors for analyzing reasons of the problem.

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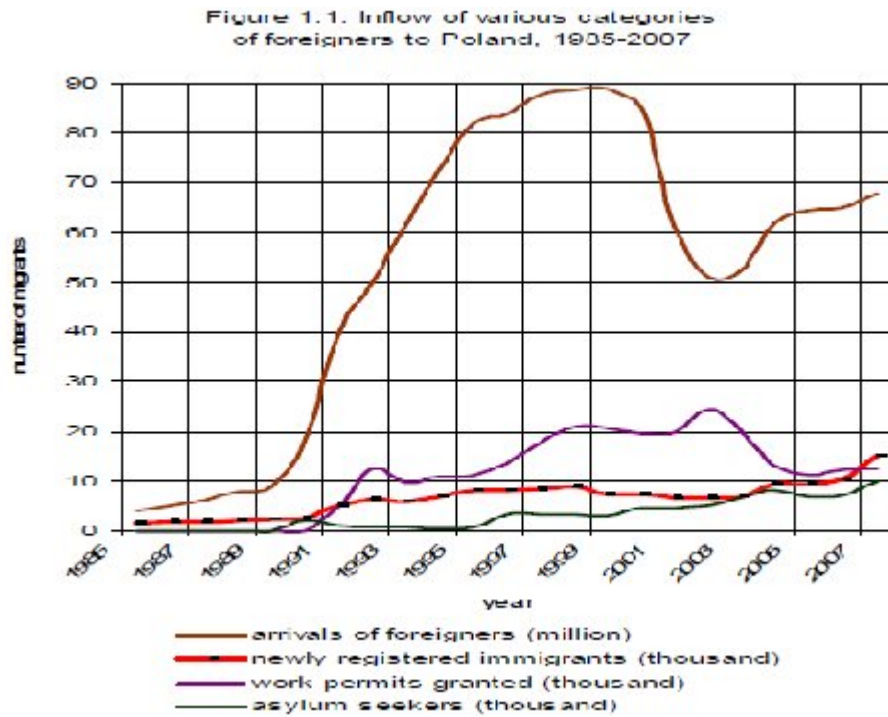
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9. Annex:



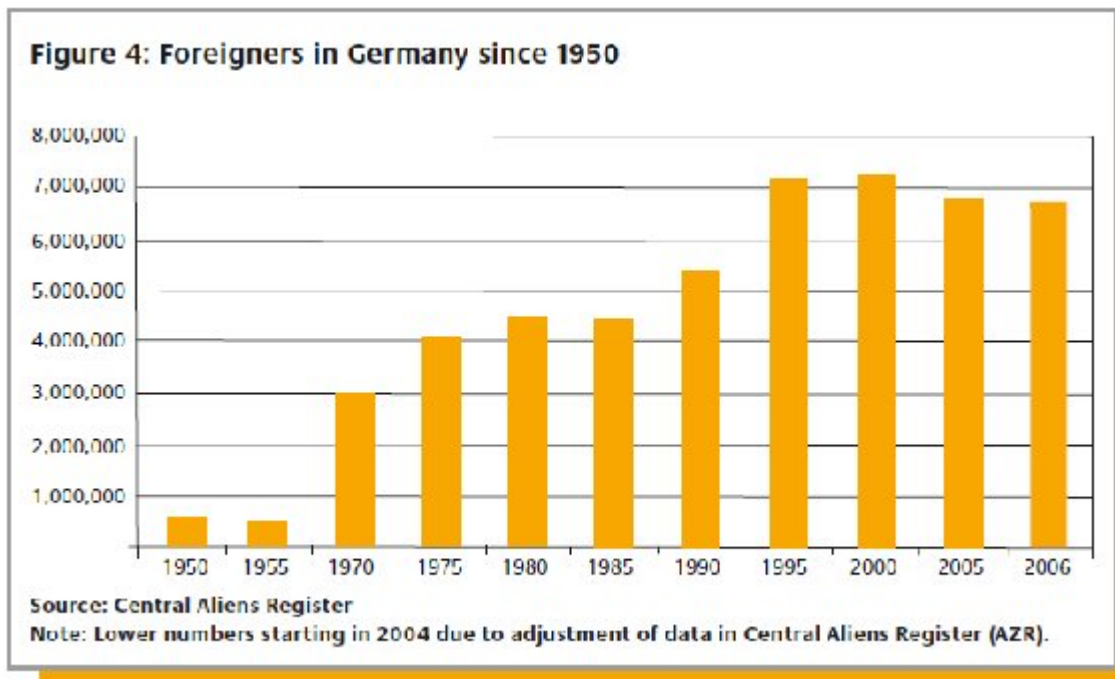
Source: Federal Office for Migration and Refugees. 2005

Table 2.1 Shares of documented foreign workers within the total amount of workers employed in the Polish labour market

Data source	Employed foreigners	Of total employed (in %)
Census (2002)	21,415	0.17
Employed in national economy (2005)	6,910	0.069
Work permits (2007)	12,153	0.094
MPLM estimates 2007	71,000	0.550

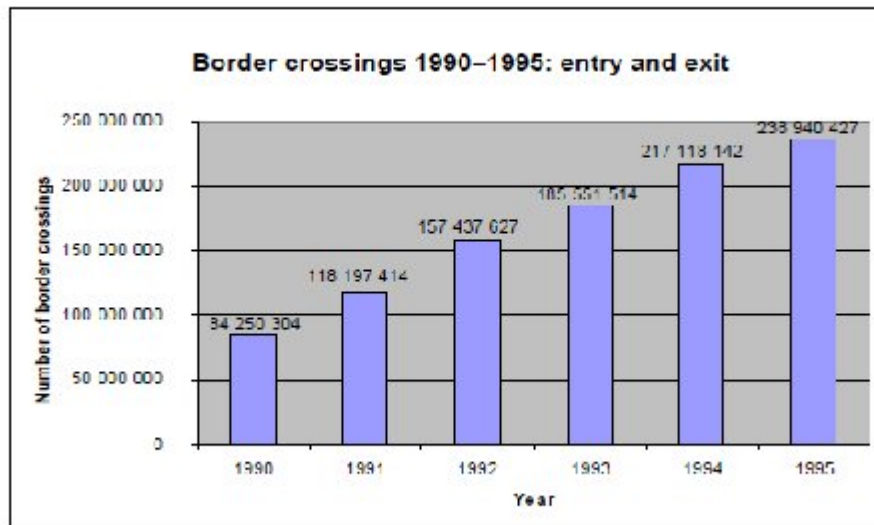
Source: Own calculations based on various sources.

Source: Federal Office for Migration and Refugees. 2005.



Accessed on 20.05.2011

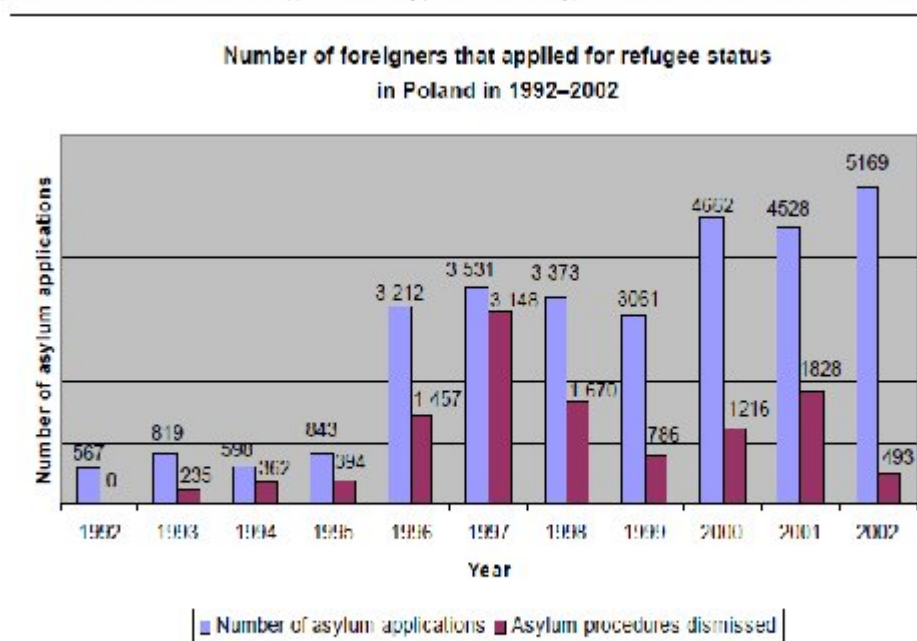
Figure 1. Border crossings 1990–1995: entry and exit (including both Polish nationals and foreigners)



Source: Polish Border Guard Statistics; "Poland. Statistical Data on Migration 1990–1996".

Accessed on 12.05.2011

Figure 2. The number of foreigners that applied for refugee status in Poland in 1992–2002



Source: Ministry of Interior, Department for Migration and Refugee Affairs statistics, after: Szonert (1999): 226–227, Koryś (2004): 85, Kapińska (2004).

Accessed on 17.05.2011

Page 1

The Guardian Euro Poll
CATI Fieldwork: 24th February - 8th March 2011

Absolute/total percents

Table 1
Q.1 Over the next twelve months, do you expect your country's economic situation to generally get better, stay about the same or get worse?
Base: All respondents

	Total	Country				
		Great Britain (a)	Germany (b)	France (c)	Spain (d)	Poland (e)
Unweighted base	9022	1001	1006	1004	1003	1010
Weighted base	9022	1006	1004	1006	1004	1004
Get a lot better	(+2) 156 2%	6 1%	46 4%ac	23 2%a	31 3%a	54 5%acd
Get a little better	(+1) 868 17%	146 14%c	276 28%acde	110 11%	163 16%ac	154 15%c
Stay about the same	(0) 1672 31%	273 27%	386 39%acde	267 27%	364 36%acde	264 26%
Get a little worse	(-1) 1312 26%	314 31%bde	207 21%	362 36%bde	236 23%	208 20%
Get a lot worse	(-2) 1041 21%	242 24%bcd	93 9%	242 24%bcd	162 16%b	301 30%bcd
Total Better	1027 25%	151 15%	321 32%acde	133 13%	214 21%ac	209 21%ac
Total Worse	2364 47%	557 55%bde	300 30%	594 59%bde	397 40%b	506 50%bcd
NET: Better	-1327 -25%	-406 -40%	21 2%	-462 -46%	-184 -18%	-297 -30%
Don't know	68 1%	24 2%de	16 2%a	11 1%	10 1%	6 1%
Mean	-0.46	-0.66	-0.03acd	-0.66	-0.32bcd	-0.54ac
Standard error	0.02	0.03	0.03	0.03	0.03	0.04

Proportions/Means: Columns Tested (5% risk level) - a/b/c/d/e

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The Guardian Euro Poll
CATI Fieldwork: 24th February - 8th March 2011

Absolute/total percents

Table 23
Q.11 If you had to define your attitude towards social issues, for example your attitude towards marriage, women's rights or gay rights, on the whole, would you say it is...?
Base: All respondents

	Total	Country				
		Great Britain (a)	Germany (b)	France (c)	Spain (d)	Ireland (e)
Unweighted base	5023	1001	1005	1004	1003	1010
Weighted base	5023	1005	1004	1005	1004	1004
Very liberal	(+2) 24%	215 22% ^a	336 33% ^{a,c}	187 19%	302 30% ^{a,c}	188 17%
Fairly liberal	(+1) 38%	389 39% ^a	347 35%	402 40% ^{a,b}	420 42% ^{a,b}	327 33%
Neither liberal nor (c)traditional	352 20%	175 18%	204 20%	244 24% ^{a,b,d}	185 18%	181 18%
Fairly traditional	(-1) 12%	141 14% ^{b,d}	73 7%	115 11% ^{b,d}	85 8%	228 23% ^{b,d}
Very traditional	(-2) 4%	40 4% ^{b,d}	17 2%	31 3%	17 2%	80 8% ^{b,d}
Total Liberal	3100 62%	607 60% ^a	683 68% ^{a,c}	589 59% ^a	728 72% ^{a,b}	493 49%
Total Traditional	814 16%	190 19% ^{b,d}	90 9%	144 14% ^{b,d}	82 8%	308 31% ^{b,d}
NET: Liberal	2286 45%	417 41% ^a	593 59% ^{a,c}	445 44% ^a	646 64% ^{a,b}	185 18%
Don't know	117 2%	31 3% ^d	27 3% ^d	28 3% ^d	9 1%	23 2% ^d
Mean	0.67	0.60 ^a	0.63 ^{a,c}	0.62 ^a	0.63 ^{a,b}	0.28
Standard error	0.02	0.04	0.03	0.03	0.03	0.04

Proportions/Mean: Columns Tested (5% risk level) - a/b/c/d/e

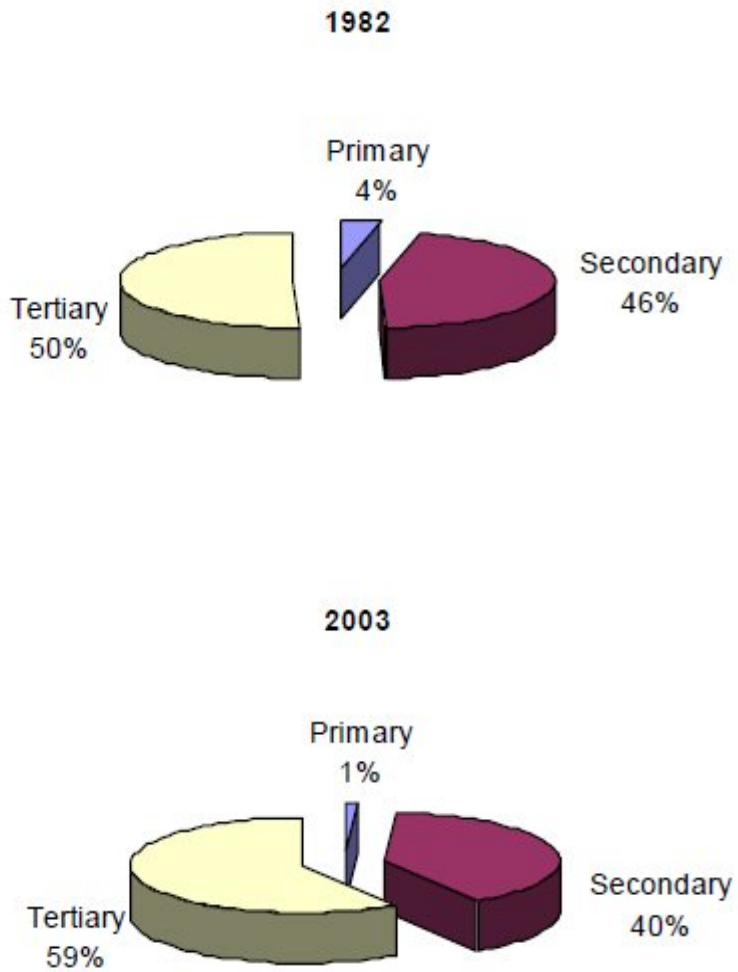


Prepared on behalf of The Guardian by ICM Research



Accessed on : 15.05. 2011

Figure 1: Sectoral distribution of foreign workers in Germany



Source: Own calculations, based on Datendienst Migration 2004.

Source: Federal Office of Migration and Refugees. Accessed on 02.06.2011

