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**CAN U.S. IMMIGRATION POLICY
INSPIRE SOLUTIONS TO THE IMMIGRANT
CHALLENGES IN THE EU? ¹**

Summary: The article attempts to answer question whether the immigration policy of the only state with economic and social potential comparable to the EU's can inspire EU's solutions to the immigrant crisis. The interdisciplinary paper is based on analysis of statistical data, official documents and acts of law. We conclude that further integration of the EU Member States in the field of security policy and increasing spending on common border protection is necessary.

Keywords: international migration, (im)migrant, immigration policy, EU, USA.

Introduction

International migration with its consequences are major sources of serious challenges for the EU and its Member States' public policy in different areas. Migration, together with other demographic changes experienced by Europe, lead to increased multidimensional diversity of the European societies which in turn influences economic, social and political processes within the EU. Therefore understand-

¹ The article is based on J. Misiuna's research on *Contemporary immigration policy of the USA and the UK – an overview* (no. KES/BMN/14/14) and M. Pachocka's research on *Comparative study of immigration policy in selected Member States of the European Union: conditions, solutions, consequences. Conclusions and recommendations for Poland. Part II* conducted at Collegium of Socio-Economics of Warsaw School of Economics (no. KES/BMN15/03/15).

ding the associated causes, effects and changes is necessary before effective migration, integration and demographic policies can be devised and implemented.

While devising long-term public policy, other states' and regions' public policy may be a source of inspiration or warning. The United States with its economic and demographic potential and the position as an immigrant-receiving country, including the resulting experience in designing immigration and integration policies, are a natural point of reference for the European Union. In this context, we assume that the main aim of this article is to answer the research question whether the EU can benefit from the USA experience in facing the challenges arising from an increasing influx of migrants to its territory and an increasing share of migrant population in its overall population.

1. Immigration to the EU and USA in the early 21st century – general remarks

Before any comparisons of the situation in immigration to the EU and the USA are made, it is necessary to stress that both international organizations (i.a. UN, IOM, EU) and countries themselves often define an '(im)migrant' in a different way, which results in obtaining non-identical data sets on immigration (both in stocks and flow approaches) [Pachocka, Misiuna, 2015].

Approximately 3.4 million people immigrated² to the 28 EU Member States in 2013, including nationals of the reporting state³ and of other EU Member States, non-EU nationals, stateless persons and persons with unknown citizenship, comparing to 3.2 million per year for EU Member States between 2010 and 2012, and 3 million in 2009 for EU-27 (no data for Belgium, Greece and Bulgaria). In 2013, Germany and the United Kingdom received the highest number of immigrants in absolute terms. Other states with substantial immigration included France, Italy and Spain. Germany and the United Kingdom were also on the leading position in the number of immigrants accepted between 2010 and 2012. Between 2008 and 2013 the number of countries of net emigration in the EU increased from six out of 27 in 2009 (no data for Greece and Bulgaria) to twelve in 2012. In 2013 more than half of the EU-28 were countries of net immigration, however this group was highly diversified in terms of absolute values [www 4; www 5].

² The core part of the analysis is based on the Eurostat data on long-term international migration after 2008.

³ A term 'reporting states' refers to the EU Member States, which provide Eurostat with data from different areas.

The full complexity of the immigration situation is better presented through the analysis of immigration by citizenship, country of birth and previous country of residence. Firstly, in 2013 immigrants with the citizenship of their target EU Member State ('nationals') were 831.7 thousand out of the total number of 3.4 million immigrants to the EU states, while the non-nationals were 2.5 million. In general, there were 1.4 million citizens of third countries arriving to the EU Member States. Stateless persons (6.1 thousand) and people of unknown citizenship (4.4 thousand) had the lowest share in the total immigration to the EU-28 values [www 5]. Secondly, in 2013 native-born immigrants (persons born in a given EU Member State) amounted to 658.7 thousand persons for all the EU-28 states and foreign-born population amounted to 2.7 million of people, including 1.2 million foreign-born in other EU Member State than the reporting one and 1.6 million foreign-born in a non-EU-28 Member State. People with unknown country of birth in turn numbered just 10.1 thousand [www 6]. Finally, the absolute numbers of immigrants coming from another EU Member State and from non-EU-28 states in 2013 were comparable and equaled to about 1.7 million people each. The state of previous residence was unknown only in case of 25.3 thousand people [www 7]. If we divide the total number of immigrants to the EU (3.4 million people in 2013, no data for Slovakia) into three broad age groups (0-14, 15-64, 65+), we can see that immigrants at the age of 15-64 (working age) constituted 83.7% of the total (2.8 million people), while the youngest age group amounted to 13.4% (453.6 thousand people) and the oldest to 2.9% (98 thousand) [www 5].

According to Eurostat, on 1 January 2014 the migrant population living in EU amounted to 33.5 million people who were born in a third country and additional 17.9 million persons born in other EU Member States then they were living in. Simultaneously, 19.6 million people who were citizens of a non-member country, resided in an EU Member State and together they constituted 3.9% of the total EU-28 population. Moreover, as of 1 January 2014, 14.3 million people were living in one of the EU Member States while holding the citizenship of another one [www 9].

To sum up, the population of EU-28 on 1 January 2014 was 506.8 million people, about 200 thousand more than a year earlier [www 8]. Non-EU nationals having arrived to the EU in 2013 whose previous place of usual residence had been outside the EU and who established their usual residence in the territory of one of the EU Member States for at least 12 months⁴, amounted to 1.4 million people. While in 2014 non EU-nationals residing in the EU were 19.6 million people, comparing to 20.1 million in 2011 and 20.2 million in 2012–2013, the

⁴ Excluding asylum seekers and refugees.

share of non-EU nationals in the total EU population was constant at 4% between 2011 and 2014. While juxtaposing the number of people arriving to and leaving from the EU in recent years, it turns out that it is a net immigration grouping. However, the surplus of immigrants over emigrants in absolute number diminished from 748.0 thousand in 2010 to 539.1 thousand in 2013. Additionally, the share of foreign-born population residing in the EU in the total EU population increased from 6% in 2011 to 7% in 2014, or in absolute terms from 32.7 million people in 2011 to 33.6 million in 2014 [www 2].

U.S. Census Bureau estimated that on 1 July 2013 the population of the United States was 316.1 million people, approximately 2.2 million people more than the year before, of which 274.8 million (86.9%) were U.S. citizens from birth, 19.3 million people were naturalized U.S. citizens (6.1%) and 22.1 million people (6.9%) were not citizens of the United States [www 11]. Approximately 13% (41.4 million people) of the total U.S. population were immigrants⁵. Comparing to the 2000 census results the change in immigrant population is more striking. According to the 2000 census data the foreign-born share of U.S. population was 10.4% (28.4 million people) [Schmidley, 2001, p. 2]. In just 13 years more about 12.95 million people settled in the United States, almost 1 million each year. Between 2000 and 2013 the U.S. immigrant population increased by 45.5%.

The data on immigration to the United States by country of last residence for 2013 show that the source country for the largest number of new lawful permanent residents was Mexico (134,198), followed by China (68,410), India (65,506), the Philippines (52,955) and the Dominican Republic (41,487). In 2013, 13.5% of the total 990.5 thousand new lawful permanent residents of the United States came from Mexico, thus making it by far the largest source country. At the same time, the country of last residence remained unknown for only 10,127 or 1% of new lawful permanent residents of the United States [U.S. Department of Homeland, 2014, p. 10-11].

The data on immigration in 2013 by country of birth of new permanent residents once again indicate that Mexico is the largest source country, followed by China, India, the Philippines and the Dominican Republic. Although the order of countries did not change, the number for each country slightly did, while the total reminded the same. What stands out is the number of cases when the country of birth of new permanent residents is unknown (3,263) is much lower in comparison with the data on the last country of residence [U.S. Department of Homeland Security, 2014, p. 12-15].

⁵ The U.S. Census Bureau does not collect data on the legal status of immigrants living in the USA. Therefore, the census data include legal and illegal immigrants, asylum seekers and refugees, although their legal status is not given.

International migration movements are primarily responsible for the increase in the population of the United States in the period starting with the last census. Between 1 April 2010 and 1 July 2013 net international migration to the United States amounted to 2.67 million persons and only during the year between 1 July 2012 and 1 July 2013 net international migration to the USA amounted to 843 thousand persons. However, that amount includes “the international migration of both native and foreign-born populations. Specifically, it includes: (a) the net international migration of the foreign-born, (b) the net migration between the United States and Puerto Rico, (c) the net migration of natives to and from the United States, and (d) the net movement of the Armed Forces population between the United States and overseas. Net international migration for Puerto Rico includes the migration of native and foreign-born populations between the United States and Puerto Rico” [www 10].

Similar differences are observed in the broad age group structure for the U.S. born and foreign-born population. In 2013 the dominant group for the U.S. born population was 18-64 which amounted to 60% of the total. For the foreign-born population the 18-64 age group was also dominant, however its share of the total was 80%. Moreover, it needs to be stressed that among immigrants 59.1% belong to the 25-53 age group, while among the U.S. born population that age group constituted only 37.3% of the total [www 13].

According to the 2010 Census data the geographical distribution of immigrant population within the U.S. was as follows: 21.6% of immigrants lived in the Northeast, 11.2% lived in Midwest, 31.9% lived in the South, and 35.5% lived in the West. The 2010 Census data point to a significant change in the geographical distribution of immigrant population in the last half century. While in 1960 about 70% of immigrants lived in the Northeast and the Midwest, in 2010 those regions were inhabited by just 32.8% of all immigrants [Grieco et al., 2012b, p. 24]. According to the 2010 U.S. Census data on the geographical distribution of immigrant population by state, California (25.4% of total foreign-born population) was the most popular state among immigrants, followed by New York (10.8%), Texas (10.4%) and Florida (9.2%). These four states together were home to 55.8% of immigrants living in the United States [Grieco et al., 2012a, p. 2].

In 2013 U.S. Census Bureau estimated that almost 52% of immigrants, both legal permanent residents and illegal immigrants, arrived in the United States from Latin America. What is characteristic for immigration to the United States is the fact that almost 28% of all immigrants are of Mexican origin which explains why the states on the border with Mexico are of key importance as destinations of immigrant settlement [www 12].

2. Immigration policy facing its major challenges

The European policy towards migration of third country nationals evolved from a security-centred approach to the management of that migration. As a general rule, legislative actions of the EU are balanced on two main axes. Firstly, the EU strives to form and facilitate legal migration, protect migrants' rights and provide them with adequate conditions for social integration. Secondly, its aim is to limit and control illegal immigration while respecting the competences of Member States to regulate access to their territories and labour markets [Polish Government Population Council, 2014, p. 165-167]. Between 2007 and 2013, the EU allocated over EUR 4 billion for external border management and the implementation of the common migration and asylum policy through the general programme *Solidarity and Management of Migration Flows* [www 1].

Consequences of global and regional migration movements influence the functioning of the EU in demographic, social, economic, political and cultural aspects. On the one hand, the emphasis has to be put on the influx of legal immigrants can help to fill the gaps in the EU labour market. Controlled immigration is of key importance in slowing down the demographic ageing process of the European societies and its consequences, and it also contributes to the total population growth. On the other hand, the problems of illegal immigration, inefficient mechanisms for immigrant integration and the growing threat of international terrorism in Europe are more and more often discussed.

To start with the demographic importance of immigration to the EU according to the main scenario of Eurostat long-term population projection, based on the data from 2013 [www 3], the total EU population between 2015 and 2060 is to increase from 508.2 million to 522.9 million people. In the reduced migration variant of this projection (component of international net migration is reduced by 20%), the total EU population will decrease by 1.1 million people from 508.0 million in 2015 to 506.9 million people in 2060. In turn, in the no migration variant (component of international net migration equals zero) the projected size of the EU population will drop significantly from 507.3 million in 2015 to 442.8 million people in 2060, which corresponds to a decrease of 64.6 million people. Analyzing population changes from 2013, the base year of the projection, we can see that in the main scenario the total population of the EU-28 by 2060 will increase by 3.1%, in the reduced migration scenario the population will decrease by 0.1% and in the case of no migration variant by 12.7%. As the absence of international migration would result in a considerable shrinking of the population of the EU, the influx of immigrants provides one of the simplest solutions to

retain demographic balance in the EU and its potential vis-à-vis other regions, such as the USA, excluding other conditions (cultural or political) from the analysis [www 3].

According to Frontex *Annual Risk Analysis 2015*, approximately 283.5 thousand migrants – most of them refugees and asylum seekers – irregularly entered the EU between BCPs via land, air or sea routes in 2014, which represents an increase of 164% compared to the previous year. At the same time about 441.8 thousand cases of illegal stay in the EU were detected, i.e. an increase by 28% compared to 2013. In 2014 most detections of illegal border-crossing between BCPs were reported in the Central Mediterranean sea route (Italy and Malta) – 170,664 (an increase by 277% compared to 2013), followed by the land and sea Eastern Mediterranean route (Greece, Bulgaria, and Cyprus) with 50,834 detections (+105%) and by the Western Balkan land route (43,357 detections; +117%). In the last case the number of detections sharply increased at the Hungarian land border with Serbia towards the end of 2014. The majority of irregular migrants are adult men while women constituted 11% and children 15% of the total in 2014 [Frontex, 2015, p. 5, 12, 16].

The European Union was not ready for the migrant crisis in the Mediterranean region. In May 2015 the European Commission published the *European Agenda on Migration* that developed the *Political Guidelines* proposed by the EC President Jean-Claude Juncker into a set of initiatives based on four pillars [www 14]:

- 1) reducing the incentives for irregular migration,
- 2) border management – saving lives and securing external borders,
- 3) Europe duty to protect: a strong common asylum policy,
- 4) a new policy on legal migration.

Although the European Agenda on Migration is in the process of being implemented, the execution of actions planned and declared by the EU might be difficult as Member States may react differently to the EU plans due to their particular interests, goals and conditions in population and migration.

The large influx of illegal immigrants into the EU and their uneven distribution among the Member States are at the heart of the EU problem with immigration. However, equally important as the influx of illegal immigrants is the absence of true, internal European solidarity caused by the dominance of national point of view on the migration crisis. If the present situation of immigration crisis and internal European discord continue, the cooperation within the Schengen Area will become more difficult and ultimately may lead to a temporary or permanent halt, which may result in the reinstatement of internal border controls. The Italian example serves as a warning that migration crisis may become the

source of further discord among the EU Member States. This warning is particularly important as Frontex predicts that the ongoing conflicts in Syria and Libya will fuel the influx of illegal immigrants into the EU [Frontex, 2015, p. 6].

The U.S. immigration policy is, like the immigration policy of the EU, driven by the actions undertaken to satisfy the needs of economy (low and high skilled migrants), general demographic situation (aging of the U.S. society, particularly due to the baby boomers generation reaching retirement age and low TFR for the total U.S. population) and maintaining security in face of global terrorism (especially when the long term U.S. military involvement in the Middle East is taken into account).

In 1965 the United States reopened its borders, after a period of post-World War I isolationism, to immigration. Long-term effects of the reform of the immigration system include an increase in the number of foreign-born population living in the United States which is nearing the levels not seen since the first great wave of immigration in the mid-19th and early 20th century. Moreover, according to the U.S. Census Bureau the share of immigrants in the U.S. population will further increase and in 2060 the foreign-born population will constitute 18.8% of the total U.S. population [Colby, Ortman, 2015, p. 2].

According to the U.S. Census Bureau's 2015 *Projections of the Size and Composition of the U.S. Population: 2014 to 2060*, the population of the United States is about to grow from 319 million to 417 million in 2060, or by 30.7%. The native population, estimated at 276 million in 2014, will grow to 339 million in 2060, or by 22%. At the same time the immigrant population (foreign-born) will grow from 42 million in 2014 to 78 million in 2060, or by 85%. Not only will the immigrant population grow much faster than the native population but will also be responsible for substantial part of the total population growth of the United States, particularly so as the foreign-born women will give 20.3% of all births in the period between 2014 and 2060 [Colby, Ortman, 2015, p. 2-3].

The debate on immigration reform is largely fueled by the fear particularly among WASP (White, Anglo-Saxon, Protestant) population of increasing number of illegal immigrants, most often Hispanics, entering the United States. The popularity of anti-immigration sentiments among some U.S. voters is easy to explain as the number of unauthorized immigrants living in the U.S. in 2014 was estimated at 11.3 million or 27% of the total foreign-born population [Passel, Cohn, 2015]. However, it is important to point out that the number of illegal immigrants, that grew from about 8.5 million in 2000 to 11.8 million in 2007, has since stabilized at approximately that level [Baker, Rytina, 2013, p. 3]. Moreover, the number of illegal immigrants from Mexico, vilified by the anti-

immigration activists, has actually lowered from the peak 6.9 million in 2007 to 5.9 million in 2012 [Gonzalez-Barrera, Krogstad, 2015]. The reduction in number of illegal immigrants born in Mexico and the general stabilization of the illegal immigrant population seems to stem from the combination of global economic downturn and the policy of “prevention through deterrence”, based on the assumption that the concentration of well-equipped staff and the construction of specialized infrastructure on the border will discourage illegal immigration [Seghett, 2014].

Strict border control and deterrence of illegal immigrants at the borders is just one of the elements of the U.S. immigration policy used to control the influx of illegal immigrants. These measures are supplemented by deportations of apprehended illegal aliens. However, some apprehended illegal aliens has been steadily decreasing from the peak of 1.8 million in 2000 to 662,483 in 2013 [U.S. Department of Homeland Security, 2014, p. 91]. The downward trend may continue as the Obama administration prefers facilitating the path for obtaining legal residence permit and eventually citizenship by illegal immigrants, instead of increasing the number of deported illegal immigrants [Shear, Preston, Parker, 2014]. President Barack Obama tried to push his immigration policy agenda through executive actions, as the polarized Congress could not agree on the immigration reform, but his proposals were blocked by the judiciary [Min Kim, 2015].

Conclusions

Although the EU initiates actions, such as the Blue Card, to boost immigration, with emphasis on highly skilled migrants, it still attracts fewer immigrants than the United States. At present it is impossible to point to a single reason for this trend, but the cultural diversity of the European Union with its many languages, cultures and states with different regulations makes it less attractive for potential immigrants. This is because a change of place of residence in search of work may be linked to the necessity of learning a new language or subjecting oneself to a new sets of laws and regulations. It is impossible for the EU to adopt one universal language as happens with the United States, however, further advances in movement of people and harmonization of the law between the Member States, including in the area of immigration policy, are still possible.

Moreover, as the EU only attempts to coordinate the immigration policy of its Member States, it does not have the tools to alleviate the consequences of e.g. uneven geographical distribution of immigrants whereas the U.S. federal government does not need that kind of tools. However, the example of the U.S. clearly

indicates that uneven distribution of immigrants within a large federation is natural and the EU Member States will have to accept it, if the Schengen Area is to continue its existence. Therefore, the only method of limiting illegal immigration to, e.g. France or the UK, is through stricter EU external border control and that may require accepting further integration within the field of security policy and allocating more money towards creating more efficient common border control.

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CZY POLITYKA IMIGRACYJNA USA MOŻE STANOWIĆ INSPIRACJĘ DLA UE PRZY OPRACOWYWANIU ROZWIĄZAŃ KRYZYSU MIGRACYJNEGO?

Streszczenie: Artykuł jest próbą odpowiedzi na pytanie, czy polityka imigracyjna jednego państwa porównywalnego z UE pod względem gospodarczym i społecznym może stanowić inspirację dla rozwiązania kryzysu migracyjnego. Interdyscyplinarne badanie, będące jego podstawą, oparte jest przede wszystkim na analizie danych statystycznych, a także dokumentów urzędowych i aktów prawnych. Główny wniosek z badania to konieczność dalszej integracji państw UE w zakresie polityki bezpieczeństwa i zwiększenia nakładów na wspólną ochronę granic.

Słowa kluczowe: migracje międzynarodowe, (i)migrant, polityka imigracyjna, UE, USA.