

Agnieszka Weiner *Editor*

Emigration and Diaspora Policies in the Age of Mobility



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Editor

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Chapter 1

Introduction

Agnieszka Weinar

Where Does This Book Come from?

Emigration was rediscovered by the global mainstream academic literature as a valid topic of research in the early 2000s. For over 80 years, migration studies have looked at the immigration side of the story, from the point of view of immigrant-receiving countries (Brettell and Hollifield 2000), paying no attention to the large body of mostly non-Anglophone literature produced in the countries that emigrants were leaving (Stola 1992; Okólski 2009). The re-introduction of the country-of-origin perspective in the 2000s was an important step in the further development of the migration studies field: migrants, after all, are people who come from somewhere. The importance of the countries and communities of origin has been especially brought to light by three streams of academic literature: sociologists and anthropologists focusing on transnationalism (Levitt etc.); political scientists debating the consequences of multiple citizenships and transnational political participation (Østergaard-Nielsen 2003; Bauböck 2010); and economists attempting to capture the impact of remittances (Ratha 2005). At the same time, the term “diaspora”, which indicates an outer group that is linked in some way with the homeland, has had an incredible trajectory: it left the narrow field of classic diaspora studies and went out to the wider world, changing the landscape of various fields of investigation: sociology, anthropology, political science and economics (Van Hear 2006; Bauböck and Faist 2010; Bilgili and Siegel 2013; Ragazzi 2014; Kshetri et al. 2015).

In the field of political science, the literature has been a response to the rediscovery of emigration and diaspora by developing countries, which are hungry for remittances and the possible development impact of emigrants engaging with their

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countries of origin. Thus the focus has been on the incentives to develop so-called “diaspora policies”. That literature focuses mainly on the states’ engagement with emigrant communities abroad. It largely answers two sets of questions: why and how do states create diasporas/communities/co-citizens abroad (Smith 2003; Agunias 2008; Iskander 2010; Collyer 2013); and, more normatively, what is the best way for a state to engage with such communities to achieve its goals (Ratha 2005; de Haas and Novib 2006; Kupets 2012; Bilgili and Siegel 2013).

It has been agreed that country-of-origin engagement could counteract brain drain (brain circulation could be promoted instead) and help put remittances worth multi-millions of dollars to better use. Numerous reports (Agunias and Newland 2007; Agunias 2008, 2009), academic papers (De Haas 2010) and studies (Maimbo and Ratha 2005; Ratha and Shaw 2007) have been dedicated to these issues, trying to sketch the perfect policy response for countries that are in need of a new diaspora policy.

Needless to say, all of them have been focused on so-called countries of emigration, from the Global South. This missed an important point: all countries are countries of immigration and emigration, with different balances between the two. Also, it is clear that North-North migration has reached high volumes with the rising freedom of mobility, and hence developed countries cannot be overlooked. As a result, an emerging trend among scholars has been to refocus the academic discourse (Gamlen 2008; Ragazzi 2014). Recent attempts to focus on the emigration policies of all states have been largely driven by the analysis of nation-building traditions through forms of political participation, namely through voting rights and citizenship (Bauböck 2009; Collyer 2013; Vink 2013). The issue here is that this angle of analysis is fruitful primarily in the case of permanent settlement abroad, when those who leave for good face the loss of citizenship or voting rights. Such threats do not necessarily concern mobile citizens, who leave for short-term periods or engage in pendular movements and circumvent the rules with more ease. There is vast evidence from the migration literature of the last two decades that the latter type of emigration has shaped many of the policy responses of the countries of origin (Stola 2000; Vaculík and others 2002; Hazans 2010). “People on the swing”, a classic account of this type of migration from Poland in the 1990s (Jazwinska and Okólski 2001), provides insight into how circular and temporary migrants manage national and statehood belonging while being constantly on the move.

The present volume is a contribution to the political science strand of migration studies that is interested in emigration and diaspora. It tries to answer one overarching question: how do states deal with their permanent emigrants and mobile citizens abroad? It offers a generalised comparison of diaspora and emigration policies in 14 different countries of the world.

Until now, scholars have agreed on how states built their diaspora policies. As laid down by Robert Smith (2003), countries’ engagement in nation-building (community building) is based on policy changes (driven by both global and domestic contexts) that require new relationships with emigrants. The *sine qua non* of these new relationships is an interest on the part of the migrants, which is built by membership and identification policies (Fox 2005) that first deal with formal ties and

second, provide a sense of community and cultural unity. With these elements in place a state may become motivated to launch a diaspora policy, aligned with its actual interests.

A more complex question is: why would the countries do this? In other words, what are the changes in the context that induce policy change? Smith's account is quite clear: countries develop diaspora policies in response to global changes (e.g. changes in a relationship with a strategic international partner); significant domestic changes (e.g. a sudden significant outflow of people or regime change); and finally, vocal interest and demands from the migrants themselves (2003). Scholars seem to agree that for a state to enact a diaspora policy, some factors of policy change have to be present (Itzigsohn 2000, Smith 2003, Levitt and De La Dehesa 2003, Lafleur 2011, but see also Ragazzi 2009). Another compelling account has been proposed by Collyer (2013). In his discussion of 12 case studies, he brings to light the phenomenon of expanding diaspora policies, their similarities and the changing role of the state. The comparative study confirms that states tend to emulate each other when it comes to policy solutions.

However, these accounts consider only those who settle and live their lives permanently abroad. Those who travel in-between or temporarily are seldom at the core of such policies.

In the present volume, all the contributors recognise the importance of mobility in the twenty-first century and the fact that many countries of the world have actually responded to it. We are interested in permanent emigrants as well as short-term movers. And thus our concern is with the way two types of policies are developed: policies towards settled "diasporas" (i.e. diaspora policies) and policies towards temporary movers (i.e. emigration policies). Emigration policies have been largely neglected in the literature, apart from the special case of the Philippines (Agunias 2008), while diaspora policies have been analysed in many places.¹ In this volume we attempted to actually distinguish between the two groups of emigrants to see which policies are more developed.

In addition, the volume offers a look at the policies of countries that are rarely studied in this context, adding thus a solid mix of European case studies. It provides a perspective on diaspora and emigration governance that breaks from the omnipresent analysis of developing countries and reminds us that emigration and immigration are two sides of the same coin. The volume's bottom line is that all countries have some form of emigration and diaspora policy.

Leading Concepts

In the volume we focus on two types of policies: diaspora policies and emigration policies. Diaspora policies are mostly relevant for the population of long-term emigrants and their descendants, while emigration policies are increasingly more

¹For the full account see Delano and Gamlen 2014.

important for mobile citizens. It is clear that the two policies are not exclusive and that they sometimes overlap.

Diaspora Policies

The widely spread assumption is that diaspora policies cater to diasporas. In fact, this term is not very clear and scholars do not agree on whom it actually includes (Bauböck and Faist 2010, Ragazzi 2014). For policymakers, it is a shortcut, as states need to create a broad target group for their policies (Collyer 2013).

Alan Gamlen (2006) distinguishes two approaches used by states: the first aims at diaspora (community) building, and the second is preoccupied with binding these built diasporas to the home country. In the first case, the policies include extraterritorial citizenship, dual citizenship and extended cultural rights for emigrants and their descendants. These policies have an ideational dimension to them. In the second case, emigrants are offered a wide range of socio-economic rights, but also obligations (e.g. special tax laws, property laws, voting rights, etc.). These policies have a more practical tone. However, we increasingly see that some states choose yet another form of policy: support for integration in the receiving country. This is particularly true for regional arrangements such as the European Union (hence the concept of European citizenship and the wide range of associated mobility and labour market integration tools), but also for bilateral arrangements such as those pioneered by Mexico and now adopted by other Central American governments in relation to the US (Délano 2009, 2014).

Inspired by Gamlen's taxonomy and Fox's insights into external citizenship, we divide diaspora policies into two categories: diaspora-building policies and diaspora engagement policies. Policies regrouped under diaspora-building are those that create identification. That is to say, they create identification and membership through a sense of common cultural and/or political heritage. Here, we have celebrations, cultural events, schools and language training, but also an extension of political rights. Diaspora engagement has more impact on socio-economic ties, but also includes the creation of dedicated institutions that are tasked with keeping these ties alive. Table 1.1 below presents information on the types of policies that were surveyed in the chapters.

Emigration Policies

While the definition of a diaspora policy may seem relatively obvious, emigration policy continues to be an enigma to many. Even if scholars agree on a broad understanding of diaspora policies in the context of migration and development, they are less convinced about the exact meaning of emigration policies. Indeed, they often confound them with the outdated notion of exit controls (Weiner 1993, 1997). In

Table 1.1 Diaspora policies: types of information collected

Diaspora-building		Diaspora engagement	
Political ties	Policies on cultural ties	Socio-economic ties	Special arrangements in institutional frameworks
Provisions for special IDs/ visas;	Providing national curriculum education;	Customs/import incentives;	Expanded consular units;
Permitting dual nationality;	Providing education in the national language;	Protection of social and labour rights of diaspora members abroad (by the state or other actors);	Bureaucratic unit or dedicated ministry focusing on emigrants, migrant communities abroad and returnees;
External voting rights;	Sponsored teaching of the national language abroad;	Investment services;	Special legislative representation;
Military duty;	Honouring expatriates with awards;	Tax policies (incentives, special levies);	Consultative expatriate councils or advisory bodies
Specific policies addressed to expatriates by political parties	Convening diaspora/ migrant community congresses (by authorities of the state of origin);	Facilitating remittances;	
	Convening diaspora/ migrant community congresses (by migrant organisations);	Welfare and education services support;	
	Providing media services (broadcast) abroad (by the state of origin or private actors);	Financial products addressed to diaspora members;	
	Cultural diplomacy strategy focusing on migrant communities and diasporas	Property rights (full or restricted);	
		Matching fund programmes (such as 1:1 programmes in Mexico)	

Source: Adapted from Gamlen (2008) and inspired by Ragazzi (2014)

this volume we define emigration policies as all policies that facilitate or curb mobility (outward and return) across international borders. They target any citizen moving across borders, regardless of the time spent abroad. They are mostly very practical, as they are not part of an ideological diaspora-building; the needs of mobile students and contract workers tend to more basic than the desire to be recognised as belonging to a community. The policies here can be divided into two categories: facilitation of outward mobility and ease-of-access measures. The exact policy types that we looked for are presented in Table 1.2.

Table 1.2 Emigration policies: information collected

Facilitation of outward mobility		Ease of access	
Visa policy	Mobility management	Rights recognition	Integration support
Visa facilitation agreements;	Bilateral or multilateral agreements on labour migration;	Voting rights of mobile citizens;	Pre-departure orientation training;
Visa-free bilateral or multilateral arrangements;	International internships or traineeship programmes;	Portability of rights (social security agreements);	Post-arrival orientation training;
Facilitation of travel (e.g. by issuing affordable biometric passports)	Agreements on youth mobility;	Taxation (agreements on the avoidance of double taxation);	Language training;
	Agreements on business mobility;	Agreements on the recognition of health insurance;	Mechanisms of recognition of diplomas, professional qualifications and other skills (e.g. driving license);
	Monitoring of recruitment agencies;	Access to national education abroad	An institution supporting the integration of mobile citizens abroad
	Recruitment organised by state body;		
	Exit bans		

Source: Adapted from Gamlen (2008) and inspired by Ragazzi (2014)

The information on emigration policies, as collected for this analysis, includes agreements on seasonal work, temporary work, support for recruitment leading to permanent stays, return policies, retention schemes, the taxation of mobile citizens, the portability of rights, the recognition of qualifications of all types of workers, visa policy and exit restrictions. European Union countries have developed these types of policies over the last decades under the label of intra-EU mobility.

Policy Drivers

As already discussed above, the outset of policy happens after a sudden policy change. The change can be triggered by various drivers (as examined by Smith 2003), including a range of global and domestic factors. In the present volume we focused on the following drivers:

Domestic Drivers

1. Characteristics of Emigrants and Outwardly Mobile Citizens

The characteristics of current outward migration heavily influence emigration and diaspora policy making. As aptly noted by James Hampshire (2013), the UK might have difficulty defining its diaspora policy because of the diversity of ethnic origins, needs and destinations of departing UK citizens. Indeed, who leaves (or rather the belief about who leaves and why) is a crucial policy driver, especially in times when immigration and emigration are bound together in several countries all over the world (i.e. to a great extent, outflows concern citizens with immigrant backgrounds and/or dual nationals).

2. Discourses

Discourses on emigration derive from different historical experiences, such as the massive transatlantic emigration experience of European states, the heritage of colonial powers, community values, history of poverty and oppression. The information gathered for this book also focuses on pre-crisis discourses which continued to shape policies during the crisis years.

3. Polity Building

The discourses also translate into strategies of polity building. The political rights offered to emigrants and their descendants, including voting and citizenship, differ across the EU, as shown by Arrighi et al. (2013). Furthermore, the way a state perceives its relationship with those who left will influence the depth of its policies, their implementation and transformation. With this in mind, the authors distinguish four categories of polity-building: externally inclusive, giving broad political and citizenship rights to diasporas; franchise with restricted access to citizenship, giving rights to vote but not to obtain citizenship, which can be lost; inclusive citizenship status only, giving the right to keep and pass citizenship but refusing voting rights; externally exclusive, not granting political rights and making it difficult to keep or pass citizenship.

International Drivers

An important factor in mobility governance is the way a state perceives itself globally. This self-perception also plays a role in the design of emigration and diaspora policy, if there are specific beliefs about who is emigrating or leaving. The international factor also impacts how a state sees its trans-border role (Unterreiner and Weinar 2014), as the state will only embark on international venture-seeking cooperation with another state (the host state) if it perceives emigration as being part of that state's international relations (IR) strategy. The intensity and success of its activities will be proportional to the role it plays on the international scene. A global political and economic actor will see emigrants as an asset, but will go beyond

diaspora policies, seeing an added value in more short-term mobility (e.g. the UK, France). A global economic actor has the same objectives, but they are limited to the economic sphere (e.g. Germany). A regional political and economic actor will have ambitions that are limited to a certain region of the world with which it has a special relationship (e.g. due to a history of colonisation). Consequently, emigration and diaspora policies will be the most intensively implemented in that one region. Low-profile international actors do not engage in any sort of global political or economic schemes; they also have a weaker position vis-à-vis receiving states.

Below, I sum up the main drivers of emigration governance as included in the data collection (Table 1.3).

The volume thus traces the development of diaspora and emigration policies looking at the possible policy drivers. All contributors acknowledge that some may be more important than others. What is truly interesting is to see which prevail in the particular context of a given nation-state.

Policy Items

In a 2014 study performed by the team of the Migration Policy Centre at the European University Institute, 76 countries of the world were probed for their diaspora policies. The objective was to map the existing policies and to see which area the states were most active in. The five relevant policy fields were the following: migration and development, emigration and mobility, heritage promotion, political ties and institutional framework. These five policy fields are a perfect illustration of the domains in which a state can act on diaspora engagement and diaspora building (as noted also by Gamlen 2008) (Fig. 1.1).

Table 1.3 Drivers of emigration governance

IR factors	Domestic factors		
Perceived global role	Discourse on emigration	Polity-building approach ^a	Dominant characteristics of current outward migration
Global political and economic actor	Identity-forming	Externally inclusive	Permanent migration of co-ethnics constitutes over 30% of the outflow
	Experience	Franchise with restricted access to citizenship	Temporary migration of co-ethnics predominant
		Externally exclusive	Permanent migration of immigrant-background citizens constitutes over 30% of the outflow
		Inclusive citizenship status only	Temporary migration of immigrant-background citizens

Source: Own elaboration inspired by Smith (2003)

^aAfter Arrighi et al. (2013)

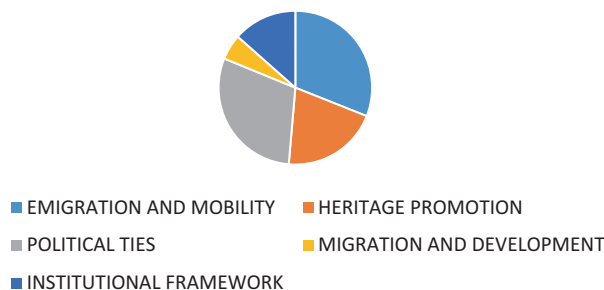


Fig. 1.1 Share of various policy domains in the diaspora and emigration policies in 76 countries world-wide, 2013–2014 (Source: Interact project database)

Interestingly enough, out of 76 examined states, most had quite a wide range of policies that would facilitate mobility, although understandably these policies were more present across the developed countries. Very few states imposed restrictions on the outward mobility of all nationals or certain groups of nationals (e.g. women in the Arab countries). Political ties that include citizenship rights and voting rights were another important area of policy action. Understandably, like the control of mobility, these are another set of state prerogatives, and the easiest to act upon from the state's perspective. Interestingly enough, the more “soft” policies to build ties with diasporas, such as heritage promotion or migration and development, were less common. Heritage promotion was more common among “old countries of emigration”, i.e. European Union (EU) states, while migration and development were of more interest to less developed countries. Arguably, the more developed states streamline their migration and development agenda and put a different label on it (e.g. business cooperation). As regards institutional frameworks, again, the countries with the most resources and the longest history of managing emigration and outward mobility (European Union countries) naturally have the most developed institutional framework to support such policies.

Indeed, the country's capacity to develop such policies or the historical experience in developing them seemed crucial (Fig. 1.2).

What is striking is the abundance of policy solutions across the EU. This is quite a discovery if we consider the EU as being a no-emigration-policy region. The number of policies reflect the administrative maturity of the states in Europe, which spend decades elaborating responses to diaspora formation, as opposed to less developed, younger countries in other parts of the world. Twenty-eight EU Member States have a decisively higher number of policy solutions ‘per capita’ than non-EU states in all areas except in development-oriented programs. This can be explained easily by the es-long tradition of catering to emigrant communities across the Atlantic, and also to colonies and ex-colonies.

In this volume we revisit the five policy fields to identify the interests of each country and what drives them.

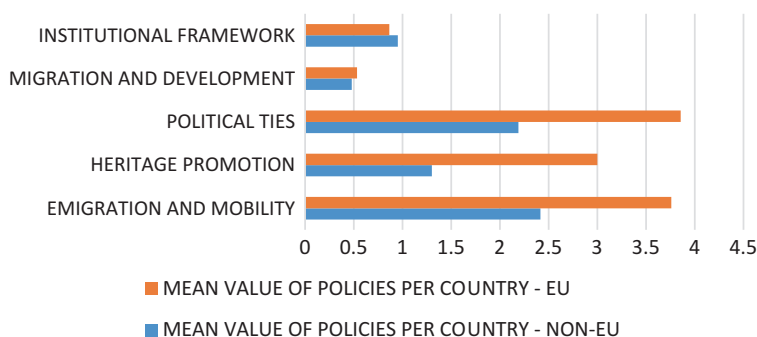


Fig. 1.2 Policy concentration in the EU and non-EU countries (Source: Interact project database)

Organisation of the Volume

The volume is organised around the concept of the nation-state, as it is still the most relevant actor for regulating human mobility across territories and borders. The 14 case studies give a snapshot view of the main policy drivers and policy items, taking into account the main interest of the volume, i.e. the division between diaspora and emigration policies. The case studies were chosen using the diversity key: all of the represented countries have, or at some point in time used to have, high emigration, but they are located on various continents and have various economic standings and cultures. They also have rather clear visions of community and nationhood, which is important for the development of emigration policy.

The case studies follow the same guidelines, researching the same type of information. The resulting concise chapters present rich empirical material that yields itself for comparison, but is also informative in and of itself. The chapters are presented in alphabetical order.

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Chapter 2

Argentina and the Human Right to Migrate

Lila García

Introduction

In the last 10 years, Argentina appears to have focused closely on its emigrants, at least in terms of its new legal framework and some long-term initiatives. Historically, the country has addressed its attention to immigration issues, since immigration was perceived as helping to further the country's national development (as part of its nation-building strategy). Public policy on migration was shaped following the idea that "to govern is to populate" (*Gobernar es poblar*), which was recognised as a premise in the constitution of the Argentine State (Mármora 2002). This affirmation, formulated by the statesman Juan Bautista Alberdi, strongly influenced the politics of the nineteenth century and was eventually incorporated in the National Constitution of 1853, which is still in force: "The Federal Government shall promote European Immigration" (Article 25). Accordingly, a law issued in 1876, No. 817 ("Avellaneda's Law") regulates and recognises rights and benefits for immigrants, beginning a period known as the "open-door policy".

By contrast, emigration from Argentina had historically received little attention and had been clearly absent from all the legal regulations of migration since 1876. The government's actions were random and lacked a comprehensive legal framework. It was not until December 2003 (when Law 25,871 was passed by Congress) that a reference to Argentines abroad was included in the country's legal framework.

Academic circles have matched this dearth of attention. The first conspicuous mention of the issue is a limited body of bibliography addressing Argentine emigration: there is an absence of studies before 1950; a few from the 1960s to the 1980s, with pioneer works such as those of Oteiza (Calvelo 2008); and an increase in inter-

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est after 2000. In the more recent works, two main themes emerge. First, the emigration of Argentines following the economic crisis of 2000 was highly significant (both in terms of numbers and composition). In 2 years (2001–2002) the number of emigrants reached almost 119,000. According to Nicolao (2010: 216), “in only two years as many people left the country as in the last ten years”. Second, Law 25,871 was adopted in 2003 and included a chapter related to the situation of Argentines abroad.

Scholars argue that Argentine emigration started as a phenomenon in 1966 (Calvelo 2008; Ginieniewicz and Castiglione 2009) and “since the sixties, has accompanied the democratic interruption cycles and the social and economic decline of the country” (Calvelo 2008: 2).¹ However, the political identification of this condition is more recent (Clavijo and Santi 2009), as is academic interest.

Almost all research addresses the phenomenon unilaterally – an issue already pointed out by migration studies in general – either from an Argentine perspective (focusing on ‘brain drain’, the periods of emigration, the causes, and recently, the performance of the state, etc.) or from the perspective of Argentines abroad (demographic data, special mobility, challenges and dis/advantages faced by Argentines at destination, etc.). The situation in Argentina is rarely linked with the situation in the destination country (e.g. Garzón 2008). More interestingly, some works addressing the link between emigration policies and the impact in the destination countries do not include references to Argentina (e.g. Vono 2006). Some other issues, particularly in comparison with other countries, are almost unexplored: for instance, the case of the Argentine vote abroad.

This volume has introduced two leading concepts: “diaspora” and “emigration” policies. The first aims to build community, and thus related policies would include extraterritorial citizenship, dual citizenship, and extended cultural rights for emigrants and their descendants (see Weinara, this volume). States also seek to maintain ties between these built diasporas and the home country by creating custom/import incentives, protecting social labour rights abroad (socio-economic ties), expanding consular units, creating bureaucratic units that focus on emigrants, and forming consultative expatriate councils or advisory bodies (institutional ties).² Many of these measures were adopted by the Argentine state in the last 10 years, or even prior.

On the other hand, “emigration” policies refer to the mobility itself, meaning all policies that facilitate or curb mobility (outward and return) across international borders (see Weinara, this volume). These can be divided into two groups: measures that facilitate outward mobility and those that facilitate ease of access. In this regard, I maintain that Argentina has barely developed policies from the first group but has implemented some ease-of-access measures, such as agreements on the avoidance of double taxation, mechanisms for diploma recognition and funding programmes for returning migrants.

Despite this involvement, Argentina has not yet defined the terms “emigrant” or “diaspora”; in fact, the word “diaspora” barely appears in official communications.

¹Some studies have investigated a previous period (beginning in 1810), addressing exits from Argentina under various definitions of *exile*: from seeking a “refuge for one’s ethics” to the “evil’s path” (Jensen 2004).

²See “Table 1.1, Diaspora policies” in Weinara, this volume.

As the General Director of Consular Affairs has sustained, “we prefer to speak about Argentines abroad” (Buirá 2006: 299) as the law does under the title “About Argentines abroad”, which contains only three indistinct references to the diaspora: “Argentine emigrants” (or “emigrants”), “Argentine citizens” and “Argentines abroad”.

Under this theoretical framework, I describe the Argentine state’s approach towards its emigrants, and attempt to identify the policy drivers, changes introduced by Law 25,871 in 2004 and the measures adopted as a consequence. Finally, I analyse these actions, taking into account the different characterisations of “diaspora” and “emigration” policies and, in particular, investigating continuity and changes since the law was adopted. To do this, my chapter is mainly based on a review of the literature produced in Argentina in the last 10 years, on interviews and other data produced within the framework of INTERACT’s Project (2013–2014) and on official information provided by the Argentine state and available online.

Emigration and Diaspora Policy Drivers

The migration policies implemented by Argentina are shaped by both domestic and international factors, such as immigration’s attributed importance as an *engine* that can build the country; the role of the coup d’état in the emigration of professors, scientists and intellectuals; and the economic crash of 2001, which resulted in an important outflow of Argentines to Europe in fragile conditions, etc.

Argentina as a Country of Immigration

Historically, Argentina has described itself as a country of immigration. It has focused solely on immigration issues, given that immigration was considered part of the country’s national development strategy. Vast arable land was a competitive advantage in an international market in need of agricultural products, but with only two million people in a country of 2.7 million square kilometres, the state considered the country “a desert”. Immigration was believed to be necessary to populate the country. More interestingly, immigration was supposedly best accomplished by European immigrants. The law on immigration (from 1876) established a requisite that to be considered immigrant, a person had to arrive by ship “...by paying a second or third class ticket” (Article 12). As a consequence, between 1880 and 1890 a million immigrants arrived in Argentina, mainly from Italy and Spain. In 1895, two in three inhabitants in the city of Buenos Aires were recently arrived foreigners and in 1914, around 30% of the Argentine population were foreigners.³

³To put this in context, Argentina begun its story as an independent country in 1810; its Citizenship Law (No. 346, still in force with amendments) was issued in 1869.

“To populate” was a way not only to obtain a workforce but also “to civilise the country” (Devoto 2010: 10). In the vision of Alberdi, “we need to change our people unqualified for freedom with other people...If we have to adjust our population for the system of government...is necessary to encourage Anglo-Saxon immigration”. This ideology “granted the future immigrant a privileged place in the Argentine social imagination” (Devoto 2004: 230). Thus, public policy on migration was significantly shaped by this civilising idea, to the extent that it includes a particular clause (Article 25, already quoted) in the National Constitution encouraging the promotion of European immigration. Under this conception, the only imaginable immigration was European.

An additional factor is the persistence of European immigration and its civilising capacity as an “epic tale” (Pacecca 2011). The Argentine xenophile (e.g. Antelo Romero 2014) has shaped not only the manner in which Argentina perceives itself but also its perception of intra-regional immigration. The relevance attributed to European immigration, even today, contrasts with the historical presence of regional immigration: between 1869 and 2001, the population from neighbouring countries has been between 2% and 2.9% (Pacecca and Courtis 2008). Only in 2010 did it reach 3.5% (Argentina et al. 2013: 8).⁴ In recent elections in Argentina (November 2015), the first speech of the newly elected President stressed the efforts of “our parents and grandparents [who] arrived in ships seeking opportunity and built that wonderful period in Argentina. We are called to take the baton”.⁵ This official and still current tale has overlapped and hidden the equally historical immigration from neighbouring countries, “whitening” the society (Gott 2007) and defining desired and undesired immigrants (Argentina et al. 2013).

In conclusion, immigration, and European immigration in particular, monopolised the state’s attention both in social and political terms. Emigration received little attention and has been clearly absent from all the legal regulations regarding migration since 1876. Throughout the decades, governmental actions that were relevant to emigration have been random and lacked a comprehensive framework.

Emigration from Argentina: An Overview

In numbers, Argentine emigration is not as significant as immigration to the country. An emigrant is defined as a person who has been living abroad for at least 12 months and has been deregistered from the population registers. In 2010, it was estimated

⁴ See information in http://valijainmigracion.educ.ar/contenido/texto_marco.pdf, page 8.

⁵ In the original: “...nuestros abuelos, nuestros padres vinieron en barco buscando una oportunidad, y construyeron esa etapa maravillosa de la Argentina. Nos toca a nosotros tomar esa posta”. Clarín, “Mauricio Macri: “Gracias por haber creído, estoy acá porque ustedes lo han decidido”, 22/11/2015. Available at: http://www.clarin.com/elecciones_2015/Macri-Gracias-creido-ustedes-decidido_0_1472253327.html [Accessed 29 November 2015].

that 1,026,000 Argentines were living abroad (Calvelo 2011)⁶ and around 1,805,000 foreign persons were living in Argentina (INDEC 2010), of a total population of 40 million. For the period 2001–2010, the net migration (immigrants less emigrants) in Argentina was negative: –90,000 and –84,000 for 2001–2005 and 2005–2011, respectively. Whereas for 2011–2015 it was positive (+30,000)⁷; an estimated 4.5% of the population in Argentina were immigrants during this period, in contrast with 2.5% who were emigrants.

However, the Argentine population abroad has increased more rapidly than the immigrant population in Argentina. For instance, the immigrant population in Argentina has decreased from the 30% reached in 1914 to around 4–5% since 1990. But the annual population growth of Argentine emigrants was 30 per thousand (3%) (Calvelo 2011). For the period 2001–2006, it is estimated that 300,000 people left the country (Jachimowicz 2006). It was also this period that launched the issue of Argentines abroad into the spotlight, since it was a different kind of emigration which faced several problems abroad.

Broadly speaking, authors identify three waves of emigration. The sixties were called the “brain drain” period (Calvelo 2008), when a limited number of skilled, educated Argentines left the country. A second wave is associated with political exiles, but also included the exit of skilled workers and people with high human capital (Calvelo 2008). These emigrations were prompted by ruptures in Argentina’s democratic structure: *coups d’état* in 1962, 1966 and 1976 led to the exit of professors, students, politicians and other professionals, since the persecution of university activists was unfortunately very common. For example, during the so-called “*Noche de los bastones largos*” (26 July 1966), more than 1300 professors resigned or left the country.⁸ In general, it is estimated that during 1970s alone, two million people from Latin America left the continent (Leiva 2005). We also know that half a million people left Argentina between 1976 and 1983 (Lastra 2012). Neither the first nor second wave of emigrants faced issues of extreme discrimination or serious problems integrating into the labour market at destination.

The third wave, in 2001, was caused by economic troubles. The financial, social and institutional crisis triggered in December 2001 drove many people to emigrate. Often it was a desperate decision, pushing very poor people to look for a better life abroad. It is estimated that 23,000 left the country in the span of 1 month.⁹ The 2001–2002 emigration was caused by a sudden loss of patrimony and purchasing power (Mármora 2001). That period was also characterised by “high unemployed rates, a shortage of state resources for social policies, a regression of state participation in vital areas of society, an increase in poverty and so on” (Novick 2012: 216).

⁶There is a general agreement among authors about how difficult it is to estimate Argentine emigration, due to the lack of information (Pedrosa 2011).

⁷Source: World Bank. Available at: www.databank.org. [Accessed 24 February 2016].

⁸Source: <http://www.desarrollosocial.gob.ar/efemerides/la-noche-de-los-bastones-largos/> [Accessed 2 December 2015].

⁹Source: “Cuando emigrar se convierte en una cuestión cultural”. <http://www.pagina12.com.ar/diario/sociedad/3-2253-2002-02-25.html> [Accessed 2 December 2015].

That third wave of emigrants (predominantly middle class, i.e. workers and storekeepers) encountered many problems at destination for a variety of reasons. In addition, their problems abroad flooded the newspapers. They faced difficult emigration procedures, as 2001 marked the start of an era of tightened immigration regimes all over the world; obstacles to integrating into the labour market (such as discrimination, lack of work permit); issues related to migrant health; problems with legal status; and last but not least, a gap between expectations and reality (Novick et al. 2005). Authors also argue that after that period, “national authorities tried to provide efficient and effective assistance to emigrants” (Buira 2006: 300), for example by re-opening several consular offices that had closed in 1995 (Buira 2006).

Thus the last “emigration wave” was different for many reasons. First, it was characterised by a different emigrant profile (ranging from professors, scientists and political elites to lower and middle classes) that faced tough migration controls to enter, live and work in the destination countries, mostly in Europe (36.5% of the total emigration). This situation and the impact of a national media outcry forced the Argentine government to take measures to protect the country’s emigrants, an obligation which would have been unthinkable in the non-democratic context of the previous emigrations.

Interestingly enough, the situation of emigrants abroad was a starting point for a serious discussion about the situation of Latin American immigrants (particularly Bolivians and Paraguayans) in Argentina (García 2010). They had been governed by regulations inherited by the last dictatorship and denied basic human rights. They had also faced significant obstacles to achieving a regular status. In addition, the discourses during the nineties turned on a contradictory morality: Argentina (public opinion, the media and the Ministry of Foreign Affairs) clamoured about the rights of its nationals abroad, while at the same time extensive *razzias* (massive detentions) and other violations of immigrant rights were taking place within the country. In words of the ex-Supreme Court judge (currently at the Inter-American Court of Human Rights) “our co-nationals suffer the same difficulties which the so-called Videla Law imposes in our country on Latin American and MERCOSUR immigrants” (Zaffaroni 2004: 48). Finally, NGOs and other civil society actors succeeded in obtaining more favourable regulations for immigrants under National Law 25,871 which covers the main state objectives in migration policy and was issued on 17 December 2003. Thus the situation of Argentines abroad gained importance, along with an article of the law that was dedicated to emigrants.

Clearly the lack of attention towards Argentine emigration seems to have been reverted. Even though this law largely regulates the situation of immigrants, it opens a new chapter, both literally and institutionally speaking, in Argentine emigration policy.

In conclusion, the policy drivers of Argentine emigration laws are comprised of several factors: the historical importance of immigration, the profile and context of specific emigrations, and finally, the 2001 crisis and the treatment of Argentines abroad, along with its resonance in public opinion. All this led to a new legal framework, which I shall analyse in the following section.

Emigration and Diaspora Policies in Place

The current Argentine policy framework concerning emigration is governed by National Law 25,871 (“Argentine Migration Policy”), issued 17 December 2003 and in force since January 2004.¹⁰ Among the 11 titles or sections of the law, one of them (Title IX, “On Argentines abroad”) addresses, though only briefly, the situation of Argentines abroad.

Law 25,871 and its Decree 616/10 reflect a change in the treatment of Argentine emigrants, inasmuch as previous migration laws lacked an emigration perspective, while emigration initiatives were fragmented into decrees and resolutions. In this sense, authors have pointed out that Argentine public policies “have not duly reflected the attention that emigration demands” (Calvelo 2008: 11).

Title IX of Law 25,871 contains three articles:

- (i) **Article 102** provides a legal framework for the Argentine Government to sign agreements with other countries where Argentine emigrants live in order to ensure them some labour rights;
- (ii) **Article 103** refers to the right of a returning emigrant who has lived for more than 2 years abroad to import certain assets to Argentina duty free;
- (iii) **Article 104** establishes that Argentine embassies and consulates abroad will have the necessary services to keep Argentine nationals living abroad informed about exemptions and other allowances for their return to Argentina.

Hence, the focus of the articles is on diaspora policies; however, two additional emigration measures exist, which were actually the first to have been established by the state. In the following sections I shall address both of them.

State Emigration Policies and Responsible Institutions

Novick (2007) upholds that emigration was always a concern for the Argentine state but that it was only in the 1950s that it became part of an institutional agenda. Since then, emigration policies in Argentina have been characterised by ease-of-access measures and political decisions to facilitate return mobility.

In 1958 the Nacional Council of Scientific and Technical Research (“*Consejo Nacional de Investigaciones Científicas y Técnicas*” – CONICET – was created and inspired by the French *Conseil National pour la Recherche Scientifique*). Almost immediately, CONICET generated the first *Programa de Repatriación de Científicos*

¹⁰ Full text (official version) of Law 25,871 is available at: <http://www.infoleg.gob.ar/infolegInternet/anexos/90000-94999/92016/texact.htm>. [Accessed 2 December 2015]. There is an unofficial translation of the law available at: http://www.limeres.com/pdf/1307997312-Argentina_Immigration_Law_Number_25871_English_Translation.pdf [Accessed 2 December 2015].

en el exterior (Programme for the repatriation of scientists abroad), a very well-designed programme (Leiva 2005) in that it paid for transportation for the scientist and his/her family, equipment for his/her research, etc. This personalised programme resulted in the return of 30 scientists (Leiva 2005), and the case of each participant was specifically analysed.

In 1965, by National Decree 7558/65, the Special Commission for the Study of the Migration of Scientists, Professionals, Technicians or Highly-qualified Workers was created (*Comisión Especial de Estudio de la Migración de Científicos, Profesionales, Técnicos u Obreros altamente calificados*). In 1973, the Government created a policy explicitly addressing Argentines abroad, which was included in the Three-Year Plan (*Plan Trienal para la reconstrucción y la liberación nacional* – 1974–1977) (Novick 2007).

The return of democracy in 1983 (military *juntas* had periodically ruled from 1966 to 1982) renewed these initiatives. Among the measures facilitating mobility (especially return) were discounts for the transportation of belongings by ship, the recognition of diplomas and an amnesty from obligatory military service.¹¹ In spite of this, authors uphold that in the national elections of 1983, the issue of exile and return were practically non-existent in the proposals of the major political parties (Leiva 2005; Novick 2007).

In 1984 the National Commission for the Return of Argentines abroad (*Comisión Nacional para el Retorno de los Argentinos en el Exterior*) was created by National Decree 1798/84 along with its two main programmes: (i) Assistance for Repatriation, coordinated by UNHCR (United Nations High Commissioner for Refugees) and (ii) ‘ROT’ (Return of Talents, *Retorno de Talentos*), under the Intergovernmental Committee for Migration (*Comité Intergubernamental para las Migraciones*) (Novick 2007). The measures included incentives for return such as discounts on transportation back to Argentina, the recognition of professional qualifications issued abroad, and tax exemption for personal assets. The National Mortgage Bank (*Banco Hipotecario Nacional*) granted, at the request of the Secretary of Science and Technology (*Secretaría de Ciencia y Técnica*),¹² a quota of 500 mortgage loans for returning scientists up to April 1987.

Some policies that are currently in force started in the 1990s. For example, the Directorate of Argentines Abroad was created (*Dirección de Argentinos en el Exterior*, under the scope of the Ministry of Foreign Affairs) in the mid-1990s and established a Fund of Assistance for Co-nationals (*Fondo de Asistencia al Connacional*). In addition, in 2000, the “RAICES” Programme¹³ “the Network of Researchers and Scientists Abroad” (*Red de Investigadores y Científicos en el Exterior*) was formally created. After a halt in operations in 2001, due to the economic

¹¹ Military service was mandatory in Argentina up to 1995.

¹² Note about the translation: the use of “technology” instead of “technique” was preferred since it is the translation adopted by official communications.

¹³ The English translation for ‘raíces’ is ‘roots’.

conditions in the country, it was formally relaunched in 2003 (García de Fanelli 2008). In 2008, National Law 26,421 transformed the programme into the official state policy.¹⁴ Currently, the programme is under the direction of the Ministry of Science and Technology.¹⁵ As of December 2015, it supported the repatriation of a total of 1245 qualifying individuals.¹⁶

The declared objectives of RAICES primarily correspond to diaspora policy so I shall refer them in the following section. However, certain emigration measures can be identified among RAICES's lines of action.¹⁷ For example, it provides subsidies for returning: its sub-programme called "Back to Work" seeks to promote return through economic incentives (return subsidies and reintegration fellowships). It also funds the creation of a database that contains the CVs of scientists and technicians living abroad. In addition, the Agency of Technological and Scientific Promotion (*Agencia Nacional de Promoción Científica y Tecnológica*) designed the programme "Research and Development Projects for the settlement of researchers in Priority Areas" (*Proyectos de Investigación y Desarrollo para la Radicación de Investigadores en Áreas prioritarias (PIDRI)*).¹⁸ Through this initiative, the Agency provides funding (45,000 Argentine pesos, currently 3000 US dollars) to each repatriated researcher.

Finally, apart from having a clear return dimension and some elements of diaspora building (helping emigrants with CVs, networking, etc.), RAICES is also supposed to be a programme of retention. However, there is no information available about this aspect of the programme (Buirá 2006).

Ease of Access: Portability of Rights

Argentina has signed many agreements on the portability of rights, particularly with regard to social security agreements. However, only two of them were adopted after Law 25,871 was introduced. These agreements regulate compensation for old age, work accidents and diseases, disability and motherhood, among others. They refer to emigrants and qualifying diaspora members alike.

¹⁴ The text of the law is available (in Spanish) at: <http://www.infoleg.gob.ar/infolegInternet/anexos/145000-149999/147138/norma.htm> [Accessed 2 December 2015].

¹⁵ The Ministry of Science and Technology was created in 2007.

¹⁶ Information available on the website: <http://www.raices.mincyt.gov.ar/> [Accessed 2 December 2015].

¹⁷ Available at: <http://www.raices.mincyt.gov.ar/lineas.htm> [Accessed 3 December 2015].

¹⁸ See in the website: http://www.raices.mincyt.gov.ar/politicas_regreso.htm. [Accessed 2 December 2015]. A guide for applying to the programme is available at: http://www.agencia.mincyt.gov.ar/upload/GUIA_PRH_PIDRI_2011-VENTANILLA_ABIERTA.pdf [Accessed 2 December 2015].

The agreements can be found on the webpage of the Ministry of Foreign Affairs.¹⁹ Argentina has signed agreements with Portugal (1966, replaced by a new agreement signed in 2007), Italy (1981), Greece (1984), Spain (1997), the Netherlands (2002), Slovenia (2007), France (2008), Belgium (2010) and Luxemburg (2010). In Latin America it has agreements with Chile, Uruguay and Brazil, among others, in order to guarantee the social rights of Argentines living abroad, as well as those of foreigners living in Argentina. In 1997, another agreement was signed under the aegis of MERCOSUR: the Multilateral Agreement on Social Security (*Acuerdo Multilateral de Seguridad Social en el MERCOSUR*) establishes that foreign workers and their families are entitled to the same rights as nationals. Similar bilateral agreements were also signed with Chile and Peru (1996).

The most important incorporation of Law 25,871/2003 in this regard is probably Article 102, which allows Argentina to sign agreements that concern emigration with other countries. However, taking into account the fact that many of the currently existing agreements were adopted before 2003, I am of the opinion that once again, the intention of including this section was to consolidate various existing rules and regulations rather than to creating new legislation. In addition, one of the policymakers' major goals was to provide visibility for emigrants' issues.

Ease of Access: Agreements on the Avoidance of Double Taxation

Argentina has signed DTAs (Double Taxation Agreements) with the following European countries: Belgium (1997), Denmark (1997), Finland (1990), France (1980), Germany (1979), Italy (1983), the Netherlands (1995), Great Britain (1996) and Sweden (1997).²⁰ There is also an agreement with Norway (1997). Moreover, the property of returning emigrants is tax exempt when sent back to Argentina. According to a review of legislation by Leiva (2005), I can affirm that this kind of measure has been in force since the 1950s. Consequently, its inclusion in Law 25,871 consolidates a policy rather than creating one. Currently, the National Tax Agency ("AFIP") has approved a custom tax exemption in place for emigrants' belongings, pursuant to Resolution 3109/2011. It states that an emigrant's belongings are excluded from entrance taxation if the person has been living abroad for more than a year.

¹⁹ Search on the webpage: <http://tratados.cancilleria.gob.ar/busqueda.php> [Accessed 2 December 2015].

²⁰ Source: LATINDAAD Report, 2013. Available in: <http://www.eurodad.org/files/pdf/524d3b7c8e8ed.pdf> [Accessed 2 December 2015]

Ease of Access: Mechanisms for the Recognition of Diplomas, Qualifications and Others

In general, the recognition of degrees and diplomas is within the purview of each public university, except where a bilateral agreement exists. In these cases (as with Spain), the recognition (“*convalidación*”) is processed by the Ministry of National Education. However, this recognition is not valid for the exercise of a professional activity (such as advocacy, medicine, accountancy, etc.). In these cases, a revalidation (“*reválida*”), issued by an Argentine university, is still required. There are also several agreements that have been signed in the framework of MERCOSUR.²¹ These multilateral agreements regulate the recognition of titles from different levels (primary, secondary, university degrees and post-graduate studies) with no special regulations for professions.

Considering its large number of dual nationals, Argentina has signed international agreements with Spain (2002) and Italy (2003) regarding the mutual recognition of driving licenses. Consequently, Argentines can easily exchange their driver licenses for locally issued versions when staying for longer periods (over 3 months) in those two countries.

Others: Job Offers and Funds for Returning

In 2007, certain large companies (Techint Argentina, IBM, Siderar, SIDERCA, CORE y Tecpetrol) signed an agreement, jointly with the Secretary of Science and Technology (currently a Ministry) and the Argentine Foreign Office, to offer jobs to Argentine technicians and professionals living abroad (Luchilo 2007). The programme is called “Return to Work” (*Volver a trabajar*)²² and it creates a database of relevant vacancies. Information about these vacancies is then disseminated through consulates. New agreements followed quite quickly and then companies subsequently joined the programme but there is not further information about it.

Finally, one of the RAICES’s lines of action is a sub-programme that funds the return of scientists living abroad and that count on a job offer in Argentina. It covers

²¹ MERCOSUR/CMC/DEC. N° 7/95, “PROTOCOLO DE INTEGRACIÓN EDUCATIVA Y REVÁLIDA DE DIPLOMAS, CERTIFICADOS, TÍTULOS Y RECONOCIMIENTO DE ESTUDIOS DE NIVEL MEDIO TÉCNICO”, Resolution available in: http://www.mercosur.int/msweb/Normas/normas_web/Decisiones/ES/Dec_007_095_.PDF. [Accessed 4 December 2015]. To see MERCOSUR regulations on the recognition of diplomas: <http://www.mercosur.int/innovaportal/v/5775/5/innova.front/reconocimiento-de-titulos-en-el-mercotur> [Accessed 4 December 2015].

²² Some information available on the webpage of RAICES: http://www.raices.mincyt.gov.ar/convenios_empresas.htm [Accessed 3 December 2015].

transportation to Argentina and a stipend for certain items, up to 30 million Argentine pesos. The minimum period of residence abroad is 3 years.²³

There is also a scholarship fund through CONICET for returning researchers to support their post-doctoral reinsertion into the labour market. Candidates must have obtained a PhD and have been living abroad for at least 2 years.²⁴

State Diaspora Policies

The 1980s arguably mark the beginning of diaspora policies. Although during the period 1951–1971 some initiatives took place, such as support for the visits of foreign specialists or Argentine scientists living abroad or (Leiva 2005), it was not until 1984 that several programmes targeting diaspora links were created.

From 1984 to 1989, the Scientific Argentine Heritage Abroad Programme (*Programa Patrimonio Científico Argentino en el Exterior*), organised by the former Science and Technology Secretary (Secretaría de Ciencia y Técnica), sponsored visits by Argentine scientists living abroad for a minimum period of 2 weeks to give courses and seminars, work in laboratories and carry out collective research (Leiva 2005). The same secretary also organised the European Community Cooperation Programme (*Programa de Cooperación Comunidad Europea*) to finance visits to Argentina, for an annual period, for Argentine scientists living abroad. In addition, Leiva (2010) points out the International Cooperation Agreements that were signed by CONICET (the national institution for Science and Technique) with similar institutions in Europe: DAAD and DFG (Germany), CSIC (Spain), CNRS and the Inserm (France), CNR (Italy), and the Royal Society (United Kingdom).

The 1990s saw the continuation of that philosophy of linking human capital abroad with Argentine society. The National Programme to Link Argentine Scientists and Technicians Abroad (*Programa Nacional para la Vinculación con Científicos y Técnicos Argentinos en el Exterior*) was initiated in 1990. In 1995, the programme “CONICET out of the homeland” (“*CONICET fuera de la Patria*” Decree No. 242/95) was created “to use that enormous scientific force abroad, latent until now” (Leiva 2005, 2010).²⁵ Also in 1995, a Decree concerning the nationality of persons born abroad was issued: Decree 231/1995 and Decree 1601/2004 established Argentine nationality as an option for children born abroad of Argentine emigrants.

In 2003 and pursuant to an initiative of Argentine Government, an online census of Argentines in Spain was opened (*Censo de Regularización de Argentinos en*

²³ More information available in: http://www.raices.mincyt.gov.ar/aplicar_retorno.htm [Accessed 3 December 2015].

²⁴ More information available in: <http://web.conicet.gov.ar/web/conicet.convocatorias.becas/repatriacion> [Accessed 3 December 2015].

²⁵ There is not further information about this programme in the literature reviewed.

España’) to help emigrants with the preparation of the Spanish documentation required to attain regular residence there.

Finally, the RAICES programme (mentioned in the previous section) also concentrates some of its measures on the diaspora. It offers a range of projects which promote local scientific achievements among Argentine scientists in the diaspora and build collaborative links between researchers abroad and at home. It also gathers information on highly-qualified researchers and professionals who live abroad in a database and actively recruits Argentine researchers living abroad to participate in the *Programa de Atención a Areas de Vacancia* (Vacancy Areas Programme). A unique feature of the programmes run by RAICES is that they engage both the private sector and third sector in the activities.²⁶

Building Community Through Political Ties: Voting Rights and Dual Nationality

In Argentina, nationality is acquired mainly on the basis of *ius solis* criteria (birth-right citizenship) rather than on *ius sanguinis*, and is regulated by National Law No. 346. Foreign persons can acquire Argentine nationality in two ways: (i) as children born abroad of Argentine parents; (ii) after living in Argentina for at least 2 years. Thus there are three regimes by which one can be attributed nationality: for natives; for those who can become Argentine “by option”; and for those who want to become naturalised citizens. For the latter, the practice indicates that an oath giving up one’s former nationality is required, except in cases where a dual nationality agreement exists. Argentina has signed agreements on dual nationality with Spain (1969), Italy (1971), Sweden (1885) and Norway,²⁷ and in Latin America with Chile, Colombia, Ecuador, El Salvador, Honduras, Nicaragua and Panama.

Children of emigrants can acquire Argentine citizenship through their parents (but not grandparents): it is not an automatic process but rather an option that a person can exercise. Until 2004, Argentine nationality could only be obtained this way before the child was 18 years old (by a decree of 1995 (No. 231/1995). Current regulations extend eligibility beyond that age and without further limitations (National Decree (No. 1601/2004). Dual nationality is thus allowed.

In 1991, Argentines abroad were given the vote under National Law 24,007 and Decrees 1138/93 and 2010/93. The first time this law was enforced was in 1993, when about 8000 Argentines abroad registered to vote (Novick 2012).

Electoral participation did not improve, however; it decreased spectacularly from 1993 (60.55%) to 2005 (8.38%) (Pedrosa 2011b: 275). In 2015, it was estimated that 40,000 Argentine emigrants were registered to vote. Therefore, to reinforce vot-

²⁶ Information available on the website of RAICES (in Spanish): <http://www.raices.mincyt.gov.ar/institucional.htm> [Accessed 2 December 2015].

²⁷ See information in: <http://erica.cancilleria.gov.ar/en/node/3299> [Accessed 2 December 2015].

ing rights, a programme known as “25th Province” (*Provincia 25*)²⁸ was created in 2007 through Resolution 452/2007 of the Ministry of the Interior. This “very ambitious programme” (Novick 2012: 226), seeks to “strengthen the links and communication between the State and Argentines residing abroad” (Novick 2012: 226). Argentines abroad willing to exercise their voting rights had to complete a special registration process called *Registro de Electores Residentes en el Exterior* (Novick 2007). The programme was modelled on similar solutions introduced by certain European countries. The objective was to ensure that voting became more widely accessible by simplifying voter registration and voting procedures. It also created “representative institutions” (mainly civil organisations formed by Argentine persons) in the communities of Argentines abroad (Luchilo 2007) and introduced a proposal for a special representation of the 25th Province (an extraterritorial voting district).

In August 2009, a bill was submitted to the Chamber of Deputies. Called the “Creation of an overseas district and parliamentary representation”, it proposed that Argentines living abroad should be entitled to elect five delegates to represent them in the Chamber. In this way, Argentines would be able to vote in national elections, as well as have representation in Parliament (Novick 2012). However, the initiative did not succeed.

Diaspora Engagement Through Institutional Ties: Bureaucratic Units, Relations with Organisations Abroad, Etc.

In the 1990s, the Directorate of Argentines Abroad was created (*Dirección de Argentinos en el Exterior*, under the Ministry of Foreign Affairs). This office is in charge of assisting emigrants abroad, particularly with the documentation required to return to Argentina. It also assists persons under criminal or administrative detention, as well as emigrants’ families in general, for instance with the repatriation of a deceased citizen’s remains (Buira 2006). The Department of Management and Procedures (*Departamento de Gestión y Trámites*) and the Department of Social Assistance are two of the units of the Directorate: while the first is in charge of documentation and certificates, the second deals with issues of family assistance, social security and minorities.

In 1999, the parliament of the City of Buenos Aires (which has the status of a Province), in agreement with the University of Buenos Aires, created the NODO ARGENTINO of the *Red Interregional de Científicos de América Latina y el Caribe*. The objective was the creation of a network of Argentine professionals living abroad and a space for regional academic interchange (Leiva 2005).

Finally, the Office of the Ombudsman (*Defensoría del Pueblo*) of the City of Buenos Aires previously hosted the *Centro de Ayuda y asistencia al Inmigrante y al*

²⁸ Argentina has 24 provinces within its territory. More details about the Programme in: <http://www.mininterior.gov.ar/provincias/argentinos-exterior.php> [Accessed 2 December 2015].

Emigrado (Help and Assistance Centre for Immigrants and Emigrants). However, the activities with emigrants were eventually called off (Novick 2007).

The creation of certain associations of Argentines abroad was supported by the Ministry of Foreign Affairs: specifically, through initiatives in Germany, the United States and France. They served a broader policy of engagement and return. At present, the *Asociación de Profesionales Universitarios en Alemania* (APUA) in Bonn and the *Asociación para los Intercambios Científicos Franco-Argentinos* in France are active associations that help links and exchanges (Leiva 2010). Overall there are an estimated 160 associations of Argentines living abroad (Pedrosa 2011b). Almost 60 are in countries in the European Union, and over half of those are in Spain.

Conclusions

As seen previously, many policy drivers can be identified: the social and political importance attributed to immigration, particularly to European immigration; immigration's persistence as an epic tale that permeates the way Argentina perceives itself; the definition, by contrast, of undesirable immigrants as well as the limited importance of emigration; the profile of traditional emigrants (professors, scientists, intellectuals in general, etc.) and the political context (dictatorships) in which they lived and worked; and finally, the conditions imposed by the economic crisis of 2001, which by pushing many people with other profiles to emigrate in fragile conditions (in particular, without visas or work permits), placed emigration issues in the spotlight, thereby bringing attention from galvanising public opinion and forcing the government to intervene. As a consequence, emigration became part of the law for the first time in Argentine history in 2003.

In that sense, the inclusion of emigration into the current legal framework of migration policy is important for the support and execution of an integral policy that includes both emigration and immigration issues. As established in the Introduction to this volume, "emigration and immigration are two sides of the same coin, and all countries are countries of immigration and emigration" (See Weiner, this volume).

Although both emigration and diaspora policies in Argentina have remained the same in terms of intended recipients (scientists, technicians...), they have advanced in terms of long-term sustainability. Programmes such as "Province 25" and "RAICES" are perhaps the most concrete actions that the Argentine Government has taken to establish ties with its population abroad (Nejamskis 2010). Today (as of February 2016), the RAICES programme has repatriated 1269 scientists. There are also "twenty financed networks that permit links between the national system and institutions abroad" (Nejamskis 2010). In addition, the institutions involved have remained the same since the 1990s (or even longer, as in the case of CONICET). On the other hand, what has changed is the role of civil society organisations, which are now recognised by the state. A major emphasis on diaspora policies has also emerged more recently.

I consider the value of such inclusions within a legal framework to be worth more, in terms of visibility and consolidation, than the creation of a new policy. In this way, certain measures that had been adopted randomly (and later may have been discontinued, restarted again and so on) appear legally institutionalised and more importantly, placed into the category of a state policy, along with immigration concerns. Examples are the programme for the repatriation of scientists (RAICES) and the emphasis on networking initiatives, areas where the Argentine state seems to be supporting and funding at least up to December 2015. Finally, the law also permits the creation of new measures, which are also now embedded under this policy: for example, supporting engagement with communities, NGOs and companies.

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Chapter 3

When Belgians Are the Migrants: An Overview of Narratives, Public Policies and Actors Framing the Question of Emigration in Belgium

Jérémy Mandin

Introduction

Between its independence in 1830 and the beginning of the twentieth century, Belgium experienced more emigration than immigration. Until 1921, Belgium could be considered a country of emigration. Stengers (2004) distinguishes three major emigration phenomena during the nineteenth century and the beginning of the twentieth. The first phenomenon is the significant emigration of Belgian workers to France for job opportunities in the North (in particular in the textile industry) and in Paris. Between 1889 and 1891, 456,000 Belgians were registered in France (Stengers 2004, p. 325). The second phenomenon pertains to what Stengers describes as short emigration “fevers”, during which Belgian people emigrated toward destinations such as Wisconsin, Brazil and Argentina. The third phenomenon is emigration to the United States. Between 1830 and 1919, the rate and socio-economic characteristics of this emigration evolved. Between 1850 and 1856 for example, thousands of Belgians (mainly from the rural working class in the Brabant-Wallon region) left Belgium to settle in Wisconsin, resulting in local depopulation in several parts of Belgium. Between 1901 and 1912, more than 23,000 Belgian people left Belgium for the United States. Around 68% of these emigrants came from Flanders, 25% from the Walloon region and the rest, from Brussels or an unidentified origin. Illinois, Michigan and Pennsylvania constituted the main destinations in the United States (Stengers 2004). Another example that needs to be taken into consideration is emigration to Congo. The emigration of Belgian people to Congo remained very low in the first period of the colonisation, but increased after World War II. In 1959, one year before independence, there were 88,913 Belgians in Congo (Stanard 2014).

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Since 1921, immigration flows began to durably exceed emigrations in Belgium, which was due in particular to the demand for a workforce in Belgian industries. After the second world war, Belgian authorities began to sign bilateral agreements with other countries in order to recruit foreign workers. Agreements were signed with Italy (1946), Spain (1957), Greece (1950), Morocco (1964), Turkey (1964), Tunisia (1969), Algeria (1970) and Yugoslavia (1970). Despite the official ending of the labour immigration policy in 1974, immigration didn't stop. The immigration phenomenon in Belgium became progressively more diversified in terms of immigration status (family reunification, asylum seekers, student immigration, etc.) and also in terms of country of origin (Martiniello and Rea 2012). However, this does not mean that emigration ceased to be a significant phenomenon. Belgium is actually one of the countries with the highest emigration rates in the European Union (4.7% in 2007) (Lafleur et al. 2015) and as illustrated later, emigration is still a growing phenomenon.

As Ragazzi (2014) has pointed out, the attitude of many countries toward their emigrant population abroad has shifted during recent decades. Many countries actually try to (re)define their citizens living in foreign countries as being a constitutive part of the national population, through symbolic, bureaucratic, legal or political modes of inclusion (Ragazzi 2014). This chapter addresses the question of emigration and diaspora policies in Belgium. What kind of policies does Belgium implement in order to shape the international mobility of its citizens and to secure ties with them once they are abroad? Who are the relevant actors in such policies or programmes?

Following the general analytical framework of this book, by emigration policies I mean policies or programmes which are concerned with the facilitation, restriction or control of the Belgian people's international mobility. By diaspora policies, I mean the policies which are implemented in order to produce or secure (cultural, political, economic, etc.) ties with Belgian people abroad (or people of Belgian origin) and the policies which are implemented to keep these ties alive and to benefit from them.

The chapter develops as follows. In the first part, I describe the context in which the Belgian emigration and diaspora policies are designed and implemented. I focus successively on the general trends of Belgian outmigration flows during the last decades, on the salient narratives about emigration in institutional and media discourses, and finally on the incorporation of the emigration problem into the political agenda. The second part provides examples of emigration and diaspora policies implemented in Belgium. In this way, I stress the complexity of these policies, which involve a large diversity of actors, from the federal state to regional levels of power, and from public organisations to private actors.

The data presented in the chapter come from: the existing scientific literature about emigration and emigration policies in Belgium, the available statistical data and a non-exhaustive exploration of the institutional documentation (including online documentation) about emigration- or diaspora-oriented programmes in Belgium.

Emigration Dynamics, Public Discourses and the Political Agenda

General Emigration Trends in Belgium

In Belgium the statistical information about migration flows is based on the National Register (*Registre national*) data. Indeed, each person who is staying in Belgium for more than 3 months has to register in the population register of his city of residence. At the same time, each person who leaves the country for more than 3 months must declare his departure. All these pieces of information are centralised in the National Register, creating a way to calculate inflows and outflows of the population residing legally in Belgium. If the registration system seems to be quite satisfactory with regard to the inflows (as far as they concern the legally residing population), it appears to be less effective with regard to the emigration phenomenon. The Centre Interfédéral pour l'égalité des chances et la lutte contre le racisme (2013) gives two possible explanations. First, declaring a departure can be seen as a fastidious procedure by some people. Second, certain benefits being conditioned by the registration in the population it is possible that some people avoid the declaration of their departure in order to maintain their access to such benefits. In order to solve this problem, emigration flows are calculated as follows by the General Direction of Statistics and Economic Information (DGSIE): **“International Emigration = declared emigration + automatically removed people** [when the departure is noted by authorities without being declared by the person himself or when a residence permit expires for example] **+ registry shifting”** [when a person registered in the population registry is moved to the “waiting registry”, in the case of asylum seekers, for example] (Centre interfédéral pour l'égalité des chances et la lutte contre le racisme and Centre de recherche en démographie et sociétés 2013). As a result of this method of calculation, international emigration refers to people (both Belgian nationals and foreign citizens living in Belgium) who leave Belgium for another country.

Despite the fact that Belgium experiences more immigrations than emigrations, Fig. 3.1 shows that the numbers of emigrants have been growing since the 1990s. RN-DGSIE counts 86,729 people (Belgian and foreign citizens) leaving Belgium in 2010, compared to 49,264 people in 1990. The positive migration rates of Belgium (more immigrations than emigrations) is mainly explained by the significant immigration of foreign citizens. As Fig. 3.2 shows, the number of foreign citizens entering Belgium (immigration) is much more important than the number of foreign citizens leaving the country (emigration).

If we focus on the migration of Belgian citizens, however, the situation is different. As Fig. 3.2 shows, there were more Belgian citizens leaving Belgium than returning to the country. Furthermore, the figure shows a constant growth in the number of Belgian citizen emigrations beginning in the early 1990s. In 2009, 45,845 Belgian people left the country compared to 20,378 in 1990. It is important to keep in mind that the method of calculation of the migration flows evolved over time. The

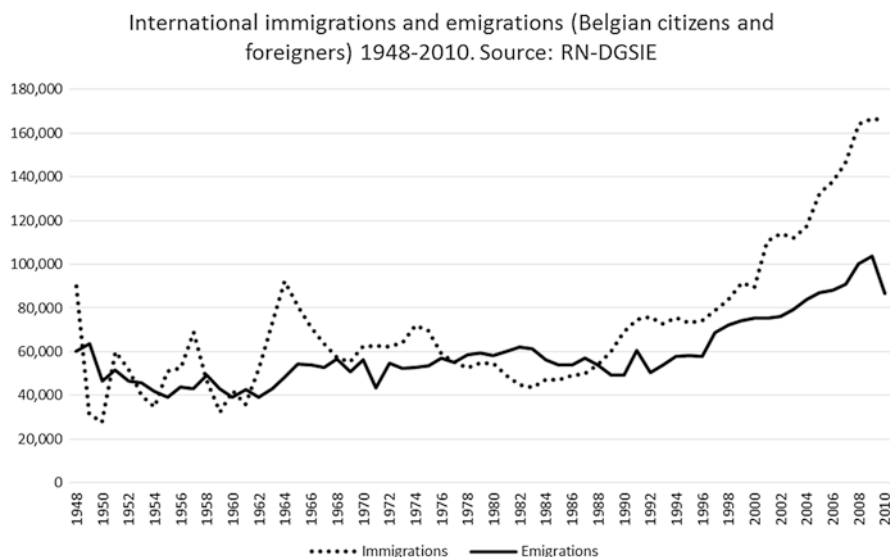


Fig. 3.1 International migration, Belgium

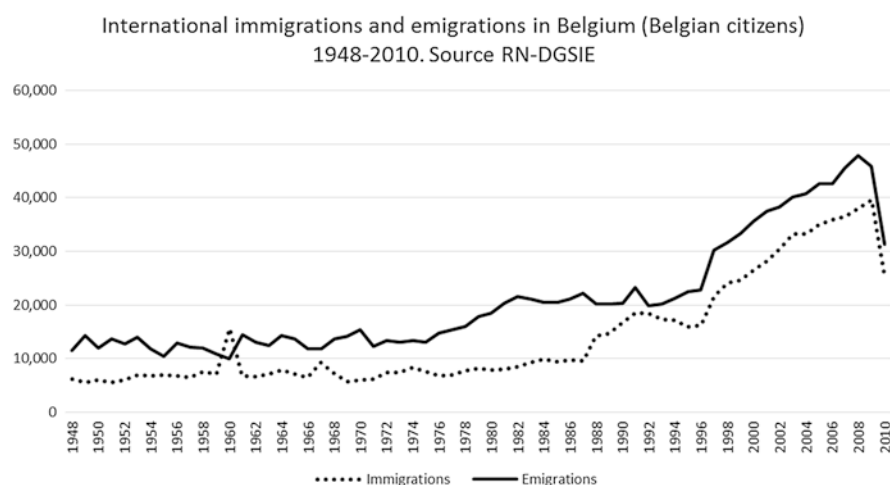


Fig. 3.2 International migration, Belgium: Belgian citizens

drop in immigrations and emigrations visible in Fig. 3.2 for the year 2010 is linked to the implementation of a new method of calculation.¹

¹For more information, see Centre interfédéral pour l'égalité des chances et la lutte contre le racisme, and Centre de recherche en démographie et sociétés. 2013. "Migrations et Populations Issues de L'immigration En Belgique." Centre Interfédéral pour l'Egalité des Chances, p. 27.

The emigration rate is different in Brussels (11‰ in 2007), in Wallonia (5.7‰) and in Flanders (3.37‰) (Centre interfédéral pour l'égalité des chances et la lutte contre le racisme 2009). The Belgian emigrant is mainly French speaking, most often male (54%) and young (average age: 26 years old) (Lafleur et al. 2015).

Where Do Belgian Emigrants Go? A Lack of Statistical Data

Statistical data about the emigration of Belgian nationals still suffer from significant limitations. One of them pertains to the destinations of Belgian emigrants. As with other factors, the significant proportion of automatic removals from the population register in the emigration calculation implies a lack of information about emigrant destinations. Therefore, it is very difficult to know where emigrants go (Centre interfédéral pour l'égalité des chances et la lutte contre le racisme 2009). While data on destination countries were published between the two world wars, this is not the case today. Knowing this lack of data, several methods described in a reports from the Centre interfédéral pour l'égalité des chances et la lutte contre le racisme (2009) can be used in order to provide, not a precise inventory, but an overview of Belgian nationals' main countries of destination.

The first method is to seek the information directly in the destination countries' immigration statistics. This solution has several limitations. First of all, it would require us to find and analyse the immigration data of all the countries in the world. Secondly, the immigration registration system and even the definition of immigration can be very different from one country to another. Finally, the phenomenon of multiple citizenships can produce double counting. Nevertheless, some statistics are available. For example, Eurostat and the OECD publish data from national statistics providers. These statistics mainly concern the European countries. The Centre pour l'égalité des chances et la lutte contre le racisme stresses the importance of neighbouring countries (France, the Netherlands and Germany) as the main destinations for Belgian emigrants (Centre interfédéral pour l'égalité des chances et la lutte contre le racisme 2009, p. 20).

The second method is based on the consular register statistics. Since 2002, Belgium has reinforced the data collection about its citizens residing in foreign countries. Consular agencies maintain a count of people registered in their offices. Here again, two important limitations have to be underlined. First of all, registration in a consular agency is not obligatory, even if it can be helpful for a number of administrative procedures. This can be a more significant problem inside the European Union, where the benefits of registering are less significant. Secondly, the consular agencies' statistics provide information about the **stock** of Belgian citizens living in foreign countries (Table 3.1) but not about the **flow** of Belgian citizens leaving Belgium.

Table 3.1 Five main countries with Belgian citizens registered in the consular register in 2012

Country	Number of registered Belgian citizens in 2012
France	111,668
Netherlands	32,334
Germany	24,466
Spain	22,904
United States	22,188

Data: Service Public Fédéral des Affaires Etrangères

Public Narratives About Emigration and Emigrants

Emigration as a Forgotten History?

At the academic level, Belgian emigration has been addressed in several historical studies (Schepens 1974, Kurgan-van Hentenryk and Spelkens 1976, Stengers 2004). However, like in other Western European countries, the social sciences literature has been much more focused on immigration than on the emigration phenomenon (Green 2005). This observation seems to be particularly true for contemporary emigration dynamics. It is only recently that researchers began to look at contemporary Belgian emigration and to question the reasons for these emigrations (Lafleur 2013b) and the transnational ties (in particular political) that these emigrants maintain with Belgium (Kurgan-van Hentenryk and Spelkens 1976; Lafleur 2013a).

Beyond the academic sphere, authors have shown that emigration seems to have been forgotten in the official history of Belgium (Morelli 1998, Lafleur et al. 2015). Despite several noteworthy initiatives such as the opening of the Red Star Line Museum in Antwerp in 2013,² both French-speaking and Flemish authorities tend to minimize the historical as well as the contemporary significance of Belgian emigration. When emigration history is mentioned in public discourses, it is often to stress positive examples of emigration (or those which are well-perceived) such as the case of the Flemish migrants in South Africa or the Walloon migrants in Sweden for example (Lafleur 2013a). Both Walloon and Flemish officials use these iconic examples to enhance the supposed qualities of their own populations. In this context, discourses tend to focus on success stories (industrial entrepreneurs, businessmen, etc.) and not on the majority of historical Belgian emigration (Morelli 1998). A good illustration of this is the 2012 decoration – by the Walloon government – of Gérard de Geer, the descendant of Louis de Geer, a Walloon industry captain who contributed to the implementation of the iron industry in Sweden in the seventeenth century. The documentation of the 2012 celebration briefly describes the industrial activities of Gérard de Geer (particularly his industrial interests in Wallonia) and concludes with these lines: “Four centuries after Louis de Geer, considered the

²The Red Star Line was a shipping company which carried Belgian emigrants to North America between 1837 and 1934.

father of the Swedish iron industry, [the example of Gérard de Geer] demonstrates that the links between Wallonia and Sweden remain intense and fruitful. By recognising the personal trajectory of Gérard de Geer, Walloon authorities pay tribute to the entire Walloon community, which is proud of its origins” (Walloon Government 2012, p.1 – my translation).³

As Lafleur points out (Lafleur 2013a), the focus on glorious and exceptional emigrant figures hides the fact that Belgium emigration – in particular during the nineteenth century and the beginning of the twentieth century – was mainly driven by the necessity to escape poverty.

Informal Ambassadors, World Citizens and Aid Workers: Elements of the Social Representations of Belgian People Abroad

If emigration history appears to be a blind spot in Belgian public discourses, what about Belgian emigrants? What are the social representations used in everyday political and media discourses to describe the Belgian citizens who left their country for other destinations? In the following paragraphs, I will try to identify several narratives which I think are significantly represented in political discourses, institutional documentations or media narratives. The objective of this section is to provide – not an exhaustive – but a brief overview of some of the emigrant figures emerging in the public discourses.

As said before, the story of Belgian emigration is often reduced to some glorified examples. In this context, Belgian emigrants can be perceived as “informal ambassadors”. In its 2009–2014 international politics document, the Wallonia-Brussels international relations agency (WBI) describes a partnership between Wallonia and Sweden as an accord “capitalising on the fruits of [Belgian] immigration to Sweden during the 17th century” (WBI n.d., p. 15). The reference to these supposed privileged historical links between Sweden and Wallonia are not only abstract declarations since the document makes it clear that it serves as the narrative base for the organisation of numerous initiatives, including cultural exchanges and the invitation of Swedish business and political actors to Wallonia.

The archetypes of the “world citizen” and the adventurer are also quite important, in particular in media narratives. A weekly French-speaking radio broadcast called “Les Belges du bout du monde” (Belgians from the other side of the world) is a good example of this social representation of emigrants. Programmed by the public radio of the Belgian French Community, this broadcast (now also shown on TV) includes a weekly interview with a Belgian citizen living in a foreign country, and with a foreigner from the same country living in Belgium. The Facebook page of the broadcast provides the following short advertisement:

Sunday between 9 am and 10 am. Belgians from the other side of the world awake the awareness of citizen travellers! Earth is beautiful and fragile! Adrien Joveneau meets its

³See the document of the 2012 ceremony <http://gouvernement.wallonie.be/remise-des-distinctions-2012-du-m-rite-wallon> (last accessed: 08/05/16).

inhabitants coming from here and from abroad. (Les Belges du bout du monde, broadcast advertisement on Facebook. My translation.).⁴

During the interviews, personal stories and professional activities or projects are central to the show, and are generally dealt with in a very optimistic and positive way, valuing cultural exchange, local involvement and travel experiences.

Finally, another emigrant archetype is the figure of the “aid worker”. Through the development cooperation policy, Belgium supports programmes and NGOs around the world. It is an emigration opportunity for numerous Belgian citizens. Here again, this kind of emigration is particularly valued in public discourses.

Beyond the fact that these three figures are characterised by positive connotations, the last two share another characteristic: they are based on an individualist narrative. Migration is framed as a personal choice. The potential structural factors of emigration (unemployment, lack of opportunities, etc.) are rarely or never evoked. Emigration is instead equated with the current dominant ideology of mobility in Western society, in which international mobility is mainly framed in terms of “choice” and “social fluidity” rather than in terms of social constraints and structures (Salazar 2014, p. 123–124). In this sense, the prevailing narratives about Belgian emigration appear to be different than the narratives about non-Western migration in general, and non-Western immigration in particular. While immigrants from the South are often perceived and presented through the structural factors of their migration (poverty, persecution, etc.), the Belgian migrant is instead perceived through his individual characteristics (adventurer, interest in travelling, personal or professional project, etc.). This social differentiation is illustrated by the common use of the word “expatriate” instead of the word “migrant” to refer to Belgian citizens abroad. A good illustration of this phenomenon is the short mission statement of the French Union for Belgians Abroad (UFBE), a French-speaking Belgian association involved in the defence of the interests of Belgians living outside the country. This statement, available on the organisation’s official website, says: “Since 1967, the French Union for Belgians Abroad (non-profit association) has been serving Belgians settled outside the country’s borders, including Belgians from both the Brussels and Walloon regions who are candidates for expatriation or who have already expatriated, and more generally, association members who live in Belgium and around the world” (UFBE – my translation).⁵ Interestingly, the words “migrant”, “immigrant” or “emigrant” are not used in the official statutes of the association. Words or expressions such as “Belgian people living abroad” or “expatriate” are used instead.⁶

As Rea (2016) suggests, people who are designated as “expatriates” benefit from two elements: their international mobility is considered legitimate and they are also perceived as belonging to the upper classes of society. This symbolic differentiation helps to distinguish the Belgian migrant from the stigmatised figure of the economic migrant.

⁴https://fr-ca.facebook.com/belgesduboutdumonde/info/?tab=page_info (last accessed: 08/05/16)

⁵ See the UFBE website: <https://www.ufbe.be/index.php/qui-sommes-nous> (last accessed: 08/05/16)

⁶ See the UFBE’s statutes on the organisation website (my translation): <https://www.ufbe.be/index.php/qui-sommes-nous/nos-statuts> (last accessed: 08/05/16)

The Inclusion of Emigration in the Political Agenda

According to Jean-Michel Lafleur, the Belgian State's interest in emigration remained historically quite low when compared to other countries and emigration does not seem to be seen as a priority issue in the national political agenda (Lafleur 2011). In Belgium, part of the political discourses about emigration and the diaspora is conducted by the two principal Belgian migrant associations: the French Union for Belgians Abroad (UFBE) and Flemish around the World (VIW). In fact, these two non-profit associations engage in lobbying activities on several issues such as multiple citizenship, electoral participation from abroad, the political representation of Belgian citizens abroad, etc. In 2015 for example, the UFBE and VIW produced a list of 39 problems encountered by the Belgian people living outside the country. They communicated this list to the prime minister's office and to the different political groups of the Federal Parliament.⁷ The periodic journal of the UFBE also regularly publishes interviews with Belgian political representatives on topics regarding emigrants' situations.

To conclude this first section we can say that although the number of emigrations for shorter or longer periods of time has been steadily rising since the 1980s, the phenomenon does not seem to be considered a priority by the Belgian political class. At the same time, several (sometimes paradoxical) remarks can be made about representations of and discourses about the Belgian emigrant. On one hand, the emigration history of Belgium appears to be a blind-spot in the official history of the country. On the other hand, international mobility is socially valorised in a number of contexts. Political and media discourses are also characterised by the promotion of a certain kind of mobility, which is framed as positive for both Belgium and the individual.

Emigration and Diaspora Policies in Belgium

As we introduce the second part of this chapter, it is important to remember that since the 1970s, the Belgian state has been undergoing an important process of regionalisation. Several competences were progressively transferred to the three communities (the French community, the Flemish community and the German community) and the three regions of Belgium (the Walloon region, the Flemish region and the Brussels-Capital region). For example, competences such as education, employment or research are now regionalised. Regions and communities also handle international relations related to their other competences. The consequence of this process of regionalisation is that several leverages which are central for the implementation of emigration and diaspora policies are in the hand of the regions and communities. This explains the importance of these communities and regions in the development of policies addressing Belgian citizens abroad.

⁷ See <https://www.ufbe.be/index.php/revendications> (last accessed: 08/05/16)

Facilitating and Curbing International Mobility: Examples of Emigration Policies

In the middle of the 19th century, the Belgian State took measures to encourage emigration as it was seen as a way to respond to poverty problems in several parts of the country. Stengers (2004) describes such early emigration policies. During the 1850s for example, the Belgian government supported initiatives to settle Belgian people in Guatemala and in the United States. Belgian authorities also tried to organise the emigration of people who were considered “unwanted” to the United States. Belgian cities for example, tried to organise the emigration of local vagabonds and beggars. Belgian authorities also tried to send prisoners to the United States after their release. However, Stengers (2004) concludes that these policies only had limited effects and were rapidly abandoned. The project to settle Belgians in Guatemala and the United States also failed rapidly. According to the author, 500–700 beggars and ex-prisoners were discreetly sent to the United States over five or six years. This project was ended after protestations by the US authorities. After these failures, Stengers (2004) notes that the Belgian government decided to abandon the idea of organised emigration. After 1887, however, the Belgian government created several offices that provided information about overseas destinations for emigration candidates. In 1888, the Saint-Raphaël society, created by Catholic notables, began to provide services to emigrants, in Antwerp and the United States (Stengers 2004).

Another example of early policies shaping Belgian emigration regards the management of Belgian emigration to Congo during the colonial period. In a 2014 article, Stanard describes the population circulations between Belgium and Congo between 1885 and 1960 (the year of Congo’s independence) and how Belgian authorities tried to control and limit mobility within the colonial empire. Quoting Fourty (1983), the author explains that after 1908, the Belgian state prevented the large-scale migration of Belgian people to Congo by “requiring settlers to possess substantial capital or to be highly skilled” (Stanard 2014, p. 91). After World War II, Belgian authorities started to promote new settlements and to provide more support for colonists, to accompany the growth of the Belgian population in Congo. For example, the government provided subsidies for colonists traveling on the Antwerp-Congo line, reducing the costs of travel (Stanard 2014, p. 94).

What about Belgian emigration policies today? In this section, I will focus on policies concerning emigration outside the European Union. However, I will not describe the EU-level instruments. In the first part of the section, I will look at different programmes and policies that are linked to international mobility. I will give examples of programmes that send workers abroad, and support the portability of social rights and existing conventions on double taxation. In the second part, I will address – through the example of the migration between Belgium and Quebec – the great diversity of actors, beyond national states and governmental institutions, who contribute to shaping migration opportunities and obstacles.

Work Programmes, Portability of Social Rights and Conventions on Double Taxation

Several state or institutional programs exist in order to support the temporary emigration of specific persons. Among others, here are some examples found during the research.

- **Work experience:** the Walloon “Youth International Office” organises several programmes supporting youth projects abroad, including work experience projects. An example of the bilateral programmes is the “Quebec-Wallonia-Brussels Office for Youth” (OQWBJ), created in 1984 between the French Belgian Community and Quebec. This office supports several programmes including work experience programmes.⁸ Another example is the Working Holiday agreement signed with Australia (2002), New Zealand (2003), Canada (2005) and Taiwan (2013). This programme allows Belgian young people to obtain a one-year visa with the right to work.⁹
- **International volunteering or development cooperation:** By supporting cooperation between development programmes (also through bilateral agreements) and Southern countries, the Belgian Department of Foreign Affairs, Foreign Trade and Development Cooperation also supports non-governmental agencies which send workers abroad.¹⁰
- **Research programmes:** Both the Wallonia-Brussels Federation (FNRS) and the Flemish community’s research institution (FWO) support international programmes. Several agreements with foreign research institutions include opportunities for researchers to work abroad for a certain period of time.¹¹

Belgian employment offices (FOREM for Wallonia, Actiris for Brussels and VDAB for the Flemish community) also provide information about working in foreign countries. For example, the FOREM website provides links to international directories of companies online, practical advice about preparing for departure and links to several national and international employment institutions (the French Pôle Emploi, the European network EURES, the Canadian government’s employment services, etc.). The Flemish VDAB also provides practical advice to workers planning to go to a foreign country, including advice for Belgian seasonal workers, for

⁸See the BIJ “Quebec programme”: <http://www.lebij.be/index.php/programme-quebec/> (last accessed: 08/05/16) Or the OQWBJ website: <http://www.lojiq.org/a-propos/les-offices/oqwbj/> (last accessed: 08/05/16)

⁹For a list of the Working Holidays programme agreements, see the website of the Belgian Foreign Office: https://dofi.ibz.be/sites/dvzoe/FR/Guidedesprocedures/Pages/Le_programme_Vacances_Travail.aspx (last accessed 08/05/16)

¹⁰See the website of the Belgian Department of Foreign Affairs, Foreign Trade and Development Cooperation: http://diplomatie.belgium.be/fr/politique/cooperation_au_developpement/qui_sommes-nous/nos_partenaires (last accessed: 08/05/16)

¹¹For an overview, see the international FNRS mobility programmes: <http://www.frs-fnrs.be/index.php/international/introduction> (last accessed: 08/05/16) Or the international FWO mobility programmes: <http://www.fwo.be/Internationale-mobiliteit.aspx> (last accessed: 08/05/16)

example.¹² Actiris has a specific department providing services to workers who are looking for jobs abroad (Actiris International). Finally, it seems important to point out that there are numerous programmes supporting international mobility for students.¹³

All in all, it seems that Belgian labour emigration policies are mainly oriented towards informational services (how to find a job abroad, how to deal with administrative complications, etc.) or temporary emigration programmes that are mainly focused on graduates or well-trained individuals. In addition, we should note that those programmes (at least work experience programmes and research programmes) are designed to be temporary. The underlying assumption of such programmes seems to rely on a conceptualisation of emigration as a temporary international mobility. It also clearly takes place in the context of a globalised economy where elements such as multilingualism or international experience are perceived as competitive assets, both for the individual worker and for their country of origin (whether or not they have returned). This is clear in several passages of the foreign policy notes of the Wallonia-Brussels International agency (WBI), in which international mobility programmes are described as a way to: facilitate the job market integration of French-speaking Belgians (even if the document does not specify where this job market integration should take place); improve the competences (language skills, intercultural experiences, international contacts, etc.) of the workers; insert authorities from the Walloon and Brussels-Capital regions into international networks; and contribute to the expansion of Belgium's cultural influence abroad (WBI n.d.).

One of the important policies linked with the emigration phenomenon is the portability of social rights. The Belgium state has signed multiple bilateral agreements related to this topic.¹⁴ In a general way, these agreements guarantee Belgian workers abroad: the same rights and duties as workers in the country of residence; the inclusion of short-term periods of work abroad in the calculation of the right to access Belgian social security benefits and of the amount of these benefits (e.g. retirement pensions); the capacity (under certain conditions) to receive certain Belgian social security benefits when living abroad.

The Belgian state also created a federal public institution, the Overseas Social Security Office (OSSOM, or DOSZ in Flemish), in order to provide social security to citizens working outside the European Union. Heir to the colonial social security

¹² More information can be found on the website of the FOREM: <https://www.leforem.be/particuliers/etranger-liens-emploi.html> (last accessed: 08/05/16) And the website of the VDAB: <http://www.vdab.be/internationaal/> (last accessed: 08/05/16) Or the document from the FOREM: *Carnet de route de la mobilité internationale*, FOREM, 2011.

¹³ http://www.belgium.be/fr/formation/international/etudier_a_l_etranger/ (last accessed: 08/05/16)

¹⁴ Beyond the European regulation instruments, Belgium has signed agreements with: Algeria, Australia, Bosnia, Canada and Quebec, Chile, Morocco, Montenegro, the Philippines, San Marino, Serbia, Congo, South Korea, Croatia, the United States, Tunisia, Turkey, Uruguay, India, Israel, Japan, Kosovo and Macedonia. For the list and the detail of each agreement, see: https://www.socialsecurity.be/CMS/fr/leaving_belgium/content/leaving_belgium/themas/spfssfsdksz/FODSZ_Convention.xml (Last accessed: 08/05/16)

organism, the OSSOM's function is to provide social security for Belgians working outside the European Economic Area. Even if the OSSOM social security services are separate from the Belgian social security system, several links between them exist. For example, the OSSOM's affiliation are integrated in the calculation of retirement pensions. In 2015, the OSSOM was merged with the National Social Security Office for Provincial and Local Administration (ONSSAPL) and became the Office for Social Security Special Systems (ORPSS).

Finally, Belgium also created bilateral agreements with several countries in order to avoid the problem of double taxation. A list of the conventions on double taxation is available on the web site of the Federal Public Service for Finance.¹⁵

Emigration to Quebec: International Mobility and Complex Configurations of Actors

Looking at the different programmes and policies above, we can point out several elements. First, national states are not the only actors who contribute to shape international mobility opportunities in Belgium. Regional institutions, NGOs and universities are also central actors who facilitate or hinder Belgian international mobility depending on the targeted social groups (youth, students, workers, etc.). Secondly, the country of emigration (i.e. Belgium in this case) is not always the only country involved in such programmes. Some of the support provided for international mobility is implemented in collaboration with destination country organisations. Thus the same programme can sometimes be analysed as either an emigration or immigration policy, depending on the analytical point of view we choose to adopt.

Emigration to the Quebec province is a good example of the complexity which characterises some of the emigration programmes in Belgium. The Brussels employment agency (Actiris), for example, provides resources to people who want to leave Belgium for Quebec through its international department (Actiris International). The Actiris website provides basic information, advice and contacts for emigration candidates. Training sessions focusing on individuals' insertion into the Quebec job market are also organised by specialised Actiris counsellors. The employment agency also participates in the organisation of information sessions in collaboration with the Quebec immigration office in Paris. During the event, an employee of the Quebec immigration office gives a presentation on several aspects of migration to Quebec, explaining the immigration policy of the Canadian province, the different statuses of immigration and the related procedures, and giving advice about what a "good" immigration looks like.

Until 2014, Actiris, as well as the other Belgian employment agencies were also involved in the organisation of "Quebec days" (Journées Québec), an event organised

¹⁵ http://finances.belgium.be/fr/particuliers/international/accords_internationaux/#q1
accessed: 08/05/16)

(Last

in Brussels and Paris by the Quebec department for immigration.¹⁶ Employers from Quebec are invited to Europe to meet potential candidates for emigration during employment interviews. The participants in this event are pre-selected by the local employment agencies (Actiris, Forem and VDAB in Belgium, Pôle Emploi in France) and then by the invited Quebec employers. Employers, employment agencies and Quebec immigration services are not the only actors present during this kind of event. Several Quebec cities are also represented through a number of organisations (e.g. for the 2015 event in Paris: Montréal International, Québec International, Sherbrooke Innopole, Société de développement économique de Drummonville). Their goal is to attract promising candidates by promoting the quality of life in particular regions in Quebec. At the 2015 event in Paris, banking and real estate companies were also present to promote their services to the emigration candidates.

I want to stress here the complexity which characterises some of the programmes targeting potential emigrants. These policies or programmes are implemented by complex configurations of different actors (employment agencies, destination country organisations, private companies, etc.) which have different goals (providing support for Belgians looking job opportunities abroad, selecting future immigrants, recruiting skilled workers, etc.). These different actors and the relationships they develop with each other are important because they contribute to shaping the social distribution of emigration opportunities. For example, in the case of the different programmes described above, one could assume that in combination, the work of Actiris, the needs of Quebec employers, the selection criteria of the Quebec immigration, the places where the “Quebec Days” are organised (in Paris for example) and the promotional activities of the Quebec cities representatives would tend to favour young skilled workers who are able to travel to Paris for 2 days to attend the event, and who aspire to a middle-class lifestyle in a North American context.¹⁷

In the context of Belgium, where emigration remains a secondary topic in the political debate, and where related (state) public policies are still underdeveloped (Lafleur et al. 2015), most of the emigration policies and programmes that I reviewed during the research actually rely on a diversity of actors. In other words, it seems difficult to give an account of the opportunities and obstacles that shape the international mobility of Belgian citizens by referring only to state-level policies.

Examples of State Diaspora Policies

What kind of links does Belgium build with citizens abroad? Through what kind of policies? Even if emigration and the diaspora do not seem to be priorities within the Belgian political agenda, a number of measures have been taken in order to enhance

¹⁶In 2015, the Quebec Days event was only organised in Paris without the direct participation of Belgian employment agencies. However, Belgian candidates were also able to apply to attend this event.

¹⁷Of course, this is a very caricaturised portrait. What I want to stress here is the role of non-state actors in the development of emigration opportunities and obstacles.

the link between the Belgian State and its citizens residing in foreign countries. In keeping with the theoretical framework of this book, inspired by Gamlen's taxonomy (Gamlen 2008) and discussed in the introduction to this volume, I will describe policies which can be described as diaspora-building policies (in the sense that they are oriented toward the creation of a common political and cultural heritage), and others which can be described as diaspora engagement policies (in the sense that they are oriented toward the aim of keeping ties alive with emigrants abroad, which is advantageous for the country of origin). The first two sections mainly describe diaspora-building policies, while the last one describes diaspora engagement policies. It is important to stress however, if the distinction is relevant at the theoretical level, that both types of policies are interrelated.

Political Ties

External Voting An important measure enhancing the links between the Belgian State and Belgian people abroad is the passing of external voting legislation. In a 2011 article, Lafleur describes the passing of this legislation in Belgium. According to Lafleur, despite the fact that that Belgian emigrant associations have claimed voting rights for citizens residing abroad since the end of World War Two, the decisive factor of change have been the influence of the European Union (Lafleur 2011). Before the end of the 1990s, as Lafleur argues, there was not a large consensus among the political parties on the need to allow Belgian citizens to vote from abroad. Only the French-speaking Liberals (PRL, and later called MR) supported external voting, believing that Belgian people abroad were sociologically close to their own elector profile. This political configuration began to change with the notion of European citizenship that was introduced in the Maastricht treaty in 1991. The attention paid to the political rights of European residents encouraged Belgian emigrant associations (the UFBE and VIW) to develop lobbying activities based on a central argument described by Lafleur (*ibid.* p.495): "it would be unfair to give foreigners political rights in Belgium yet deny Belgians abroad the ability to exercise such rights from outside the country." European pressure rose in 1998 when the European Court of Justice found Belgium guilty of not complying with the obligation to allow EU citizens to vote in local elections. In Belgium, reforming this situation means changing Article 8 of the constitution. Therefore, the Socialist-Catholic coalition needed support from the opposition parties. In this context, the French-speaking liberal party sealed a deal with the governing coalition to support enhanced emigrant voting rights for both EU citizens and Belgian emigrants. The first law allowing votes from abroad (18 December 1998) was very restrictive. The law created on 7 March 2002 makes voting from abroad easier (*Ibid.*). The case of the Belgian external voting regulations, as Lafleur (Lafleur 2011) argues, is illustrative of a diasporic policy that is driven by "supranational influences", where emigrant organizations had a real but rather limited impact.

Multiple Citizenship Before 2007, multiple citizenship was tolerated for Belgian citizens residing abroad, but with an important restriction. Technically, a Belgian citizen who voluntarily acquired another nationality automatically lost his Belgian nationality. Multiple nationality was possible if the foreign nationality was involuntarily acquired. For example, a child born in the United States (automatically acquiring US nationality) from Belgian parents had double nationality. Both French-speaking and Flemish-speaking emigrant associations were in favour of an end to the automatic loss of the Belgian Nationality. Beginning in 9 June 2007, this automatic loss disappeared. A Belgian citizen automatically keeps his nationality if he is naturalised in another country unless he explicitly renounces his Belgian nationality.

Finally, beyond those specific policies, state institutions are active in the support of Belgian emigrants. The consulates for example develop certain practices in order to maintain links with Belgian citizens residing in foreign countries. Regional and community institutions also play a role in trying to build ties with Belgian populations abroad.

National Language Education Abroad

An important question regarding the diaspora is the presence of national language schools in the main country of destination. Three official languages coexist in Belgium: French, Dutch and German.

An important fact is that the national schools available abroad are mainly French, Dutch or German schools. In this context, is not always easy for Belgian citizens to access these schools. For example, in an international political orientation document, the regional institution Wallonia-Brussels International calls for negotiations with French public authorities in order to promote Belgian emigrants' access to French schools in foreign countries (WBI n.d.). In the same way, the Flemish population abroad can access Dutch language and culture lessons through institutions supported by the Netherlands.¹⁸

Keeping the Ties Alive and the Question of the Return Migration

After this first description of several policies that are oriented toward the Belgian community abroad, it seems important to stress that these policies are also perceived by Belgian institutions as a way to pursue several goals: the promotion of Belgian culture abroad, the strengthening of economic and political linkages with a foreign country, etc.

¹⁸ As an example of such an institution, see the Klokhuis school, which provides Dutch language lessons as well as "Dutch and Belgian culture lessons" in New York, New Jersey and Connecticut: <http://www.klokhuis.com/en/> (last accessed: 08/05/16)

As the example of the cooperation with Sweden (see above) illustrates, the enhancement of (cultural) ties with the Belgian community abroad is also used as a way to implement and legitimise political, economic and research cooperation with foreign countries. As Gamlen (2008) notes, “state agencies routinely try – though not always successfully – to enforce contributions to the national public good from people who live abroad” (p.851). “Diaspora strategies” (Gamlen 2013) also rely on “new conceptions of human capital and innovation systems” which are linked with a neoliberal governmentality (Larner 2007, Gamlen 2013, p. 241).

One way that states can benefit from their citizens’ international mobility is to make sure that they can return to their country of origin. Some states see emigrant return as being in their interest. International professional experience, education in prestigious international universities and economic links abroad are some examples of advantages in a context of states’ economic concurrence. This leads us to the question – is Belgium promoting return migration?

An example of a Belgian return migration policy can be found in the scientific research field. At a Federal level, the Federal Scientific Policy (BELSPO) institution offers return programmes for Belgian researchers working at a research centre in a foreign country. The programme includes 24 months of funding to conduct research in Belgium. According to the BELSPO web site, 100 returns have been financed this way to date.¹⁹

At a community level, the FNRS also offers a return programme called “Ulysse”. This programme includes a working contract with a Belgian University and funding for a research project.²⁰

Conclusion

Belgium is a country of both immigration and emigration. From its independence in 1830 to the present day, emigration has been a significant phenomenon in Belgium, as in most European countries. This chapter provided some information about the policies and initiatives that have been implemented in Belgium in order to influence international mobility and to secure (economic, political, cultural) ties with the Belgian population abroad. Several conclusions can be made. First, emigration seems to have remained a secondary topic in the Belgian political agenda, despite the fact that some policy evolutions can be pointed out. In the same way, Belgian emigration history remains largely marginalised in official narratives and sometimes appears to be a blind spot within the national history, in particular when it comes to the consideration of the structural factors (poverty, lack of opportunity) to explain such migration flows. When they exist, the contemporary discourses about emigration in general and about emigrants in particular often frame emigration as

¹⁹ http://www.belspo.be/belspo/organisation/call_grants_retour_fr.stm (last accessed: 08/05/16)

²⁰ <http://www.fnrs.be/index.php/international/carrieres/postes-in-out> (last accessed: 08/05/16)

an individual and positive experience, but again with little attention to the structural dimensions.

The second point raised in this chapter is the question of emigration policies. The main conclusion is that numerous different actors contribute to shaping opportunities for international mobility in Belgium, through diverse policies or programmes (bilateral agreements for the portability of social rights, international exchange programmes, the facilitation of work experience abroad, etc.). These initiatives are created not only at the state level but also at the regional or community level, and involve diverse actors such as governmental institutions, universities, employment agencies, etc.

The third point relates the question of diaspora policies. Even if the question of the population abroad is still marginal to the political agenda, an increase in the attention paid to this issue (in particular regarding the question of the external voting rights and multiple citizenship regulation) is noticeable. In addition, in the context of the federal organisation of the Belgian state, regional international institutions appear to have found an interest in strengthening ties with Belgian people abroad (through exchange programmes, international contacts, etc.).

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Chapter 4

Leaving the Fatherland Behind – Emigration and Diaspora Policies in Denmark

Per Mouritsen and Christine Hovmark Jensen

Introduction

Denmark, until the middle of the twentieth century, was an emigration country, which like many other European countries saw a substantial proportion of its population leave their native land for the new world, primarily because of poverty. Between 1850 and 1950 some 400,000 people left Denmark, with the US as their main destination. Other significant destinations were Canada and Argentina. This was a high number in a country whose population in 1900 was only a little over two million. As in neighbouring Sweden, where an even larger proportion left, as well as in other European countries, this loss of population produced an emigration nostalgia, which has been reproduced in popular literature and family tales of “the rich uncle returning from America” – and less happy recounting of those who never made it, or who lost all contact with “the old country”. Every 4th of July, in the heathery hills of the Rebild National Park in Jutland, an official Danish event, which includes for example members of the royal family or ministers along with ordinary Danes, celebrates Denmark’s special relationship with those who sailed to America but wished to maintain their emotional ties to the country they left behind.

Against this background it may be a little surprising that Denmark has been relatively modest and unambitious – and in many ways a distinct latecomer – in the area of citizenship legislation and the development of emigration and diaspora policies. Denmark is a small, traditionally ethno-cultural country that is proud of its post-war economic and welfare-state success. In the later part of the twentieth century and until quite recently, however, it has been prone to regard emigration as an anomaly and an unfortunate ‘drain’, rather than as a positive contribution to the country’s standing abroad or economic development at home. In fact, among emigrants the number of native born Danes is in fact rather low and stable; currently more than

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half are immigrants to Denmark who re-emigrate. Historically, very few resources have been allocated to institutions and organisations seeking to maintain cultural and educational ties or to cater for the needs of Danes abroad. In recent years, what was at times an ambivalent, even slightly unfriendly discourse against the talented or wealthy who left – after completing their free education in Denmark – has begun to shift. With increasing educational mobility and international orientation, among the urban youth in particular, there is now a more official and also popular recognition of the normality of emigration. Accordingly, a number of practical and administrative measures have been adopted in the areas of tax regulation, social security, and health insurance – and most importantly in the acceptance of dual citizenship – to ease the life of emigrants.

Emigration and Diaspora Policy Drivers

Characteristics of Emigration and Emigrants from Denmark

A relatively small number of individuals leave Denmark each year. The total number of emigrants from Denmark in 2014 was 43,844 people. Of these only 18,900 were Danish citizens (Statistics Denmark 2016).¹ These figures, which have been around the same level for a long period of time, are based on information from Denmark's Central Population Register (CPR). A person is counted as part of the population when he or she is registered in the CPR, which must be done if the person intends to stay in Denmark for at least 3 months. This means for example that exchange students on very short stays are included in the numbers as well.²

Anyone who moves abroad for more than 6 months is supposed to be registered as “emigrated”, but in fact this does not always happen. As a result, there may be a risk of numbers being underestimated due to late or missing registrations. Missing registrations are however less common among Danish citizens, and more frequent among foreign citizens who have been in Denmark for a relatively short time, and who often leave the country without notifying the authorities, causing delays in registration.

The following data shows the main destinations of these emigrants, starting with the emigration numbers and top 5 destinations of Danish citizens (Table 4.1). The emigration numbers and top 5 destinations for total emigration from Denmark are shown in Table 4.2.

The numbers emigrating from Denmark have been relatively stable, and at a low level, for years. The countries of destination are also quite stable, with the UK, US and neighbouring countries being the most popular for both citizens and emigrants as a whole. Furthermore, most Danish emigrants do in fact return. Out of those

¹Figures are provisional.

²However, immigrants from the Nordic countries, the EU, the EEA or Switzerland are only required to register in the CPR if their stay lasts longer than 6 months.

Table 4.1 Main destinations for emigrated Danish citizens 2014

Country of emigration	Number of emigrants
Great Britain	2179
US	1852
Sweden	1751
Norway	1561
Germany	1536

Statistics Denmark (2016)

Table 4.2 Main destinations for the total emigration from Denmark 2014

Country of emigration	Number of emigrants
US	4759
Germany	3742
Norway	3405
Great Britain	3101
Sweden	3093

Statistics Denmark (2016)

going abroad, between 70 and 80 percent return within less than ten years (Madsen 2009; Redington 2003). The relatively limited extent of emigration of Danish citizens of non-immigrant origin is probably part of the explanation why neither diaspora nor emigration policies have been high on the Danish political agenda. Danish debates are dominated, not by the plight of emigrants, but by immigrants, refugees and asylum seekers. Among those Danish citizens who do emigrate (and often come back) a large proportion is made up of the young and most highly educated. Research indicates that this group of people is also likely to emigrate on a much larger scale than the rest of the population in the future (Arbejdsmarkedsrapport 2003; 101–102).

Discourse

The prevailing discourse on emigration in Denmark appears first and foremost to be linked to socio-economic concerns. Although the media sometimes carry stories about Danes who do well abroad, and although Denmark – in the typical fashion of a small country – is often obsessed with (but also unambitious about) its own reputation and standing in the world, the notion that emigrants could be a source of such standing, let alone a projection of Danish values and cultural or political interests abroad, has not been influential at all, certainly compared to countries such as the UK, France or the US. Citizens abroad are not cultural ambassadors but rather, at best, countrymen to be aided and given special treatment when in distress. A case in point was the evacuation of 6000 Danish citizens from the Lebanon conflict in 2006 – which turned out to be controversial because most of these citizens were naturalised immigrants and their descendants, who were represented by some media

as less-than-genuine Danes. It was assumed that they were living off – either temporarily or more permanently – the benefits of the welfare state and therefore did not all deserve to be air-lifted with tax payers' money.

In terms of maintenance of the diaspora as part of a Danish political demos, Denmark is particularly modest. Citizenship may be maintained, although previously the lack of access to dual citizenship forced many emigrants to give up Danish nationality, particularly in the case of their children. Also, with some significant exceptions, electoral rights are lost very quickly. We will return to the question of citizenship and voting rights below.

When it comes to emigration, the public debate in Denmark has been overwhelmingly pragmatic and characterised by worries about whether increasing globalisation leads to increases in emigration. This potential loss of the best and brightest people in the workforce has generally been seen as having a negative impact on the economy as well as constituting a threat to the financing of an extensive – and expensive – welfare state.

To some degree, these concerns may reflect the common knowledge, which is also mirrored in research, that the young and more highly educated emigrate on a much larger scale than the rest of the population. Also, because those who immigrate to Denmark, particularly the refugees and dependants who are granted family reunification, have much less education and fare more poorly in the labour market, the discourse on workforce participation and emigration has been predominantly concerned with brain drain (Arbejdsmarkedsrapport 2003; 101–102) and the future economic sustainability of the welfare state at a time when the country needs more stable taxpayers.

In many ways the welfare state is based on, and is also seen as being based on, a social contract between Danish citizens and the state, which can be broken if too many individuals leave the country at a point in life when they were supposed to be contributing their share. The welfare state is therefore especially vulnerable if those who benefit, from free education for instance, emigrate. Thus the emigration-welfare state nexus is easily seen as a zero sum game, where every government service produced and consumed in Denmark is seen as lost and wasted if there is no corresponding payback in the form of gainful employment and taxes (Velfærdskommissionen 2005; 21–23).

For similar reasons, there have been occasions where Danes abroad have been presented as free-riders, particularly when their lives and situations become discursively linked to the services and benefits they enjoyed before leaving. They are often thought to have benefitted unfairly because they do not stay long enough to contribute sufficiently, or they are seen wanting to live off the benefits of their hard-working compatriots after leaving the country. This is the case with an often-portrayed group of individuals who had in fact contributed before they left, but opted to retire early and live off their pensions in the Mediterranean area, particularly in Spain. Their actions and those of the young urban elites may, especially in the more popular media, be represented as lacking in solidarity, particularly – in the case of the former group – if connected to stories of social benefit fraud, or – in the case of the latter – when their education has been financed by taxes (although in fact any

EU-citizen can get a free education in Denmark) but they have then moved to a country where taxes are low compared to Denmark. As a member of the Danish Liberal Party and Parliament once put it, “if you really are concerned about Denmark and have feelings for your country, you might come home from your tax shelters and contribute to it” (Pedersen 2009). That Danish emigrants are escaping high taxes is an often heard accusation.

However, this accusation is in many respects a myth. Research shows that less than three percent of the Danes abroad have emigrated for economic reasons. Indeed, the level of taxation in Denmark does not affect emigration to the extent that it is often believed, except perhaps for professional footballers or other very high-earning professions. Rather, falling in love and wanting new challenges in life are the main reasons stated for emigration (Madsen 2009). Although taxes in Denmark are somewhat high, marginal tax rates are higher in many other Western European countries; in comparison, Denmark’s taxes have gone down in recent decades. Also, the many benefits from an extensive welfare state (particularly when you have children going to kindergarten, school or university) often more than outweigh high taxes (as many high-earning immigrants to Denmark soon find out). Taxation is therefore rarely the main incentive that causes Danes to emigrate.

Also, when emigration from Denmark is being described partly as causing brain drain and partly as undermining the welfare state, the extent of these problems is probably much less than the debate would suggest. As already noted above, the numbers of people emigrating from Denmark have been relatively stable and at a low level for years, even during the worst years of the financial crisis of 2008. Even the numbers of the highly educated who emigrate is quite low. Furthermore, as mentioned, most Danish emigrants return, which suggests that we should be talking instead about international mobility. Of those who go abroad, between 70 to 80 percent return to settle, work and pay taxes within less than ten years. Much suggests that emigrants know quite well that they forgo very good living conditions, not just financially, but also in terms of the general quality of life in a high-trust, low-risk country where young families in particular have a much easier daily existence – with low-cost childcare facilities, long holidays and paid maternity and family leave – compared to their counterparts in the UK and US, for example. Due to the relatively small number of emigrants and the relatively large numbers returning, the concerns about emigration which have shaped the discourse are simply exaggerated (Madsen 2009; Redington 2003).

The tendency of hostility towards emigrants has also been less pronounced in recent years, in part out of recognition that many who leave come back again, possibly with new skills and outlooks that can benefit their home country. Education is a particular case in point. Internationalisation and mobility have become key elements in discourse, which is reflected in the very generous opportunities that young people have to exchange their free education in Denmark for education vouchers – matching the funds that universities would have received for their completed exams in the corresponding period – which may be used towards the payment of tuition fees at good universities abroad. Rather than qualifying Denmark’s ambitions in this direction as those of a (regional) economic actor projecting its commercial interests

abroad, these actions are in fact the more modest steps of a small-size competition state, acknowledging the fact that its national economy will benefit from a better-educated, internationalised workforce. Significantly, proposals occasionally surface – also from the centre-left – about “freezing” the quite generous government education grants for young people, for instance by turning them into zero-interest loans that are only to be paid back at a certain point, if students opt to pursue a career abroad rather than staying in Denmark.

Thus to summarise, the Danish discourse on emigration first and foremost reflects a socioeconomic concern that does not pay much attention to cultural or political ties with Danish diasporas and emigrants abroad. This discourse has been driven partly by a fear of brain drain, since it is predominantly the well-educated who emigrate, and partly by a concern for the extensive and expensive Danish welfare state, which many Danes believe will suffer if too many citizens leave and fail to contribute ‘their share’. Only in recent years has it been recognised that the national economy might also have something to gain from emigration, in the form of a better-educated and more internationalised workforce for the future.

Diaspora and Emigration Policies in Denmark

Diaspora Policies

We turn first to diaspora policies in Denmark, meaning those policies that maintain political, social and cultural ties with Danes permanently residing abroad. As will be evident, few public initiatives exist to meet the non-economic interests of Danes abroad and to help them keep their links to Denmark. In the following section we focus on the existing policies that relate to upholding cultural and political ties with Danes permanently residing abroad. In terms of the distinction in this volume between diaspora-building and diaspora engagement policies, the latter are really non-existent in the Danish case, and there is very little of the former.

Policies of Cultural Ties

The attempts to maintain and support Danish culture and to facilitate connections between emigrants and Danish society on any large scale are almost exclusively handled by private associations and Danish networks abroad. The Danish national church (*Folkekirken*) is, however, a significant historical exception. With 53 churches throughout the world, it contributes to supporting connections between emigrated Danes and their native land, and also helps emigrants to maintain Danish culture and traditions (folkekirken.dk). These churches have been founded in ports around the world where many sailors came with their ships (historically, Denmark is a maritime country with a large commercial fleet), and also in main capitals and large

cities of the Western world. In some cases, for instance in North America as well as in Argentina (which has three Danish churches), the presence of the state-funded Lutheran church (with its officially appointed priests) clearly reflects emigration history. Over and above religious services, these churches offer cultural and social events and in many instances also provide language education for Danish diasporas. In some Western cities the churches employ youth councillors and mentors who are able to assist young Danes abroad. Danes remain members of the Danish national church after emigrating, which allows them to avail themselves of church services such as baptisms, children's confirmations and weddings either in Denmark or in the churches abroad.

Another important exception is the [Danish ethnic minority in Southern Schleswig](#) in Germany, which numbers some 50,000 people (most of them are German citizens but “Danish-minded”, and more or less bilingual). For historical and political reasons, Denmark has continued to support this minority financially, which was left behind following the division of Schleswig after World War I. Today the minority receives more than half a billion Danish kroner (some 80 million euros) from the Danish state every year to support cultural institutions, associations, etc. Furthermore, the Danish minority in Southern Schleswig can obtain a residence permit for up to 12 months if they want to attend Danish schools and Folk high schools, or pursue further education in Denmark. This applies to those who have a diploma from a Danish school in Southern Schleswig (Ministeriet for Børn, Unge og Ligestilling 2016; Udenrigsministeriet 2016).

Apart from this, the Danish state does not directly provide education in the Danish language or on Danish culture or history for emigrants or their descendants, and the number of Danish schools outside Denmark is very low. Thus Danes abroad make use of local schools on a large scale. The teaching of Danish language, history and culture is to a great extent taught at home or by volunteers in Danish communities, and is sometimes connected to a Danish church. Where Danish schools do exist, they are privately funded; the Danish state does not directly support the education of Danish children abroad. However, the Danish Ministry of Education does support *Danes Worldwide*, an association of Danes abroad, which among other things offers education in Danish by means of distance learning and a Danish summer school (Ministeriet for Børn og Undervisning 2012; Danes Worldwide 2013).

The number of Danish schools in the countries to which Danes emigrate the most is therefore low as well. Apparently there are no Danish schools in Norway or in Sweden (although one was contemplated in Malmö); most Danes go to local schools and are taught in the local language – which, it should be noted, is quite close to Danish. In Germany, there is a Scandinavian school in Berlin, which has Danish, Swedish and Norwegian sections. A Danish school was set up in London last year (2015), and a Danish School operates in Washington DC. All of these schools – which are in fact quite few in number—are privately run and financed.

Political Ties

In general, the Danish case is characterised by the near-absence of state actions to maintain links between Denmark and its permanent emigrants. Indeed, the country stands out in almost the opposite way: it actually breaks ties with emigrants quite quickly. For example, Danish citizens quickly lose the right to vote if they no longer have permanent residence, meaning after only two years abroad (Folketingsvalgloven 2013; cpt. 1, §§ 1–2). This applies not only to diasporas but also to emigrants who stay abroad for more than two years, thus making it clear that Denmark's diaspora and emigration policies tend to overlap, as in the area of schooling (for example, the lack of Danish schools abroad potentially affects both diasporas and emigrants). There are, however, several exceptions to this rule. For instance, people who are stationed abroad by the Danish state or who work abroad for the Danish authorities are exempted. The same applies to students going abroad, to those employed by a Danish aid agency or by an international organisation that Denmark is a member of, and to people who have emigrated for health reasons (Folketingsvalgloven 2013; cpt. 1, §2).

Danes abroad who belong to one of these categories must apply to be in the electoral register to be able to vote in elections in Denmark. This registration expires after only two years and must be renewed. Within this period, Danes who are abroad but have been admitted to the electoral register have the right to participate in elections to the Danish Parliament and to the European Parliament, but not in municipal and regional elections. However, all Danes who have turned eighteen and live in another EU-country have the right to vote in the European election upon application. This also applies to Danes who do not belong to one of the above-mentioned categories (Social og Indenrigsministeriet 2016).

When it comes to maintaining political ties with Danish emigrants, it is particularly worth noticing that the country did not allow dual and multiple citizenship until September 2015, which made it part of an increasingly small minority of European states (along with Switzerland and Austria, for instance) that have the same policy. This became a significant practical obstacle and an emotionally fraught concern for many emigrated Danish citizens abroad, since they were forced to give up their original citizenship if they wished to gain full rights and opportunities in their new countries. Danish citizens abroad, for instance, were not able to vote in their new countries and were to some extent restricted from occupying public positions. Some also experienced problems gaining access to education, local health insurance, etc. – all because they did not have access to a second citizenship. This was particularly the case for “real” emigrants (i.e. not Danes who were posted abroad by private Danish companies or by public organisations, as in the case of diplomats).

For years, the Danish debate about dual and multiple citizenship was characterised by scepticism and hostility, particularly in liberal and conservative parties and within the discourse of the far-right Danish People's Party. This scepticism was traditionally rooted, among other things, in the notion that dual citizenship was an

expression of divided affection or even disloyalty.³ However this notion seems to be built on false assumptions; most Danes abroad wish to maintain Danish citizenship precisely because it is part of their identity and because they want to maintain relations with their native land. This point was stated again and again – along with more practical and economical concerns – by the emigrant associations which eventually successfully campaigned for a change in Danish nationality law in this regard (and whose interests were eventually taken much more into account than those of immigrants in Denmark). As noted, a clear majority of Danish emigrants who are citizens in fact do return to Denmark at some point and for that reason are often interested in keeping their Danish citizenship, not least for their children, who may wish to have the option of studying at a Danish university. In this way, again, citizenship law in this area is not only a diaspora policy but an emigration policy as well.

Thus, the Danish debate on multiple citizenship for a long time exemplified the general discourse about Danes residing permanently abroad. They were seen as ambiguous citizens, whose loyalty and commitment had been voluntarily given up or could not be counted upon, in a country whose traditional conception of the nation and national membership was always relatively unitary, identity-invested and sacralised – as opposed to neighbouring Sweden, where citizenship is primarily seen as an administrative and legal matter with no symbolic significance. In this light, the quite recently changed rules on multiple citizenship are an important exception to this outlook, and even possibly a sign of more diaspora recognition to come. Legislation in this area, which was heavily politicised as part of general scepticism about immigration, could only be changed because Danes abroad began to be contrasted with “new Danes” who did not wish to give up their ties to Turkey or Pakistan. Native Danes abroad were suddenly seen as desirable kin, whose interests and well-being abroad needed to be catered for. Their wish to come home at some stage or to maintain the ties binding them emotionally to the old country (whether or not they actually came back) was juxtaposed with the wish of “new Danes” to leave Denmark and be bound to it only by a welfare cheque. Although immigrants in Denmark are affected by the new rules on multiple citizenship as well, their lack of rights and opportunities in Denmark under the former rules was not one of the reasons for the changes.⁴

Thus the attitude toward dual citizenship has been changing over years, at least among some parties in the Danish parliament, and the difficulties and dilemmas that Danish emigrants were facing abroad began to reach the political agenda. Children born of a Danish parent abroad, according to the *jus sanguinis* principle, may opt to

³This scepticism, however, was very much caused by an unwillingness to tolerate multiple citizenship in the case of immigrants whose loyalty towards Denmark seems to have been measured by their willingness to give up their original citizenship. A Danish citizenship has historically been perceived as the final goal of successful integration, not a motivating device to be granted early, as in the case of Sweden or the UK (Ersbøll 2008; 291–292).

⁴In fact, one reason for granting dual citizenship rights to immigrants (and not just to emigrants, as was contemplated at one point) was the fact that it would become easier, in light of international human rights norms, to expel criminal immigrants (for example those convicted of terrorist activities) if they had dual nationality.

retain Danish citizenship at the age of eighteen, but until the recent change in dual citizenship, had to give up their foreign citizenship of birth – at least in principle. Over time there has been recognition that loyalty towards Denmark does not disappear with the addition of another citizenship. In fact, the wish to retain Danish citizenship – while keeping the new citizenship – can be seen as an emotionally charged appeal to remain “Danish”. At the same time, there has been a recognition that a lack of access to multiple citizenship limits the rights and opportunities of Danes abroad, which is out of sync with an increasingly globalised world. Together with the fact that multiple citizenship has been tolerated *de facto* in a great number of cases without significant difficulties, this seems to have eventually pushed opinions in the direction of greater acceptance. Thus there have been exceptions to the rules, which means that quite a few people have been allowed *de facto* dual or multiple citizenship in the past. Dual/multiple citizenship was for instance permitted for refugees and immigrants who came from countries where it was difficult or impossible to renounce one’s original citizenship. Furthermore, dual/multiple citizenship has also been tolerated when a child was born of Danish parents in a country where citizenship is given automatically at birth (in the US, for example), as well as in cases where children were born of married parents with different nationalities – a growing category everywhere. The rules against multiple citizenship, therefore, have quite often been dispensed with, and for some politicians this came to express an undemocratic double standard. One expert has noted that “there are no known statistics as to how many Danish citizens have dual citizenship. However, Danish authorities have told a Norwegian legislative committee that, in the case of about 40% of all applications for naturalisation, the condition that the applicant must give up a previous citizenship is waived”. Due to this and the growing awareness of the difficulties facing Danish emigrants abroad, multiple citizenship has been allowed (Ersbøll 2008, 197, 187–207, 291–292; Dellinger, Ersbøll & Thuesen, 2009; *Lov om dansk indfødsret*).

Emigration Policies

When it comes to emigration policies, meaning those policies that are concerned with the facilitation of movement, the Danish case is a bit more mixed. As mentioned above, this has to do with a growth in the acknowledgment, certainly at a practical level, of the needs of emigrants. Thus agreements have been made to manage and facilitate the mobility of Danes abroad in a number of areas.

Multilateral Agreements on Labour Migration

In addition to agreements within the EU on intra-EU labour and residence mobility, Denmark has signed an agreement joining a common Nordic labour market with Sweden, Finland, Iceland and Norway. This makes it possible for Nordic citizens to

work and settle freely, with the purpose of creating a better balance between the supply and demand for labour in the Nordic countries. Nordic citizens are therefore able to work in any of the contracting countries without a work or residence permit. The countries involved provide each other with information on national developments, cooperating – or at least this is the official intention – as far as possible to ensure full employment. Furthermore, the contracting countries to a great extent mutually recognise each other's public education systems and treat the qualifications of Nordic citizens as equal. This has had a great impact on labour migration between the Nordic countries. In general, the participating countries go through great efforts to make it possible for their citizens to move, commute, study and run businesses across borders in Scandinavia (norden.org 2013a, 2013b, 2013c).

For instance, Danish citizens can be assisted by a public Danish job centre when looking for employment abroad, whether in Scandinavia or elsewhere.

Danish Students Abroad

In recent years it has also become part of the political agenda to ensure that more Danish students carry out all or part of their education abroad. Danish students are increasingly choosing to take on exchanges or/and internships abroad. Thus the former government pledged that by 2020, 50% of all Danish students should carry out part of their studies or complete an internship abroad. Though this goal has not yet been realized, it demonstrates the recognition that Danish students should be as well-equipped as possible to pursue a more globalised work life.

Danish students who receive a monthly stipend from the state to cover rent and living expenses are increasingly able to bring these funds with them when they study abroad, as long as their proposed programmes of study are accepted by their home universities in Denmark. Since 2008, the “foreign stipend agreement” programme has allowed students who are eligible for a regular education stipend to also apply for funds to finance, in whole or part, their tuition fees abroad, as long as the programme in question fulfils part of their education in Denmark (Uddannelses- og forskningsministeriet 2012, 2016). This policy, along with opportunities to receive support for diverse programmes such as *Erasmus* or *Nordplus* within the EU and Scandinavian countries, has further facilitated the mobility of Danish students (Uddannelses- og Forskningsministeriet 2012, 2016).

Thus some significant efforts have been made to increase the mobility of Danes abroad. In addition, Denmark signed a number of significant bilateral agreements on double taxation and the portability of social rights, which have been enacted to ensure the rights of Danes who stay abroad temporarily.

Bilateral Agreements on Double Taxation

Danish emigrants can be either fully liable for taxes in Denmark, partially liable or completely exempted. When moving abroad, a person as a general rule remains fully liable for taxes in Denmark if he or she keeps a residence (house, flat) in the country, whereas a person is exempt from Danish taxation if her or she lives abroad and is a resident in Denmark for less than six successive months. Legislation in this area has been contested (for instance in the case of the former Social Democrat prime minister Helle Thorning-Schmidt's British husband, Stephen Kinnock, who was suspected of tax evasion for not meeting, or not being able to document meeting, the criteria). Any income derived from Denmark is, however, still taxable. If a person is stationed abroad by the Danish state, he or she also still has to pay Danish taxes (SKAT 2013a).

To avoid the same income being taxed twice, Denmark has signed bilateral agreements on double taxation with several countries.⁵

Bilateral Agreements on Social Security

Apart from existing agreements at the EU-level, Denmark has signed several bilateral agreements on social security with countries outside EU, beginning in 1976. These agreements are made to ensure that citizens do not lose their rights to social security when moving to another country. A bilateral agreement coordinates the social security systems within the contracting countries, safeguarding citizens' rights to acquired benefits according to the rules of social security within one of the contracting states.⁶

⁵Agreements have been signed with: Andorra, Anguilla, Antigua and Barbuda, Argentina, Armenia, Aruba, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bermuda, Brazil, Brunei Darussalam, Bulgaria, Canada, the Cayman Islands, China, Chile, the Czech Republic, the Cook Islands, Costa Rica, Croatia, Cyprus, Dominica, Egypt, England, Estonia, Finland, France, the Faroe Islands, Georgia, Germany, Gibraltar, Grenada, Greece, Greenland, Guatemala, Guernsey, Holland, Hong Kong, Hungary, India, Indonesia, Iran, Ireland, Iceland, the Isle of Man, Israel, Italy, Jamaica, Japan, Jersey, Jordan, Kazakhstan, Kenya, Korea (South Korea), Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Macau, Macedonia, Malaysia, Malta, Morocco, the Marshall Islands, Mauritius, Mexico, Moldova, Monaco, Montenegro, Montserrat, the Netherlands, the Netherlands Antilles, New Zealand, the Nordic countries, Northern Ireland, Norway, Pakistan, the Philippines, Poland, Portugal, Romania, Russia, Samoa, San Marino, Switzerland, Serbia, Seychelles, Singapore, Slovakia, Slovenia, the CIS, Spain, Sri Lanka, St. Kitts & Nevis, St. Lucia, the United Kingdom, St. Vincent & the Grenadines, Sweden, South Africa, Tajikistan, Taiwan, Tanzania, Thailand, the British Virgin Islands, Trinidad & Tobago, Tunisia, Turkmenistan, the Turks & Caicos Islands, Turkey, Uganda, Ukraine, Uruguay, the United States, Uzbekistan, Vanuatu, Venezuela, Vietnam and Zambia (SKAT 2013b).

⁶Denmark has signed bilateral agreements with: Australia, Austria, Bosnia and Herzegovina, Canada, Chile, France, Germany, India, Israel, China, Croatia, Macedonia, Morocco, Montenegro, New Zealand, the Nordic countries, Pakistan, the Philippines, Quebec, Switzerland, Serbia, the United Kingdom, South Korea, Turkey, the United States and Yugoslavia (the agreement is also still in force for the former countries in Yugoslavia).

While all these agreements are different in content, most relate to the retention of pensions (old age and others) (Beskæftigelsesministeriet 2016; borger.dk 2016a, b).

Agreements on social security between the Nordic countries⁷ are supplements to existing agreements at the EU level. The Nordic agreement, for example, also includes social security rights for people from Greenland and the Faroe Islands, which are parts of the Danish Commonwealth but not of the EU (Norden.org 2016). If a person is working in a country outside the EU/EEA, or where Denmark has not signed an agreement on social security or health insurance, it is decided by local legislation whether he or she is covered by the social security system and health insurance in the country of emigration (workindenmark 2013).

Post-arrival Initiatives

Denmark has no immediately apparent initiatives to reintegrate Danes who return to the country. For example, when returning to Denmark there are no special programmes directed only towards returnees to facilitate their reinsertion into the Danish labour market. If returnees become unemployed in Denmark they can apply for social security. They are then expected to be available for employment. As with everyone else, a public job centre evaluates whether an individual lacks essential skills to enter the labour market and if so, efforts are made to remedy the situation. For returnees, this deficit could be the loss of Danish language skills, though this is rarely the case since emigrated Danes often return relatively quickly. The fact that Danes often return relatively quickly is probably also part of the explanation for the lack of post-arrival initiatives.

The Danish case also has a policy which potentially complicates the return of Danish citizens to Denmark. The rights of Danish emigrants were not given much consideration when the Danish immigration laws were tightened between 2001 and 2011 by the liberal-conservative government which was then in power (and supported by the immigration-hostile Danish People's Party). The regulations made at that time to reduce immigration and prevent forced marriages still make it quite difficult for Danish citizens to return to Denmark if they are married to a foreigner, particularly to one from outside the EU. If a Danish citizen is married to someone from outside the EU or EEA, they are obliged to comply with several rules when applying for family reunification in Denmark. First, both spouses must be at least 24 years old, and their connection to Denmark must be stronger than their connection to another country. In addition, the Danish citizen must be able to provide financially and have adequate housing space for both themselves and their spouse. He or she must not have received social security within the last year, and must also provide a bank guarantee of 50,000 Danish kroner (nyidanmark 2016). Given these restrictions, many mixed couples have found it necessary to live across the bridge from Copenhagen in Malmö (southern Sweden), which allows them to exercise

⁷ Finland, Iceland, Norway, Sweden and Denmark.

their right to intra-EU mobility and thereby circumvent the various rules in Denmark. When covered by the EU law (after a period of living together in another EU Member State) they have the right to move to Denmark without meeting all the above conditions. The media often reports on Danes who are living with or married to foreigners such as Americans who have been unintentionally inconvenienced by the Danish rules, generally with the angle that these were not the people that were meant to be targeted by the restrictions.

Conclusion

Denmark, which has historically been an emigration country but more recently is one of the Western European countries which has been the most concerned with negative issues about immigration, is unquestionably one of the least active countries on diaspora and emigration policy. No doubt due to its traditionally ethno-cultural national identity, Denmark has regarded emigration with some ambivalence and even downright hostility; many Danes see it as an anomaly, and as a potentially threatening one. This somewhat hostile discourse about emigrants, while often more muted and implicit than openly condemning, is now receding. However, being Danish still means partaking in the territorially bounded give-and-take of the welfare state. The possibility will always exist that some of those who have benefitted from the welfare state – young people in particular – will not stay around to give back their share in the form of labour market participation and tax payment. Due to these socioeconomic concerns, Danes have given little positive attention to those who left the fatherland behind.

Unlike countries such as France and Germany, Denmark has also not seen its emigrants as cultural ambassadors abroad. Also, the relatively limited size of the emigrant outflows has no doubt muted the effect of any claims for recognition. Even where larger numbers of emigrants have concentrated – primarily in neighbouring countries and the US – the Danish state has made no attempt to initiate special arrangements that are distinctly for diaspora communities as opposed to short-term migrants.

Historically, Denmark never catered a great deal for the needs of its countrymen abroad. It was also quick to take away their access to voting in national elections, the most symbolically charged right of citizenship. Diaspora policies in the field of education and culture were almost non-existent. It is possible that the combined effects of the recent politicisation of the importance of dual citizenship for emigrants and the new recognition that Danes (temporarily) abroad may be an economic asset in the global economy will create an impetus for the development of a Danish diaspora policy in the decades to come.

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Chapter 5

The Promise of a Welfare State: The Ecuadorian Government Strategy on Emigration and Diaspora Policies Between 2007–2016

Consuelo Sánchez Bautista

Introduction

In keeping with the purpose of this volume, this chapter discusses the various dimensions of diaspora and emigration policies in Ecuador. Given that new policies addressing migrant communities and the mobility of citizens were introduced after 2007, I will focus on the developments that took place after that year. These policies targeted several categories of Ecuadorians abroad: Ecuadorians who live overseas permanently (i.e. emigrants) and returnees (Ecuadorians who came back after either short or long periods abroad). It is also important to note that in the Ecuadorian discourse “migration” refers mostly to emigration, not immigration. Therefore, I will be using the terms migration and emigration interchangeably.

In 2001, Ecuador had a population of 12 million. However, approximately 1,600,000 Ecuadorians left the country between 1999 and 2005, in the aftermath of a domestic economic crisis. This outflow of migrants was an important milestone that put emigration on the political agenda. In fact, the 2006 presidential campaign was framed around this issue: Alianza Pais, the left-wing party winner of the elections, had included policies focusing on economic reform and support for returnees in its political platform. In 2007, when the Alianza Pais candidate took office, the Ecuadorian government’s discourse about emigration, the related institutions and the existing migration policy in the country were strengthened and further developed. Additionally, from 2005–2010, 63,888 Ecuadorians returned, and much of the migration policy since then has focused on return.

In this chapter, the review of the Ecuadorian migration policy documents aims to analyse (i) what kind of changes have been made in Ecuadorian migration policy since 2007; (ii) whether or not the Ecuadorian state has developed current diaspora and/or migration policies, as well as its rationale for these policies; and (iii) whether

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or not the Ecuadorian state has catered to the needs of mobile citizens. This means that, in addition to general guidelines or principles on migration policy, diverse programmes and services offered to Ecuadorian migrants now or in the past should be taken into account. Nonetheless, it is important to clarify that in this chapter I do not attempt to discuss whether the policies have been implemented or what their impact has been: the objective here is to analyse the way emigration and mobility are perceived, defined and addressed by Ecuadorian politicians.

Following the definition given in the introduction to this volume, diaspora-relevant policies primarily address the population of long-term migrants and their descendants, while migration policies are increasingly more important for mobile citizens. From this perspective, both the legislation and the existing migration policy have taken diaspora into account; since the government change in 2007, and the greater incidence of returnee movements since 2010, migration policy has also been focused on the returning population. The current institutional framework allows both the Foreign Ministry and the Vice Ministry of Human Mobility (integrated in the Ministry of Foreign Affairs and Human Mobility) to perform actions on behalf of both Ecuadorians abroad, Ecuadorian returnees, immigrants and refugees – although these last two groups are not considered in this analysis.

For the purpose of a diaspora and migration policy analysis, definitions and categories proposed in the introduction to this volume will be used. Aspects such as dual nationality, external voting rights and cultural diplomacy strategy, as they relate to both migrant and diaspora communities, will be especially taken into account in diaspora-building. As regards diaspora engagement, programmes or services related to customs import incentives, social protection and labour rights, investment services, tax policies, the facilitation of remittances, welfare and education support services, expanded consular units and special legislative representation will be considered.

With respect to Ecuadorian migration policy since 2007, the predominant themes in the discourse on emigration concern the rights of migrants abroad and return policies. These themes coincide with the definition of emigration policies given in the introduction to this volume, as all the policies that influence mobility across international borders shape both outward and return mobility. In this regard, various initiatives of the Ecuadorian state fit into two categories of policies that facilitate access to rights and mobility. The first one focuses on actions related to social security agreements, agreements on the avoidance of double taxation, access to national education abroad, pre-departure orientation training, post-arrival orientation training, language training, professional qualifications and other skills, and programmes for the care of victims of trafficking networks and smuggling. The second category mainly concerns policies that ease people's mobility, such as bilateral agreements or visa waivers.

Despite these analytical classifications, it should be noted that the Ecuadorian state's interest in maintaining links with the diaspora, protecting the rights of migrants abroad, promoting safe migration and facilitating migrants' return provides vast evidence that emigration and diaspora policies are densely intersected.

This chapter is divided into three parts. First, I discuss the main policy drivers. In this context, I present the characteristics of recent migration and migrants from Ecuador, as well as the dominant discourse, at the national and international level, that the government since 2007 has been building regarding migration and Ecuadorian migrants abroad. Then I present an analysis of the approaches that the Ecuadorian state has used both for the diaspora as well as for migrants and returnees. For these purposes, policies that focus on diaspora building and diaspora engagement, as well as those that facilitate mobility are examined. Finally, the main conclusions of the paper are presented.

Emigration and Diaspora Policy Drivers

In her account of the history of Ecuadorian emigration, Herrera (2007) notes that significant outflows to Venezuela, the United States and Canada took place after the 1960s. Then, in the late 1990s, countries in Europe, primarily Spain and Italy, began to be destinations for migrants (Herrera et al. 2012: 35). It is estimated that in 1999–2005 approximately 1,400,000–1,600,000 Ecuadorians left the country. In 1999, a huge increase in migration from Ecuador was detected. It peaked in 2000: 175,000 Ecuadorians went abroad that year. Unlike the first migrations recorded, the Ecuadorian population that migrated in the 1990s was mostly urban, although flows were heterogeneous “in terms of class, regional, cultural, generational and gender origin” (Herrera 2007: 193); this fact shows that the economic crisis affected all segments of the Ecuadorian population. The Census of Population and Housing, conducted in 2001, shows that in 1996–2001 Spain was the country with the largest number of Ecuadorian migrants (186,811), followed by the US (101,006), Italy (37,361), the UK (4126), Germany (3724) and Belgium (2081).

According to the Census of Population and Housing conducted in 2010, migration to Spain and other countries in Europe experienced a slowdown after 2004, due to the introduction of the Schengen Visa for Ecuadorian citizens (Herrera et al. 2012). A second slowdown occurred in 2008, due to the global economic crisis, which affected the labour market in destination countries such as the US and Spain. The 2010 Census shows that Spain was the most popular destination country (126,574), followed by the US (80,080), Italy (22,088), Germany (1945) and Belgium (1781) (Herrera et al. 2012: 41). This census also reports on the return of Ecuadorian migrants: of every four Ecuadorians who migrated in 2001–2010, one returned. From 2005–2010, 63,888 people returned: 46% came from Spain, 26% from the US and 6% from Italy. Significantly, many of those returnees were in fact deported.

Undocumented migrants seem to have defined Ecuadorian migration for some time and thus deserve a separate mention. Between 2000 and 2007, almost 30,000 Ecuadorians were deported from the US, Central America (on the way to US) and Europe (mainly from Spain). The ten countries with the highest deportation rates were the US, Mexico, Spain, Guatemala, the UK, Panama, Italy, Nicaragua,

Colombia and Curacao (Herrera et al. 2012: 51–53). Additionally, between 1999 and 2001, 3760 Ecuadorian emigrants were intercepted at sea. Ecuadorians migrated to the US through “coyoteros”, due to the difficulty of obtaining a US visa. Even though Ecuadorians did not require an EU visa until 2003, between 2003 and 2007, 4209 Ecuadorian migrants were detained in Spain, 2275 of whom were deported. There are no official numbers on Ecuadorians working without documents but the above data on detentions and deportation partly show the dimension of irregular migration before 2007.

Given the figures of the last two decades, two moments stand out. The first peak, between 1999–2000, marked a large departure of Ecuadorians for countries abroad, caused by a deep economic crisis, the freezing of funds in banks, the dollarization of the economy and rising unemployment and poverty (Acosta, Lopez et al., 2007 Cit. in Herrera 2011: 198). The second peak was a return migration, which slowly began in 2005 but increased in 2010. The flow of returnees, particularly from Spain, hit 14,437 that year.

These two peaks, identified as the periods with the most migration flows and returns, are important for our considerations, as they directly influenced the changes in Ecuadorian emigration and diaspora policies. As of 2007, the policies were redesigned, especially after the Citizens Revolution (Revolución Ciudadana) government took office; that year marked a watershed in Ecuadorian discourse and policymaking on emigration. In this context, it is important to take into account the “migrant rights discourse” that has been developed in Latin America. For its own part, Ecuador has taken the lead in speaking about free mobility and universal citizenship.

Discourse, Migration Policy and Institutional Framework on Migration Before 2007

Despite the migratory tradition of Ecuador, migration policies before 2000 were isolated and difficult to enforce due to the lack of a budget for migrant services and the absence of a specialized agency in charge of such matters. Also, civil society did not have strong organisations related to migration, only some initiatives by Ecuadorian citizens living in the United States, mainly concerning political rights (Herrera et al. 2012). However, the migration situation in the country at that time called for actions such as preventing and punishing the smuggling of migrants; to this end, legislation and agreements between countries were developed and became fundamental to Ecuadorian migration policy.

After the 1999–2000 migration wave, the government addressed the situation more proactively. According to Eguiguren (2011), political views of migration at the time were linked to the political and financial crisis that Ecuador went through in the late 1990s. The dominant discourse of that time portrayed migration as a threat which could alter social order in families and communities. Given the

unprecedented massive migration flow and the economic crisis afflicting the country, it was necessary to recognise the reality of migration and adapt state institutions to deal with it (Eguiguren 2011).

Early on, this concern brought about the “National Plan for Ecuadorians Abroad” (2001–2002); however, as the proposal had no funding, it was barely implemented. In her study of migration policy in Ecuador in 1999–2007, Eguiguren (2011) mentions documents and actions that evidence bilateral and unilateral state initiatives in the area of emigration, such as: the Agreement between the Republic of Ecuador and the Kingdom of Spain on the Regulation and Management of Migration Flows (2001), the Plan for Voluntary Return between Ecuador and Spain (2001), the creation of the Assistance, Savings and Investment Programme for Migrants and their Families (2002) and Project 25–298: Organic Law of Integral Assistance to Ecuadorian Migrants and their Families (2004). Other steps taken included the prevention of migrant smuggling, the regulation and control of migratory flows, the protection of Ecuadorian migrants abroad, conditions to encourage migrants’ return and the protection of retired migrants’ relatives. In addition to the above actions, a restructuring of the consular services was undertaken. As a result, the General Directorate of Support for Ecuadorians Abroad was created as early as 2000.

Discourse, Migration Policy and Institutional Framework on Migration After 2007

In contrast to the discourse on the economic and political crisis that Ecuador underwent in the early 1990s, since 2007 emigrants have been perceived as an asset to fighting the economic crisis. Their return has been framed as an opportunity. The project for national reconstruction was proposed with strong discursive force by the Citizens Revolution, including the migrant population.

Alianza País’ election campaign of 2006 launched the idea that a “new country” would recognise and strengthen migrants’ rights, guarantee the right to vote, extend diplomatic services abroad for the defence of labour rights and communicate incentives for migrants to return; it also offered better mechanisms by which to channel remittances, training and consulting to support entrepreneurship, psychosocial issues and mechanisms to enhance family ties (Alianza País’ Government Plan 2007–2011, 2006: 40). Thanks to the mobilisation of migrant organisations in the United States, the Ecuadorian diaspora’s right to vote was established in 2002 by the Organic Law to Exercise the Right of Ecuadorians Living Abroad in Presidential and Vice Presidential Elections in Ecuador (Official Registry 672; 27 September 2002), but only took effect in 2006.

Faced with chaos and the failure of a system that destroyed democracy, the economy and society (in the words of President Rafael Correa’s inaugural speech in January 2007), the discourse about the ‘return to the motherland’ contributed to the beginning of a new political project that proposed the ‘return of Ecuadorian

migrants'. Correa declared that "the Homeland is Back, and so the work comes back, justice returns, millions of brothers and sisters expelled from their own land in this national tragedy called migration, return" (President Rafael Correa, inaugural speech, January 2007). Thus, under the proposed migration policy, the discourse about "crisis" became one of "hope". In this context, the political representation of migrants who, according to Correa, supported the Ecuadorian economy through remittances and were a cornerstone of the new political project, was essential. In his inaugural speech, the President proposed a representation of "The Fifth Region of the Country" – formed by Ecuadorian migrants – in the National Assembly, thus clearly trying to recognise the vast majority of emigrants who supported his party in the elections.

Consequently, the new government promoted political participation as a mechanism of recognizing and bonding with Ecuadorian citizens abroad, taking advantage of their electoral potential. In February 2007, the already-elected government of President Correa extended the migrant vote to elect representatives for Ecuadorian citizens living abroad to the Constituent Assembly (Presidency of the Republic of Ecuador, 2007a).

Interestingly enough, that speech resonated both regionally and internationally: The Ecuadorian government positioned itself as a champion of free mobility and migrants' rights. As mentioned in the National Agenda for Human Mobility Equality 2013–2017 (Ministry of Foreign Affairs and Human Mobility 2014: 33), Ecuador has implemented various strategies to place its emigration and diaspora policy in bilateral and multilateral fora in order to promote free mobility and "brain-gain" strategies. These advances have resulted in intergovernmental documents such as the Andean Human Development Plan for Migration and the South American Human Development Plan for Migration, which adopted a discourse on human rights to strengthen regional integration (Ibid.). In fact, these initiatives have gone beyond the Andean regional space: the "Positioning Programme of International Migration Policy" included different actions that position Ecuadorian emigration and diaspora policy internationally as a model for the promotion and protection of migrants' rights in their places of origin, transit and destination, through international cooperation.

After an institutional reform in 2007, migration prerogatives were shared between the Ministry of Foreign Affairs and SENAMI, the institution formerly responsible for the definition and implementation of migration policy. It administered the funds of the 2002 "Assistance, Savings and Investment Programme for Ecuadorian Migrants and their Families" (Presidency of the Republic of Ecuador, 2007b). Along with the creation of this Secretariat (with ministerial powers), the government ensured a project to strengthen the links between the state and migrants abroad. Despite the fact that it was the principal institution that implemented migration policy, SENAMI was a weak institution suffering from disorganised internal management, multiple changes in leadership, an insufficient budget and poor organisation of data and statistical information, which resulted in a limited capacity to

evaluate the implementation and impact of programmes and projects on the migrant population, their families, and returnees.

Furthermore, the existence of limited political frameworks and programmes that only respond to short-term issues has been seen as a weakness. In this context, SENAMI's ability to implement programmes did not meet the realities of Ecuadorian migration or the expectations of migrants and their families with regard to accessing benefits. Some programmes such as Strengthening Links and the Organisational Strengthening and Construction of Social Networks for the Migration Project were hardly implemented. While technical training was offered through "the Cucayo programme", the number of viable business initiatives and loans – when compared to the number of people enrolled in training courses and requesting appropriations – was low. In general, when talking about financial aid programmes or housing support, one can say that the most favoured candidates for credit have been those with previous economic capacity. Meanwhile, programmes that have aimed to help migrants abroad have principally provided information. However, the "Casa del Migrante" (Migrants' Home Abroad) also offered short courses and training for migrant labour in the areas of care and craftsmanship.

SENAMI disappeared after a new institutional reform, and the former Ministry of Foreign Affairs and Foreign Trade became the Ministry of Foreign Affairs and Human Mobility in 2013. Thus, the Vice Ministry of Human Mobility and the Ministry of Foreign Affairs assumed the management of emigration policy. Within the new "Model of Strategic Management of Human Mobility", the foreign ministry now has 114 honorary consulates and 81 consular offices. Nationwide, there are 8 commissions and 9 legal service offices. These institutions form a network through which the state attends to Ecuadorian migrants and their families abroad and in the country.

Nevertheless, institutional change in migration management generated instability in some programmes that underwent evaluation for continuity. In particular, self-financed programmes offering employment support to returnees were not renewed because of the ineffectiveness of their results. However, with the passage of time, the Vice Ministry of Human Mobility reorganised service programmes according to the guidelines for the protection and promotion of migrants' rights. In addition, the foreign ministry has been trying to strengthen links between the state and migrants living abroad.

Abroad, the impetus to form leaders and organisations has been visible, and has sustained support in recent times. However, the Ecuadorian state's interest in migrants has been confined mostly to electoral occasions. It is worth mentioning that SENAMI (during its existence) and the current Ministry of Foreign Affairs and Human Mobility have also provided assistance to returnees (voluntary or forced), and to vulnerable people. In order to provide this assistance, the signing of agreements by various different ministries and the Chancellery has been important. The emergence of this aid, which has been executed through numerous programmes, has also been confronted with limitations related to economic integration, labour opportunities, and the social and cultural development of vulnerable returnees.

Migration policy issues and the government's discourse on migration have not undergone dramatic changes since 2007, regardless of political and institutional changes. They are focused on the protection of migrants and their rights, the viability of migrants' return, protection against the trafficking and smuggling of migrants and support to migrants' families. This has been the way that the state has chosen to link itself to Ecuadorian citizens abroad and returnees. Additionally, and even more importantly, the country's migration guidelines and principles are now enshrined in the new Constitution approved in 2008 (Constituent Assembly 2008).

Article 11 of the 2008 Constitution recognises that "all people are equal and enjoy the same rights, duties, and opportunities" without discrimination based on ethnicity, place of birth, age, sex, gender identity, cultural identity, language, religion, migration status, etc. In Chapter Three, which is about the rights of individuals and particular groups, the entire third section is devoted to human mobility. Article 40 recognises the right to migrate; its intent is not to consider any person's migration status illegal. This article also highlights that the state, through appropriate institutions, should provide the following services to Ecuadorians abroad as well as to migrants in Ecuador, whatever their migration status may be: assistance to migrants and their families, both abroad and in Ecuador; health care; counselling services; comprehensive protection for those who exercise their rights; the protection of their rights when they have been deprived of liberty abroad; the promotion of migrant links to Ecuador in order to promote family reunification and encourage voluntary return; and protection for transnational families and the rights of their members.

Since 2007, a new impetus has been given to migration policy and institutions aimed at protecting the rights of Ecuadorians abroad and returnees, resulting in the development of many policy documents.¹ Since then, these documents, at different moments, have shaped the guidelines of migration policy, and led to drafting the Human Mobility Bill, amending the structure of consular offices, and implementing other programmes and services in Ecuador and abroad for migrant and returnee populations, across the various ministries.

As will be discussed in the following paragraphs in more detail, actions implemented after 2007 have been aimed at expanding rights and services for Ecuadorian residents abroad (whether or not they intend to return) and the returnee population (voluntary or forced) – all within the framework of preventing risky migration, promoting and protecting migrant rights, supporting organisations abroad, strengthening links between the state and migrants, and encouraging migrants' participation in Ecuador's development.

¹Plan Nacional de Desarrollo Humano para las Migraciones 2007–2010 (National Human Development Plan for Migration), Documento de Política Migratoria del Ecuador 2007 (Migration Policy Document of Ecuador), Documento de Política Migratoria para el Buen Vivir 2013 (Migration Policy Document for Good Living), Plan Nacional para el Buen Vivir (National Plan for Good Living 2009–2013 and 2013–2017), and also, more recently created, the Agenda Nacional de Igualdad para la Movilidad Humana 2013–2017 (National Agenda for Human Mobility Equality).

The actions that the Ecuadorian state has implemented to attract skilled return migration in priority areas such as basic sciences, life sciences, social sciences, the science of education, innovation, and the arts deserve special mention. These actions, although designed and planned as part of research and education policies rather than migration policies, encourage and facilitate human mobility in cultural, academic and scientific fields.

Current Diaspora and Emigration Policies in Ecuador

As already mentioned above, migration policy has undergone several changes in the last eight years. Currently, it is the *National Plan for Good Living 2013–2017* (PNBV) (Secretaría Nacional de Planificación y Desarrollo 2013) which provides guidelines for national policies, which are mandatory, and helps both guiding institutions and local governments formulate public policies. The PNBV outlines policy and strategic development goals, which should be taken into account at central as well as local levels, in order to manage, among other issues, migration and the development of diverse communities, particularly with regard to human mobility.²

Taking into account the current constitutional framework and as well as the aforementioned documents that guide migration policy and other existing regulations in the country, I present the main axis of Ecuador's policies below.

Diaspora Policies

Political Ties

Civil and political rights granted to Ecuadorian citizens abroad make it possible to trace existing diaspora-building policies; dual citizenship and voting are rights guaranteed to migrants since the approval of the new Constitution (2008). The Constitution states that Ecuadorian nationality is acquired by birth or naturalisation and not lost through marriage or dissolution thereof, or by the acquisition of another nationality. The Constitution also states that persons born abroad to a mother or father born in Ecuador and their descendants up to the third generation are Ecuadorian. Naturalised Ecuadorians are those individuals who obtain a certificate of naturalisation, foreign children adopted by Ecuadorian citizens, a foreign-born Ecuadorian father or mother by naturalisation, and those who marry or maintain a *de facto* union with an Ecuadorian citizen according to the law.

Another policy, focused on building links between the State and the diaspora, is the migrant's right to vote. In spite of the fact that the right to vote for president was

² Within the framework of the PNBV, the Vice Ministry of Human Mobility created the National Agenda for Human Mobility Equality 2013–2017; its implementation is still pending.

granted in 2002, it only took effect in 2006. In 2007, the electoral rights of emigrants were extended to the election of the president as well as members of the National Assembly. The 2008 Constitution, Article 63, states that Ecuadorians living abroad have full active and passive electoral rights.

Political and civil participation during these years, through the right to vote and the election of representatives to the National Assembly (the Ecuadorian legislature) by the migrant population abroad, has led the Ecuadorian state to be intensely engaged in political activities in the countries that are the main destinations for Ecuadorian migrants, where the government offers migrant population services, supports organisations of Ecuadorians abroad and encourages political participation through the direct involvement of the consulates.

Cultural Ties

The National Human Plan for Migration Development 2007–2010 (Secretaría Nacional del Migrante 2008) was the first policy paper on migration policy delivered by SENAMI. It established the following policy objectives for the future: (i) promoting family reunification in both origin and destination countries; (ii) supporting the consolidation of transnational families; and (iii) establishing and strengthening ties between Ecuadorian migrants and their country, in terms of political, social, economic and cultural ties. The last point was further developed into several programmes: the “Bienvenid@s a casa” (Welcome Home) scheme, which encourages return, a virtual platform to support the integration of Ecuadorians and their families, and various cultural communication programmes linking Ecuador and destination countries.

In addition to the above, other policies were proposed to support migrants’ self-organisation and to promote the establishment of migration networks monitoring the human rights of migrant workers. Accordingly, in 2007, SENAMI implemented the FORES programme, which focuses on grass-roots organisation and networking. The programme strengthened associations, cooperatives, committees and clubs of Ecuadorians abroad; linked the state and civil society to ensure that migration was considered a priority in national policies; established new networks; and supported identified organisations that could engage in entrepreneurship projects. The programme corresponded to the state’s strategic objective to position its comprehensive emigration and diaspora policy as a regional and global benchmark for a humanistic and rights-based approach to migration. The government has stated that this project has had national and international impacts in countries such as the US, Canada, Spain, and Italy, but this information has never been very concrete.

After the closure of SENAMI, its tasks were transferred to the Vice Ministry of Human Mobility. Several programmes were closed, weakened or redefined. Today, the consular network still provides services to the migrant population abroad: it offers assistance, information and support to migrant organisations in Europe and the US.

Socio-economic Ties

Article 374 of the Ecuadorian Constitution encourages the voluntary affiliation of Ecuadorians living abroad to the Ecuadorian Social Security Institute (IESS). Article 338 states that the protection and promotion of domestic savings to generate incentives for the transfer of migrants' savings and assets will lead to productive investment. In Article 329, the section concerning work and production stresses respect for the labour rights of Ecuadorian workers abroad, and also calls for agreements with other countries for the regularisation of undocumented workers.

Voluntary affiliation to the social security institute is possible for Ecuadorian citizens residing in Spain, under the "Social Security Agreement between Ecuador and Spain", signed in December 2009. The agreement establishes equal treatment of Spanish and Ecuadorian citizens in both countries on issues related to social security and ensures the portability of these rights. For Ecuador, this agreement is directly related to social security benefits such as health insurance, maternity, health subsidies, disability insurance, insurance for seniors, death insurance, and workplace injury risks.

Currently, the Vice Ministry of Human Mobility processes voluntary affiliation to the IESS as one of its services, for any Ecuadorian citizen over 18 years old living abroad and their families. Benefits of this affiliation are provided only in Ecuadorian territory and cover: retirement and disability pensions; funeral services; occupational hazards; sickness and maternity care in Ecuador; health coverage for children under the age of 18 in Ecuador; an unemployment fund; and personal loans and mortgages (Ministry of Foreign Affairs and Human Mobility 2015).

Guidance and legal advising abroad on migration matters, family matters and mortgages have been provided as part of the services that have been offered in recent years by the Vice Ministry of Human Mobility, consulates and/or diplomatic missions. Beginning in 2012, these services proved very important. In Spain, as a result of the crisis, many Ecuadorian families could not pay their mortgages, were evicted or lost their homes.

Regarding tax exemptions, there are agreements between Ecuador and countries such as Spain, Italy, France, Switzerland, Belgium, Mexico, and the Andean countries, among others, which seek to avoid double taxation. With some variations from country to country, such agreements apply to taxes on income and capital, including taxes on income from property, taxes on wages paid by companies or capital gains taxes. These agreements apply to Ecuadorian residents, established businesses or employees in countries that have signed the agreement. Additionally, these agreements are applicable to other people such as athletes, actors, students, teachers and researchers.

As for cash remittances, there is no information on currently existing agreements to facilitate money transfers to Ecuador. However, the Ecuador Migration Policy (2007), managed by the Ministry of Foreign Affairs, Trade and Integration, included a specific section on remittances in its policies and action plans. According to the policy document, some actions were taken to reduce the financial cost of sending remittances. The reduction of these costs was achieved through agreements such as

the one signed between the Central Bank of Ecuador and the “Caja de Ahorro y Pensiones de Barcelona La Caixa” in 2006. The document also mentions campaigns to redirect the money from remittances to entrepreneurial projects.

Nonetheless, it can be argued that the current tax exemption policy implemented by the Ministry of Foreign Affairs and Human Mobility, in coordination with the National Customs Service of Ecuador, can also become a way to facilitate the transfer of goods. The “4 × 4 System” has been operating since 2008; this service exempts Ecuadorian migrants recognised by the Ministry of Foreign Affairs and Human Mobility, or those who have a Consular ID, from tariffs on shipping (up to 4 kg with a maximum value of 400 USD). Eligibility is verified through migrant data registries in e-Consulates. This benefit covers shipping of up to 12 packages per year to Ecuador or 2400 USD in merchandise. Recipients in Ecuador can also use the service up to five times a year for items worth up to 1200 USD.

Finally, the National Agenda for Human Mobility Equality 2013–2017 proposes initiatives on non-discrimination (promoting prevention abroad) and the exercise of rights for the care and effective protection of people in human mobility situations in Ecuador and abroad. As regards well-being, the document aims to create comprehensive programmes of care and support for mobile people and to strengthen mechanisms to expand access to various services in Ecuador (such as education or healthcare) and abroad. However, besides the above, there are no other new programmes that allow the Ecuadorian population living abroad to access these rights; some form of residence in the country is required.

Emigration Policies

Ecuadorian migration policy in recent years has aimed at supporting the integration of migrants abroad, but also, and with pronounced emphasis, at facilitating the return of Ecuadorian migrants to the country. This is why, in addition to the existing agreements that have facilitated labour migration between Ecuador and the Andean region countries since 2007, several programmes for integration support, mobility management and rights recognition – some of which still remain in effect after institutional changes in the country – have been designed and implemented.

Among the first programmes implemented by SENAMI (in the framework of the Migration Policy for Good Living, Secretaría Nacional del Migrante 2013), the “Network for support to Migrant Family Households” was the one that shifted the policy focus to migrants and their families. It launched a number of services, such as the repatriation of the deceased for vulnerable families; legal advice in the destination country and in Ecuador; information about missing individuals (also detainees abroad); multicultural events in countries of destination; information about other available support for shelter, food, medical care, and consular services; and information about other Ecuadorian government services in destination countries, such as driving licences (National Traffic Agency) or retirement affiliation (IESS). Some of these services are currently being implemented through consular offices.

The flagship initiative of the Ecuadorian government implemented by SENAMI was the “Welcome Home Plan”, which mainly supported integration and re-integration. The plan consisted of services targeting skills development as well as training on social integration in the destination countries (for emigrants) and in Ecuador (for returnees). Moreover, the programme supported post-departure language courses and seminars on local regulations. The programme offered certified professional courses, business start-up courses, as well as vocational skills training for insertion into the labour markets abroad (for emigrants) and in Ecuador (for returnees). Most of these courses are still offered today. They are carried out abroad, particularly in the United States, in coordination with the Technical Secretariat of Vocational Training (SETEC), and in Ecuador with the Ecuadorian Professional Training Service (SECAP), as well as with other institutions. This service is free and open to Ecuadorians living abroad who are over 18 years old, regardless of their migration status. The “Welcome Home Plan” has also provided care for deported vulnerable migrants or disabled/terminally ill migrants.

Potential returnees to Ecuador can also sign up for the “Tax-Exempt Household Goods, Vehicle and Work Equipment” plan offered by the Ecuadorian Customs Service. Ecuadorians that have lived abroad for at least one year can import their household goods back to Ecuador (provided that the goods arrive within two months before or six months after the applicant’s return to Ecuador for permanent residence) (Ministry of Foreign Affairs and Human Mobility 2015).

Another programme that is still in force is “the Housing Grant”, which is implemented by the Ministry of Urban Development and Housing (MIDUVI). It is the state’s financial aid programme, available to migrants or their families to build housing on land owned by the migrant or his/her family. This programme is for migrants, their parents and dependent grandparents, children under 18 and handicapped children over 18 years old, provided that they do not have other housing in Ecuador.

Business development programmes have also been developed for returnees, but with limited success. The “Cucayo Competitive Fund” (Seed Money) was a fund created to provide an alternative form of investment for Ecuadorian migrants so that they could generate work for themselves and in turn help boost the country’s economy by generating other jobs. The initiative aimed to strengthen the economic and productive reintegration of migrants into Ecuadorian society. The programme was abandoned due to the poor results generated by unsustainable businesses while it was in effect.

Returnees looking for jobs in Ecuador are covered by affirmative action: in the national “Employment Exchange” (Bolsa de Trabajo) database, they obtain extra points during the qualification process.

Another existing programme to facilitate return is offered through the Ministry of Public Health. The “Healthy Ecuador, I’m Coming Back to You” plan (Plan Ecuador Saludable, Voy por Ti) aims to attract and retain professionals in the health sector (both Ecuadorians and foreigners) who have lived abroad for at least one year or have applied to the programme within six months of returning to Ecuador. The programme recruits, selects and hires highly trained physicians with extensive

experience, in order to meet the needs of territories that do not have adequate medical personnel. For the purpose of the programme, the Ministry of Higher Education, Science, Technology and Innovation (SENESCYT) recognises certificates and diplomas issued abroad. The programme also facilitates family-sponsored visas for participants' relatives if they are foreigners but want to return to the country.

Another programme, now promoted through the Ministry of Education, provides access to the National Education System. This programme guarantees access to early childhood, elementary and high school education for Ecuadorian returnees. The beneficiaries are children of Ecuadorian migrants abroad and returnees, who wish to study in public institutions. It is also possible for migrants abroad to take the National Exam for Higher Education (ENES), administered by SENESCYT, to access higher education in public universities. As part of the policy to favour migrants abroad, this test has been administered in countries such as Spain, Italy, the United States, Peru and Colombia. As long as they comply with the regulations and registration requirements and obtain a minimum score on the National Exam, migrant applicants are allowed to apply from abroad to study at public institutions of higher education, which are free in Ecuador. Even though there are no economic policies to facilitate return, territorial mobility scholarships are generally available to the population that will study at this level. The ENES also promotes student mobility by offering scholarships to students with outstanding test scores for tertiary studies at prestigious, high-quality foreign universities.

As a part of the brain-gain policy, the "Prometheus Project Grants Programme" seeks to strengthen research, teaching and knowledge transfer; it attracts skilled migrants by offering scholarships to foreigners and Ecuadorians living abroad, provided that they have a PhD and extensive experience that would benefit Ecuador's higher education institutions, public research institutes and other public or co-financed institutions in the country's priority areas in academic and scientific development. Ecuadorians can also apply for scholarships to complete a master's degree or PhD programme devoted to priority areas for the country, as long as they are enrolled in internationally recognised universities. Scholarship programmes of this kind include "Common Globe", "Scholarships at Universities of Academic Excellence", "Open Call Grants", "Grants for Researchers", "College Professor Scholarships" and "Postdoctoral Fellowships".

Finally, Ecuador is also a source of migrants trafficked for forced labour. There are no official data on this phenomenon, but the latest Trafficking in Persons Report (US Department of State 2015) provides some information in this regard. The Ecuadorian government has recognised the problem: its Migration Policy of Ecuador document included the "National Action Plan to Combat the Smuggling of Migrants and Trafficking in Persons", adopted in 2006 (Ministry of Foreign Affairs, Trade and Integration 2007). The focus is on the prevention, investigation and prosecution of trafficking. An important part of the anti-trafficking policy is the protection of victims and their rights. An earlier "We Are All Responsible" programme (SENAMI) was specifically intended to implement a policy for prevention of high-risk migration. Its main actions included the following: the reception of vulnerable persons and the coordination of access to programmes for the protection and

restoration of rights; the generation of international agreements for the promotion and protection of rights of people living in high-risk migration situations (origin, transit, and destination); and the promotion of economic activities and social inclusion in territories with high levels of migration in order to prevent forced migration due to lack of opportunities. The programme was additionally supported by a “Contingency Fund and Support for the Vulnerable”. Its direct beneficiaries included victims of trafficking, victims of forced labour and/or sexual work and victims of trafficking or “coyoterismo”.

Currently, the National Agenda for Human Mobility Equality 2013–2017 includes a policy “to prevent and punish all practices related to trafficking in persons and the smuggling of migrants, and ensure restitution and reparation of the rights of victims of these crimes”.

However, the actual results of all these programmes could be questioned. The monitoring and evaluation tools that would make it possible to quantify the success or failure of different initiatives are limited. In general, financial aid programmes or housing support have mostly favoured those loan applicants that already have some capital, and thus more vulnerable returnees have had little opportunity to reap the benefits of these programmes. Meanwhile, initiatives that have aimed to help migrants abroad have principally provided information rather than a strong skills curriculum.

Conclusions

Before 2000, migration policies in Ecuador were isolated and minimally executed, due to a lack of organisational articulation, poor financing, and scarce attention to migrants. Overall, state intervention in migration after 2007 was, at the beginning, related to discourse on some sensitive issues: the economic and political crisis that triggered migration in 1999; the need to overcome effects of the aforementioned crisis; and the advent of a new political era in the country, in which economic and social conditions for return would be rebuilt. Thus, in a new narrative, Ecuador is defined as a country to which everyone hopes to return or as a place to settle down, given its economic stability and protection of migrants’ rights.

Although the discourse about crises has switched to about a focus on opportunity and hope, it still conveys protectionist perspectives on migrants and their families. Likewise, the discourse on opportunity and protection allows the government to find a way to promote and position its national policies – and not only on migration issues – on international political and social scenes, strengthening its links with various migrant organisations. Amidst this scenario, migrants are not just subject to laws abroad; they also become political subjects, spokespeople and state-government supporters beyond national borders.

On the other hand, migrants’ situations inside and outside the country have prompted various activities to prevent and punish trafficking in migrants. Legislation and agreements between countries are a critical part of the Ecuadorian

migration policy. As shown, since 2007 migration has gained political and institutional strength. Migration policy has become comprehensive; it recognises the multi-dimensionality of migration and the multiple rights of Ecuadorian migrants in Ecuador and in host countries, while also promoting long-term involvement in the well-being of migrants and their families, as well as their involvement in Ecuador's development. For these reasons, the policy has focused on migrants, their families and returnees.

Since 2007, the diverse and fragmented migration policies in Ecuador have resulted in increased attention to migrants and their families in various fields, as already described.

In contrast to the broad promotion of state programmes and services to prevent risky migration and to facilitate and support return, there is little official information available about their coverage and impact on the Ecuadorian migrant community. Nonetheless, it is safe to say that, in recent years, the state's interest in building and maintaining ties with its diaspora has remained constant. While migration policies have been focusing on facilitating mobility (i.e. the return and mobility of skilled migration), the relevance of diaspora policies is evident: the various ways in which such policies have been implemented show a close alignment to the political strategy that began to emerge in the country in 2007.

Abroad, the impetus to form leaders and organisations has had visible and sustained support in recent times. However, the Ecuadorian state's interest in migrants has been confined mostly to electoral occasions. It is worth mentioning that SENAMI and the Ministry of Foreign Affairs and Human Mobility have also provided assistance to returnees (voluntary or forced), and to vulnerable people. In order to provide this assistance, the signing of agreements among different ministries and the Chancellery has been important. The emergence of this aid, which has been executed through programmes, has also faced limitations related to economic integration, labour opportunities, and the social and cultural development of vulnerable returnees. The factor that prevents a more accurate assessment of the impacts of migration policy, plans, and projects is the lack of a consistent, organised information system with the capacity to link various state institutions and social organisations in Ecuador and abroad in order to show programme impacts on the migrant population, their families and returnees.

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Chapter 6

Mobile French Citizens and La Mère-Patrie: Emigration and Diaspora Policies in France

Sylvain Beck and Agnieszka Weinár

Introduction

Despite the long history of French emigration, there is not much scholarship on this topic. There has been no synthesis of research to understand general trends, and little academic debate on diaspora policies. However, the political representation of the French diaspora is increasing. According to some historians, this lack of academic consideration is an aberration in European history of migrations (Weil 2005: 8). French researchers may have been focused instead on the history of immigration, even if it was explored quite late (Noiriel 1988). To date, France continues to consider its immigration policies without regard for its emigration policies.

The available studies of French emigration are usually restricted to one geographic area or a one-time period. Comparative perspectives on French emigration are rare. For instance, the history of the French in London during different eras (Kelly and Cornick 2013) is not connected to the history of French people in Mexico in the 1800s (Gouy 1980), or to sociological research on French cooperation in Africa (Guth 1984). A quite relevant (and comparative) approach to history is in fact available in only one unpublished geography thesis, which shows how French emigration has developed from a colonial model to a circulation of elites (Verquin-Savarieau 2000). It may explain why professional skills, social origins, way of life,

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and personal and professional strategies are commonly emphasised to differentiate the emigration of upper classes as “expatriation” from the immigration of poorer, less-skilled people from other geographic areas. Consequently, there is a distinction between immigrants and emigrants, as if these were two different phenomena.

There is also a lack of quantitative and qualitative data concerning the population of French nationals abroad. Technically, there is no obligation for them to be registered in the consular registers. Registration is only recommended to facilitate administrative services such as scholarships or passport renewal. Currently, about 1.7 million persons are registered on the official lists, but French embassies estimate the number of emigrants at 2.5 million. This number puts French emigration at about 3% of the population, with regular increases of 3 or 4% a year. The freedom of circulation and the lack of administrative obligations abroad could be the main factors limiting efficient data collection. Moreover, the way the statistics are organised at destination varies and thus cannot be used for comparison.

Also, the lack of conceptualisation and confusion about emigration terminology remains an important barrier to counting this population. Which category corresponds to the French abroad? Expatriates, immigrants, highly skilled migrants or mobile citizens are different possibilities that have not really been debated. The estimates are made by cross referencing national and local data. However, working methods and instruments are inappropriate for current emigration patterns. A survey of French people settled abroad conducted by INSEE in 2007 defined the target group as the French population living abroad who have an administrative link (they have an ID card or civil register entry) or a cultural link (they are attending French schools or teaching French) with France. The survey makes a distinction between the “expatriates” living abroad temporarily and those who left France permanently. The last category is less keen on maintaining links with France and are often not included in the statistics. About 42% of the French abroad have two passports¹ but qualitative research shows that some of them are not registered.

Hence, the development of any policy towards such a diverse and hard-to-define group is risky. France is one of a small number of developed countries that has actually taken up this challenge. Generally speaking, for French politicians, emigration is an element of a bigger puzzle of social cohesion, in a nation that cherishes an image of itself as a unified community of citizens, regardless of where they live. Substantively, it shows a concern about keeping in touch with those who have left. Paradoxically, France has been a pioneer for many diaspora policies (Dufoix et al. 2010: 108).

This chapter is based on the research on French nationals abroad conducted in 2010 and 2013, and dedicated to emigration from France.² In the chapter we follow

¹ <http://www.assemblee-afe.fr/rapport-du-gouvernement-sur-la-situation-des-francais-etablis-hors-de-france-2015>

² The chapter is based on two research projects conducted by the authors. One is the doctoral thesis project of Beck, which explores the sociological aspects of teachers from France living abroad. This is a qualitative multi-sited ethnography research project in Casablanca (Morocco) and London (UK). The second is the research conducted by Weinari on emigration and diaspora policies in the EU (ÉMIGRÉ- funded by the Marie Curie Outgoing Fellowship).

the general conceptual framework of the volume, distinguishing emigration policies (those supporting or hindering migration) and diaspora policies (those supporting binding ties with communities abroad). We also discuss the main emigration drivers as well as emigration and diaspora policy drivers.

Emigration and Diaspora Policies

The history of French emigration documents three main emigration drivers, depending on the historical period and the social class of those leaving. The first important driver was religious persecution, especially of protestants: about a half million Huguenots left France for Northern Europe and Switzerland in the 1500s and 1600s. The second driver was the pursuit of economic success, evident during the 1800s and 1900s, which resulted in the economic migration of people primarily from poor regions (Alpine valleys, Corsica, South-West) to American and French colonies. We can also distinguish a third driver, namely a cultural rite of passage, namely the Grand Tour of Europe undertaken by the young urban elites in the late 1900's.

Therefore, French emigration has been always organised by individuals (Zeldin 1978), although, as in case of persecutions, it was sometimes encouraged by the State. Yet national history tends to be focused on the actors of colonisation and the employees of imperial institutions, forgetting shopkeepers, businessmen, craftsmen, farmers and intellectuals who left their country as adventurers or explorers because of social and economic difficulties in France.

Emigration and Diaspora Policy Drivers – A Historical Perspective

The main policy drivers in the area of emigration and diaspora policy in France are related to two founding elements of the French state: a strong republican culture and an image of a world power.

On one hand, the discourse about the “*mère patrie*” taking care of its children is directly linked to the construction of the French nation. On the other, the importance of the central state was inherited from the glorious times of Louis XIV and is still pertinent under the fifth Republic in twenty-first century. Consequently, the feeling of national belonging abroad and the practice of a state following French citizens beyond its own borders and providing them with services wherever they are originate in the colonial times. In this way, French businesses and employees of the French state moved around the Empire and could count on their rights being protected by the state administration. It was significant that people who moved belonged to the middle to higher social classes (with the important exception of French emigrants to Quebec, who were predominantly from the lower strata of society), and

thus had higher expectations of their homeland state.³ It is important to note that their emigration was mostly temporary, rarely forming durable diasporas.⁴

The motives for migration were also linked to the role of a colonial power and more recently, to France's conception of global power on the international scene. French business promotion was interlinked with cultural diplomacy (the active promotion of French language and culture in the face of English expansion) and was at the centre of an organised migration of French citizens through a variety of temporary programmes for youth, professionals and expatriates. The international migration of citizens was seen as an asset for France, an investment in human capital that would pay off in the future.

Today it seems that the two axes of policy development have come together: better services for French nationals abroad, more support for their political and cultural rights and more attention paid to their skills and employability seem to be an overarching objective of building a stronger French presence abroad.

Discourses on Emigration and the Diaspora

The issue of expatriates and their descendants is still present in the public sphere. Of course, it has less visibility than the issue of immigration to France, but recent policy decisions (such as assigning parliamentary posts to representatives of French nationals abroad) have been guided by discourses on these topics.

On 5 October 2015, a symposium entitled "The French abroad, an asset for France" was organised by Hélène Conway-Mouret, the senator representing French nationals abroad. This symposium followed a report on "French Nationals Returning to France from abroad" that she presented in July 2015 to the Prime Minister, Manuel Valls.⁵ Among other issues, the report analysed the dominant discourses on French nationals abroad that endure in the popular imagination and are used by the media today. It mentioned that the French diaspora is often stigmatised by the popular media as the privileged elite who avoid taxation or get additional perks through migration and thus perpetuate the class gap. They are often described as escaping France or going into exile. Interestingly enough, there are also some suggestions that French nationals are forced to leave the country, which describe this phenomenon along with the image of a haemorrhage or brain-drain. The report also noted that emigrants often refuse to be called "expatriés", as their status is that of an ordinary immigrant (or emigrant, from the point of view of France).

³This was in a stark contrast with emigration from the UK, which included representatives of all social classes. The UK also saw itself more as a trade broker than a "mère patrie" and thus paid less attention to nation-building policies (Hampshire 2013).

⁴However, Algeria, Morocco and Tunisia saw some formation of French elite diasporas.

⁵This report is available here (accessed 20 July 2016): http://www.gouvernement.fr/sites/default/files/document/document/2015/07/rapport_helene_conway-mouret.pdf

What is interesting is that the issue of return has been more and more prominent on the political agenda. The aforementioned report is one of a series of public voices raising concerns about the obstacles that the potential returnees face. The omnipresent idea of the wealthy ex-pat is probably the most enduring obstacle that blocks any serious attempts to help French nationals come back and settle in France.

On the political level, the French Left accuses emigrants of being “tax exiles” and points to the allegedly exuberant salary that comes with expatriation (which is not accurate for a majority of French nationals abroad). The French Right on the other hand favours employment in big globalised companies abroad and thus supports the international migration of skilled French workers.

Emigration and Diaspora Policies in Place

France is the only highly-developed country in the Global North with an extensive network of state and non-state actors supporting the migration of its citizens and building links with the diaspora. This is related to a strong statist tradition and the role that the centralised administration played in colonial times. The relation between the citizen and the state is a strong one, with citizens abroad placing high expectations of support on the French state.

The Ministry of Foreign Affairs (MAE) is in charge of emigration policy in France. From 1992–2014, the *Maison des Français de l’Etranger* (MFE) was a ministerial service which provided information and advice about departure, social and health protection, employment, taxes, school systems, etc. for people wanting to live abroad. Today this service is only provided online. The Ministry also runs its services through the consulates. The French consular network is one of the largest in the world with 220 establishments. As the aforementioned report of Senator Conway-Mouret stated, however, consular procedures need to be simplified (and adapted to new technologies) to increase the quality of the public services provided to French citizens abroad.

A unique institution supporting the integration of emigrants in the labour market abroad is the French Office of Immigration and Integration, established in 2005 (*Office Français de l’Immigration et Intégration*, OFII), which supports both immigrants and emigrants. It was created from two institutions: the French International Migration Office (*Office des Migrations Internationales*, OMI) and Social Services for Emigrants (*Service Social d’Aide aux Emigrants*, SSAE). For example, since 1970s OFII has had a clear role in the integration of French emigrants in Quebec, especially those coming on temporary work visas, as they were excluded from Canadian integration programmes (usually only open to permanent residents). OFII services included labour market orientation in Quebec, job hunting skills and even English language courses. The Quebec office was funded by both the Quebec and French government. However, due to funding cuts, the Quebec office closed in December 2015 and OFII moved its support for French migration abroad to the National Employment Agency.

Other institutions supporting the migration of French nationals abroad are Campus France with about 200 agencies in the world, 27 French Institutes for Research Abroad⁶ (for researchers) and Pôle Emploi (particularly for emigration to Canada).

The associations of French nationals abroad form a dense network across the world. They maintain strong ties between individuals and a certain French and francophone solidarity. Thanks to grass-roots organising, the French community abroad is efficient in welcoming newcomers, helping returnees, and organising national and transnational elections. The Democratic Association of French Abroad (Association Démocratique des Français de l'Étranger, ADFE), created in 1980, and the Union of French Abroad (Union des Français de l'Étranger, UFE), created in 1927, are both main actors of civil society abroad with networks all around the world and headquarters in Paris. These associations are in charge of advising and defending the rights and interests of French nationals abroad, especially with regard to social welfare and retirement. And despite the fact that they claim to be apolitical, they have an important political mission, which is the organisation of electoral campaigns (Pellen 2013); ADFE is more connected to the French Left, and UFE to the French right. Independently founded in 1984, the International Federation of French and Francophone Hosts Abroad (Fédération Internationale des Accueils français et francophones à l'étranger, FIAFE) is an association which gather volunteers in hosting places in order to help mobile French and French-speaking expatriates. The Federation runs 224 welcome offices in 93 countries.

Emigration Policies

The French approach to outward mobility is unique among the developed countries. It actively pursues ways of supporting such mobility while minimising risks (such as deskilling, illegality and the loss of rights). This approach is based on an assessment that the majority of mobile French nationals (usually youth) will return to France and that it is beneficial if they come back with new skills and higher human capital (Weinart 2017). This is also related to the new youth policy in France that promotes international mobility.⁷ Of course, these policies do not focus on permanent settlement abroad, but instead support circular movement.

Among the most important policies in place are those for students and young professionals, pertaining to work and travel programmes,⁸ international

⁶E.g. <http://www.ifre.fr>

⁷<http://www.jeunes.gouv.fr/interministeriel/mobilite-internationale/emploi/article/trouver-un-emploi-a-l-etranger> accessed 2 June 2016.

⁸<http://www.diplomatie.gouv.fr/fr/services-aux-citoyens/preparer-son-expatriation/emploi/article/programme-vacances-travail> accessed 2 June 2016.

corporate volunteers,⁹ the French-Quebec Youth Office (OFQJ),¹⁰ and others offered by Pôle Emploi International.¹¹

France has also signed bilateral agreements to facilitate migration with several countries, which has resulted in work and travel programmes for younger adults, between 18 and 30 years old, to work and live abroad for a year in Argentina (2011), Australia (2004), Canada (2004), South Korea (2009), Japan (2000) and New Zealand (2000). Together, these programmes facilitate the temporary mobility of over 40,000 French nationals annually. Each of the programmes has its own focus. While the US programme focuses on travel experience, Australia requires participants to work in its agricultural sectors for several months. The programme with Canada is more flexible: its Open Work Permit allows 14,000 participants to obtain more specialised employment, for example working in the IT sector for a year or two.

The exchange of young professionals are programmes that in essence fulfil French immigration policy. However, because they are reciprocal, they also open new opportunities for French professionals. The programmes are generally directed towards persons aged 18–35 and are established through two processes: either through bilateral agreements¹² or through an agreement on the management of immigration flows.¹³

Another interesting solution introduced by France is the unique bilateral agreement on skill recognition with a non-European Union entity: the province of Quebec in Canada. In October 2008, the prime minister of Quebec, Jean Charest, and the French president, Nicolas Sarkozy, signed a framework agreement that provided for the mutual recognition of professional qualifications of around 160 regulated professions or trades.¹⁴ The agreement facilitates labour mobility between France and Quebec and was a response to the needs of the countries' respective labour markets.

Thanks to the MRA (ARM), many skilled French workers face very short delays to obtaining the right to work in their profession in Quebec and do not necessarily suffer deskilling (unlike other immigrants, who sometimes need to spend years getting their skills recognised). To date, however, it seems that it is the French who predominantly use the MRA, while the flow of Canadians from Quebec is rather limited.

⁹ <http://www.pole-emploi.fr/actualites/le-volontariat-international-en-entreprise-vie--@/article.jspz?id=60908> accessed 2 June 2016.

¹⁰ <http://www.ofqj.org/> accessed 2 June 2016.

¹¹ <http://www.pole-emploi.fr/informations/international-@/international/> accessed 2 June 2016.

¹² Argentina, Bulgaria, Canada, the United States, Gabon, Morocco, New Zealand, Romania, Senegal, Tunisia. See the link in the next footnote.

¹³ Currently with Benin, Cape Verde, Congo, Mauritius, Russia, Senegal, Tunisia. See: <http://www.immigration-professionnelle.gouv.fr/proc%C3%A9dures/accords-bilat%C3%A9raux-et-%C3%A9changes-de-jeunes-professionnels> accessed 2 June 2016.

¹⁴ <http://www.immigration-quebec.gouv.qc.ca/fr/biq/paris/entente-france-quebec/> accessed 2 June 2016.

France also has a number of agreements on social security and dual taxation with non-EU countries: the US, Canada, Israel, Morocco and China.

Interestingly enough, French banks have special services for expatriates. The Transatlantic Bank, in fact, serves this community explicitly.¹⁵

Diaspora Policies

Political Ties

France has a long history of granting political rights to its citizens abroad. The Council of French Citizens Abroad (Conseil supérieur des Français de l'étranger, CSFE) was created in 1948. Its 55 councillors reported to the government in Paris on issues of importance to French nationals abroad. They were also in charge of monitoring French nationals' rights and interests abroad. Forty-two of the councillors were elected by associations of French nationals abroad, and only they could vote for senators chosen to represent the French abroad in the upper chamber of the National Assembly (beginning in 1958). Reforms of the 1980s gave all French citizens abroad the right to elect members of the CSFE. In 2004, the CSFE was transformed into the Assembly of French Citizens Abroad (Assemblée des Français de l'étranger, AFE) under Law No. 2004–805 from 9 August 2004. Currently there are over 150 members of the AFE (including 12 ex-officio senators) in charge of safeguarding the interests and rights of French citizens abroad. Since 2008, diaspora members have also been able to elect 11 members of the National Assembly (deputies) representing French citizens abroad.

The electoral districts that exist outside of France for legislative elections were constituted in 1946, according to the official number of French nationals in several countries. The districts greatly differ in size. While the sixth district covers only Switzerland and Liechtenstein, the eleventh extends from Eastern Europe across Asia and Oceania, that is to say from Ukraine to the Vanuatu Islands. There are currently 11 electoral districts (others were cut after a series of reforms).

It is important to note that these solutions refer to French citizens who emigrated and are not registered in any French electoral district. Temporary migrants from France (e.g. international students or contract workers) can choose to register abroad or vote for candidates in their home districts through postal voting or e-voting. Indeed, by 2003, the French in the US could vote for CSFE electronically. In the 2006 elections, all French citizens abroad were able to choose between three voting channels – in-person voting, postal voting or electronic voting. E-voting will be in fact available for all elections as of 2017.

¹⁵ <https://expatries.banquetransatlantique.com/fr/index.html> accessed 2 June 2016.

Citizenship

French nationality is different from French citizenship. Nationality is strictly related to the right to a French passport, while citizenship conveys the notion of rights and obligations that are linked to holding French nationality and which make someone part of a “community of citizens” (Schnapper 1994). French law is based on *ius sanguinis* and *ius soli*. A child can obtain nationality at birth (and also abroad) if one of the parents is French, or if the child is born in France and has a parent also born in France. As regards multiple citizenship, French citizens can hold several passports (by acquisition or by birth).

Another road to French citizenship for the members of the French cultural diaspora abroad is discretionary naturalisation. A passport can be awarded to a member of the French cultural community in recognition of special merits to France. It can also be given to former French nationals residing abroad who lost their citizenship involuntarily (the so-called reintegration procedure).

A legal framework introduced in 1973 allows French nationals living abroad to pass their French passport on to the next generation, which is limited only in the case of a loss of nationality. The loss of French nationality is governed by the principle of avoidance of dual citizenship. Although multiple citizenships are tolerated, the French state has been actively trying to limit the number of such cases, without great success. French nationality can be lost at the individual request of an adult French national who resides abroad and holds dual nationality. The decision about the loss of nationality can also be taken by a judge under certain conditions.¹⁶

Moreover, France has treaties with some countries establishing the obligation to renounce citizenship in one country when naturalised in the other (for instance, with the Netherlands). However, there are many exceptions to such rules, mainly for citizenship acquired through marriage or birth.

Interestingly enough, French citizenship abroad is not only a right, but also an obligation. A decree from 11 January 2016 obligates young French people abroad to participate in Defence and Citizenship Day (*Journée Défense Citoyenneté*), which has substituted for military service since 1997. Registration in the consulate for the purpose of participation is obligatory at the age of sixteen for both boys and girls, even dual nationals. Participants receive a certificate to confirm they have attended the activities of Defence and Citizenship Day.

Cultural Ties

A particular aspect of the French diaspora is their attachment to French education. Therefore, the state assures a broad network of French schools: there are currently 494 accredited schools in 135 countries. France has the largest state-funded network of schools in the world. In the 2014–2015 school year, 330,000 pupils attended its establishments (206,000 local and international, and 124,000 French). In

¹⁶ See the EUDO database at <http://eudo-citizenship.eu/country-profiles/?country=France>

comparison, in 2013, German schools abroad had 79,500 pupils, Spanish schools – 40,100, and Italian schools – 30,000).

Accredited schools assure compliance with the national curriculum, pedagogic goals and organisational structure as do the public schools in France. While some of those schools are managed directly, (*Etablissements en Gestion Direct*, EGD), others are contracted or run in partnership with the AEFÉ (French Agency for Education Abroad): the French Lay Mission (*Mission Laïque Française*), for instance. There can also be many different French schools in one city. For example, in 2012/2013, Casablanca counted seven EGDs, comprised of five primary schools and two secondary schools (with 7000 pupils, the majority of whom were French) and nine schools run in partnership with the AEFÉ, (with 7700 pupils, the majority of whom were local pupils).

(a) *The French Agency for Education Abroad (AEFE)*

Created in 1990, the AEFÉ is supervised by the Ministry of Foreign Affairs (*Ministère des Affaires Étrangères*, MAE), and ensures the monitoring and operation of the network of French schools abroad that have been approved by the Ministry of National Education (*Ministère de l'Éducation Nationale*, MEN). The AEFÉ can directly manage the schools or can contract or partner with them.

The AEFÉ network reinforces links with Metropolitan France and spreads French cultural influence. For instance, the cultural councillor of the French embassy in Rabat is in charge of French schools and cultural diplomacy in Morocco. His mission is to apply the administrative rules of the Ministry of National Education abroad. In monitoring the quality of education abroad, the AEFÉ plays a similar role to the Board of Education in France. There are twenty-three French National Education school inspectors spread around the world who manage the schools in a given district. The certification system allows teachers to move within the system across international borders. The administrative districts are designed according to the number of pupils: Morocco represents one district, while the Middle East/Indian Peninsula area extends from the Arabian peninsula to Pondichéry in India. The AEFÉ manages all the human and financial resources granted by the State for the organisation of French schools abroad. It implements the system of scholarships that support French families in schooling their children abroad. It also grants merit-based scholarships for local pupils to support their studies in France (Cordery and Lepage 2014). In both the directly managed schools and contracted schools, it also recruits, pays and assesses National Education teachers.

The AEFÉ is subsidised by the state budget. In 2014, subsidies granted to the agency came from the foreign affairs budget, at EUR 535.5 million. This is about half of its total operating budget. The rest is raised from school fees.

One characteristic of French schools abroad is the teaching of languages and international sections. In Morocco, French schools have to teach Arabic language and culture, and the history, geography and institutions of Morocco. These subjects are mandatory for Moroccan and dual nationals (pupils with Moroccan nationality) and represent about three, five or eight hours a week in accordance with the class

and option. The international sections of the AEFÉ's lycées follow the French official curriculum and programmes.

(b) *Partner schools*

The 264 private local schools accredited by the French Ministry of National Education are considered "partners" of the AEFÉ network. They are either signatories of a specific partnership agreement with the AEFÉ, or included within a collective partnership agreement. This is notably the case of the schools of the International University and School Office (*Office Scolaire Universitaire et International* – OSUI) in Morocco.¹⁷ These are ruled by associations or foundations. They have complete autonomy to manage their schools and directly recruit their teaching and managerial staff. They can also receive some MEN staff members who are on administrative detachment. In Casablanca, all accredited schools that are not under direct management (EGD) are partner schools.

Interestingly enough, French language and culture is also propagated by educational establishments that do not immediately evoke Frenchness abroad. The Universal Israelite Alliance (Alliance Israélite Universelle, AIU), created in 1860, is a faith organisation that promotes Jewish education and culture. However, the Alliance also participates in the promotion of French language and culture and its activities are supported by its network of schools. The AIU is mainly in Israel, Canada, Morocco, Switzerland, Spain and Belgium. It has about 19,300 pupils in 54 schools, including four schools in Morocco that are accredited by the French Ministry of Education.

(c) *The contracted schools*

There are 156 contracted French schools in the World that have been generally initiated by groups of parents. They have to sign a convention with the AEFÉ but they are legally distinct bodies. Linked with the agency by contractual terms, they are essentially required to meet the conditions of recruitment and remuneration of the tenured staff. The contracted schools are self-managed by a committee or a separate managing organism. They are governed by a board that is recruited and remunerated by the AEFÉ. Most often, the French Ministry of National Education directly assigns the administrative and teaching staff. They are remunerated by the AEFÉ together with the financial participation of the school.

One example is the French Secondary School of London (Collège Français Bilingue de Londres, CFBL). The school's funds come from the AEFÉ and private partners, notably local French, British or international enterprises and banks. The employees of these companies have priority enrolment for their children at the school. The organisation is delegated to a local council of management. The director is recruited by the AEFÉ with an expatriate contract and fifteen teachers, tenured in France, are assigned by Ministry of National Education.

¹⁷ These are actually the French Lay Mission schools, but since the word "lay" cannot be used in Morocco, they have a different name.

(d) *The French Laïque Mission (Mission Laïque Française, MLF)*

The MLF, created in 1902, has a school network in 47 countries, and its 107 establishments are attended by 40,000 pupils. MLF schools cater for the needs of local populations: 80% of pupils are non-French (local). This proportion is more important than in AEFÉ schools. Its mission is to propagate the French language and culture in the colonies and abroad, with a focus on secular instruction. Since its creation, the MLF has become more commercially oriented; it prepares its pupils to access French universities as well as careers in finance or business. Today, the MLF provides most of the schools that cater for the needs of companies with French capital abroad. The MLF has also ensured the training of colonial primary education teachers and participated in the progressive introduction of secular schools for religious congregations. At present, the MLF insists on the “two cultures, three languages” model of education, that is to say the learning of the local language and culture, as well as French and English. The MLF is predominantly self-financed. It also received some assistance from the Ministry of Foreign Affairs, which funds 10% of its teaching staff.

(e) *Other institutions of French cultural diplomacy for the diaspora*

There are 143 French institutes and French cultural centres in the world, governed by the Ministry of Foreign Affairs. They have the mission to promote cultural, intellectual and audio-visual cooperation between professionals; to present the current French and francophone cultural productions to the public (especially to youth); to promote the French higher education model among local students and teachers; and to provide a complete curriculum for French language teaching. Their local governance generally depend on French embassies for direction, but they are self-managed and mostly self-funded. They also provide the important language exam series: French as a Foreign Language (Français Langue Etrangère, FLE), which is crucial when applying for immigration, university or a job in a francophone country.

The French Native Language programme (Français Langue Maternelle, FLAM) was launched by the Ministry of Foreign Affairs in 2001 through the Assembly of French Abroad (Assemblée des Français de l'Étranger, AFE). Its aim is to support extra-curricular initiatives that support the daily use of French for French and dual nationals and francophone children abroad (those outside of the French school system). It uses the model of a Saturday school (also developed by other countries). More than 150 associations in 40 countries have received state funding since the creation of the programme. Since 2009, the funding for associations running FLAM has been entrusted to the Agency for French Teaching Abroad (Agence de l'Enseignement Français à l'Étranger, AEFÉ). This funding is directed to mixed-nationality families (where one of the parents is a French citizen) who are staying for a longer term in a host country, as well to expatriate families who are staying away from France for shorter periods.

The main concentration of FLAM programmes is in the UK, with 40 schools and 3000 pupils. Since 2008, about thirty “small Saturday schools” (Petites écoles

du samedi) have been initiated by parents. In June 2013, an association called 'Parapluie-FLAM' was created to coordinate these schools, under the auspices of the cultural centre of the French embassy in London. The main objective is to support the creation of such schools and provide a space for exchange of experience.

Return and Reintegration

For many years, public discourses and institutions were silent on the subject of expatriate return. The report of the Senator Conway-Mouret (see Sect. "[Discourses on Emigration and the Diaspora](#)") was the first to directly address the need for a returnee policy in France. The report recommended several solutions, some of which have since been implemented. An online platform has also been created to help French nationals prepare for their return: it aims to evaluate returnee profiles according to professional status, citizenship and family situation, in order to provide advice on administrative procedures. Some procedures can be completed online. For instance, registration on official consular lists can be submitted online, as can registration for health insurance and primary or nursery school. Another important legal provision benefitting returnees in the French context is that landlords are obliged to recognise tax declarations and payslips from abroad when conducting credit and credibility checks.

The only programme designed to help returnees (mostly through the provision of pre-departure information) is provided by the Ministry of Foreign Affairs and is very recent; it is scheduled to start in 2016.

The evident gap in services is addressed by civil society organisations such as the Helping Centre for French repatriates (Centre d'Entraide pour les Français Rapatriés, CEFR), renamed France Horizons in 2015. This association is connected with the Ministry of Foreign Affairs and the consulates. It welcomes and hosts people in social difficulties and isolation that are repatriated by the French social services abroad. In September 2014, the Association of Local Rights Agents – French Agents of the State Recruited Abroad (Association d'Agents de Droit Local – Agents Français de l'Etat Recrutés à l'Etranger, AADL – AFERE) was created to defend the rights of French locals recruited by the French State and international organisations to serve abroad. This association notably provides administrative support for people returning to France and defends their rights to social welfare. Finally, it is important to note that there is a social and historic differentiation between migrants who are called 'expatriates' and those called 'immigrants'. The first seem to have professional competences, higher social origins and a certain culture that distinguishes them from emigrants who are thought to pose some problems for the host country. However, behind this distinction and terminology hides a similar phenomenon which French public policies do not take into account.

Conclusion: French Emigration, the Hidden Side of Immigration

According to Robin Cohen (1997), an imperial diaspora is characterised by continuous links with the homeland, a reverence for its social and political institutions and a sense of being part of a grand imperial design. The French case fits this image perfectly. French State institutions, the network of French schools and civil society build a cushion around French diaspora as well as – or maybe primarily – around mobile French citizens. France is in effect a territory of reference that helps to maintain a sense of belonging, culture and place for French nationals abroad (Beck 2015). It provides social and welfare and rights, and diminishes the risk of living abroad.

There is, however, a certain tension between the French state's active role and the discourses on emigrants in French society. French nationals abroad have long been thought of as having “broken the social contract” (Weil 2005: 5). Due to colonial memory and imperialism on one hand and a tradition of citizenship built on universalism and humanism on the other, the conception of French emigration is suspended somewhere between shame and heroism.

The main policy drivers in France are linked to three aspects of French history and the current economic and political situation. The first is the tradition of a strong, centralised state and certain statist approach to the governance of citizens. The second is the colonial tradition of migration and expansion. The third is the image of France as a global power in need of international clout. These three elements shape the emigration and diaspora policies in France and make it a pioneer in twenty-first century.

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Chapter 7

Between West and East: Diaspora, Emigration and Return in the Polish Emigration and Diaspora Policy

Renata Stefańska

Introduction

Poland is one of the most important sending countries in Europe. OECD data show that it has the third¹ largest diaspora in the OECD among European countries, and is the top² European origin country for recent emigrants, i.e. those who have been in the country of emigration for 5 years or less (OECD 2015: 23). Poles were and still are scattered throughout all regions of the world (for an overview of Polish communities abroad see e.g. Walaszek 2011). The Ministry of Foreign Affairs estimates that the entire Polish diaspora, i.e. all people with Polish roots living outside Poland, comprises 18–20 million people, with over 11 million in North America, 4.2 million in Western Europe, and nearly one million in the post-Soviet area. It is estimated that only one third of them was born and reared in Poland (MFA 2015), and as many as 70% have no or very poor command of the Polish language (MFA 2012a, b). Some members of Polish diaspora found themselves abroad against their will, mainly due to the shift in borders after the Second World War, forced deportations and political persecutions; some – particularly after the opening of the borders in 1989 and after Poland's accession to the European Union in 2004 – emigrated for economic or family reasons. According to the latest estimate by the Central Statistical Office, in the record 2015 approximately 2.4 million of permanent inhabitants of Poland stayed abroad for more than 3 months (CSO 2016).

Despite the large number of Poles living abroad, the Polish state does not conduct an active policy towards the Polish diaspora and return migrants (cf. Łodziński and Szonert 2016; Chałupczak et al. 2014; Firlit-Fesnak 2013), in comparison with

¹Or sixth if we take into account also non-European countries (Mexico, China, and India).

²Or fourth if we take into account also non-European countries (India, Mexico, and China).

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some Asian emigration countries for instance (Agunias and Newland 2012).³ This is in line with the principle officially adopted by the Polish government in 2012 saying that emigrants should not be treated more favourably than Poles without emigration experience, because such a policy would reward emigration (MI 2012: 89) and entail unequal treatment of citizens (*Mocne fundamenty, czyli o polityce...* 2012: 1).⁴

Although outflow from Poland has been important in a quantitative sense, emigration policy has not been the main focus of Poland's migration policy documents; these have instead have been elaborated mainly with regard to immigration policy (a common feature of all migration policy documents in the EU). Only in the turbulent year of 2015, when the migration crisis started unravelling in Europe, did government representatives start to link immigration and emigration policy. In April 2016, a representative of the Ministry of Foreign Affairs stated that the Polish immigration policy would be focused on "our kin", i.e. an "open door to the East" policy for ethnic Poles and Ukrainians.

In this chapter, I will discuss the nuances of the Polish approach to its varied diaspora. First, I will present a historical and quantitative picture of the Polish communities abroad. Then, I will consider the main policy drivers. We can expect policies directed towards Polish communities East of Poland to differ from those directed towards communities West of Poland. Finally, I will identify the main policy instruments and areas of activity.

In the chapter, I will use the terms "emigration policy" and "diaspora policy" with the meaning established in the introduction to this volume. Thus, by emigration policy I mean all policies that shape the mobility of Poland's own citizens to and from the country. By diaspora policy I mean all policies focusing on diaspora engagement and diaspora building. However, the analytical framework might be difficult to apply in the Polish case. In general, in the official documents, especially those prepared by the Ministry of Foreign Affairs, there is a definitive differentiation between various groups of Poles abroad. In practice, however, when analysing legal solutions, it is often difficult to tell which are geared towards the temporary migrants and which towards permanent settlers. In general, the legal framework does not withdraw the rights (and obligations) of one group versus another according to the character of their stay (with some exceptions such as e.g. preferential access to education for the children of temporary migrants at selected schools abroad). Moreover, the majority of the solutions on emigration (temporary or permanent) are regulated at the EU level; thus, there is no need to come up with separate solutions.

³The emigration policy of the Second Polish Republic in the inter-war period was much more active (see for example Kicingier 2005, 2009a; Radomska 2011).

⁴Due to initiating works on the new conceptual framework of Poland's migration policy by the new government appointed after the 2015 elections, it is not yet known whether and how the Polish state's approach to recent emigration will change.

Statistical Picture of Emigration from Poland

Poland is a traditional country of emigration, only recently slowly transforming into an emigration-immigration country (Górny et al. 2010). Outflows of people have been an important factor in the historical development of the country beginning in the late eighteenth century, in the aftermath of Poland's so-called partition. Numerous uprisings and more than a century of struggles for independence provoked several emigration waves, mostly to other countries in Europe (notably France) but also to the US. Forced migration to Siberia and other parts of the Russian empire was also an important element of the outflows. After Poland's independence in 1918, many Polish workers (mainly miners) were contracted to work in Northern France and Belgium. Germany, in turn, was an important destination for seasonal migrant workers from Poland, in spite of the government ban for emigration to this country, in force from 1919 to 1926 (Kołodziej 1982, after: Kicingier 2005). The Second World War brought even more flows of refugees, internally displaced persons (IDPs) and other migrants from occupied Poland. The massive population exchanges in the aftermath of the border change in 1945 resulted in over two million ethnic Poles (and Jews) expatriated from or escaping the USSR, mainly from areas of the present-day Ukraine, Belarus and Lithuania (Banasiak 1963, after: Eberhardt 2010), and at the same time pushed out several million ethnic Germans (including Polish citizens who had often been living in Poland for centuries) westwards to Germany (Eberhardt 2010). Indeed, the emigration of ethnic Germans continued well into the 1980s (Matelski 1999).

During communist rule, Poland was a closed country. Nevertheless, there were periodic waves of emigration (involving hundreds of thousands of people) that were encouraged by the state: after the Second World War many Polish army soldiers decided not to return home to avoid risk of persecution; after the 1968 purge in the communist party, many Polish nationals of Jewish origin chose to leave for Israel, the US or Western European countries; the 1970s saw an increased emigration of ethnic Germans; and finally, the 1980s were the period of the largest emigration wave of refugees fleeing the martial law introduced in December 1981 (Stola 1992, 2000, 2010). All these waves resulted in emigration that led to permanent settlement abroad. Only in the early 1990s was a decisive change in the character of emigration from Poland brought about: it became more circular and temporary as Polish migrant workers got used to their new freedom to leave Poland and stay in another European country for short periods of time as visitors (Jaźwińska and Okólski 2001). Thus permanent settler culture slowly gave way to a mobile population. The tipping point was Poland's accession to the EU in 2004 when the emigration turned into exodus (Grabowska-Lusińska and Okólski 2009); in the years just after, an estimated two million Polish workers moved for shorter or longer periods of time to other EU countries (especially to the UK and Ireland) (Lesińska et al. 2014). Recently, we can observe that Polish migrants again have become more prone to settle abroad for good, which can be explained, to some extent, by the influence of the recent economic crisis (Janicka and Kaczmarczyk 2016).

Table 7.1 Polish citizens staying abroad for more than 3 months (2 months until 2006) in the years 2004–2015 in top 5 destination countries, in thousands (as of the end of the year)

Country of destination	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
UK	150	340	580	690	650	595	580	625	637	642	685	720
Germany	385	430	450	490	490	465	440	470	500	560	614	655
Netherlands	23	43	55	98	108	98	92	95	97	103	109	112
Ireland	15	76	120	200	180	140	133	120	118	115	113	111
Italy	59	70	85	87	88	88	92	94	97	96	96	94
EU	750	1170	1550	1860	1820	1690	1607	1670	1720	1789	1901	1983
Total	1000	1450	1950	2270	2210	2100	2000	2060	2130	2196	2320	2397

Source: CSO (2016)

Eleven years after the EU enlargement, in the record 2015, the estimated number of permanent inhabitants of Poland staying abroad for more than 3 months reached 2.4 million (CSO 2016). 1.9 million of them were long-term migrants, that is they stayed abroad for more than one year. The vast majority of them lived in European countries – 2.1 million (87% of the total), mainly in the EU countries – nearly 2 million (83% of the total). Most of them resided in only five EU countries: the United Kingdom – 720 thousand (30%), Germany – 655 thousand (27%), the Netherlands – 112 thousand (5%), Ireland – 111 thousand (5%), and Italy – 94 thousand (4%) (CSO 2016) (Table 7.1). It is worth mentioning that before the enlargement of the EU in 2004, Germany was the most important emigration country for Poles. However, it lost its leading position after Poland's EU accession and has still not regained it, even after the full opening of the labour market in 2011 (Fiheł 2011). Among non-EU countries the most important destination was the US (traditional destination country for Polish emigrants) and Norway (CSO 2016).

Public Debate and Policy Drivers

Emigration is a constant element of the Polish national identity. Emigrants have been always perceived as vulnerable victims of history, especially those leaving Polish territory in the 1800s, during the 123-year-period when Poland did not exist as a state. Later, this view also referred to ethnic Poles who were left behind the new borders after 1945. Such a sympathetic definition of Polish identity added to the deep-rooted belief that national territory cannot be taken for granted, while the human component, or in other words, the nation, can be kept together and protected. Hence the idea of the state building its polity outside current national borders, no matter what they looked like at a given moment in time. A negative view of emigration only existed during communist times, when the official political line called emigrants traitors. Exile was also the punishment for political misbehaviour. However, even then, the gap between official discourse and popular belief was huge; to an ordinary Pole, emigrants were heroes and admirable entrepreneurs.

Currently, there are two main discourses on Poles abroad that are present in the Polish imagination, depicting Poles as either victims of history persecuted by foreign powers, who are entitled to the support of the Polish state (which primarily refers to those on the Eastern border), or as migrants who are successful adventurers (mostly those going West of Poland), who go abroad and come back with riches. Indeed, until the post-accession wave, Polish society manifested several cultural traits of emigration, where those emigrating West (or returning from the West) were seen as heroes and “a better sort of Poles”. The post-accession wave changed this optic: many more people became transparent about the risks and vulnerabilities inherent to emigration.

Due to the scale of the phenomenon as well as its consequences not only for the labour market but also for the social fabric of Polish society, emigration is relatively often the subject of lively debates in the Polish media and among politicians.

As regards the media debate, emigration has quite often been presented as beneficial in the short term, mainly due to high remittances from emigrants to their families in Poland, which supported the Polish economy during the economic crisis. Much more frequently, however, journalists have described the shadow side of Polish emigration. The Polish media have raised topics that were often related to problems of Polish migrants abroad, sometimes presented in an exaggerated way. Examples include: violations of Polish migrant workers’ rights (e.g. forced labour camps in Italy, the exploitation of Polish migrant workers by work agencies in the Netherlands); violence against Polish migrants on the grounds of national origin; hostile statements or actions undertaken by foreign politicians against Polish immigrants (e.g. an anti-Polish campaign by Geert Wilders, the leader of the Dutch anti-immigrant right-wing party PVV, in connection with creation of a web portal where Dutch citizens could submit online complaints concerning immigrants from Poland); problems related to the children of migrants abroad (e.g. cases of children being taken away from Polish parents by social workers from the German *Jugendamt*, Norwegian *Barnevernet*, or British Social Services) and in Poland (particularly the issue of “euro-orphanhood”); the problem of Polish homelessness in Great Britain, the Netherlands and Germany; and discrimination against Polish minorities in Lithuania, Belarus or Germany. Attention has also been drawn to interesting demographic phenomena, such as migrating grandmothers, a baby boom among Polish women in the British Isles, and relationships between the mass emigration of Poles, the (non)return of Poles from abroad and future demographic problems of Poland. Moreover, the issue of Polish elections abroad (for instance long lines of voters outside Polish consulates) has often attracted the interest of the Polish media.

Political debates about Poles abroad are often inspired by the media (cf. Lesińska and Pokojńska 2015). Journalists’ questions about emigrant problems have often led to responses by politicians and political actions (including official inquiries by the MPs) or projects addressing problems such as euro-orphanhood (the research project on commission of the Ombudsman for Children, Walczak 2008); the problems of Poles in the Netherlands (the research project “Poles staying temporarily in the Netherlands – the state of knowledge, challenges and possible public actions” on commission of the Ministry of Foreign Affairs; Kaczmarczyk et al. 2012); or the

issue of returns from abroad (the government project “Returnee”). Institutional and legal changes on emigration matters have also been widely discussed. Examples of more controversial changes include: the transfer of funds for the Polish diaspora and Poles abroad from the Senate to the Ministry of Foreign Affairs, which was perceived by the opposition as a political decision aimed at strengthening control over Polish communities abroad (Senate 2013); the issue of schools for Poles abroad, particularly government plans to liquidate Polish Consultation Points with small numbers of pupils, focusing instead on the development of education programmes online (*RPO: Polska emigracja ma problem...* 2013); and the issue of repatriation. In general, however, the issue of emigration has not caused major political disputes (cf. Lesińska 2015).

Thus discourses are in part strong policy drivers, in a way that the mere fact of mass emigration would not be. First, the policies towards Polish minorities outside of the European Union differ from the policies towards Polish minorities within it. The first stream of discourses drove policy actions with arguments on Poland’s “moral obligation” towards those left in the hands of the Soviet empire on the wrong side of the border in 1945. The image of “Poland’s ambassadors” with access to money and power was a part of the discourse on Polish communities in Western European countries or the US and Canada. Interestingly enough, after 2004, Poles in other EU countries initially received less attention, as they were portrayed either as unwanted workers or successful professionals – in both cases with access to EU rights on mobility and thus in little need of Polish state intervention. The policies recently thus put more emphasis on communities outside of the EU. However this approach has shifted, depending on the governing parties in power: centre-right and centre-left parties traditionally worked less with Polish diasporas outside of the EU, focusing instead on assuring the smooth implementation of intra-EU mobility. Right-wing conservative parties (in power after the elections of October 2015) have traditionally been more interested in building bridges with the Poles outside of the European Union, and as regards EU – with Polish historical minorities (but not emigrants) in Germany and Lithuania. This dynamic has shaped policy decisions accordingly.

Policy Concerning Emigration and Polish Diaspora – The Current State of Affairs

The emigration and diaspora policy gained new momentum after the elections in 2015. The new President created the Office for Maintaining Contact with Poles Abroad in his Chancellery. The new Minister of Foreign Affairs also established a special deputy Minister to liaise with Polish communities. At the same time, the Ministry of Foreign Affairs lost its funding powers (which it had received in 2012) and as a consequence, the Senate re-gained control over the funds for Polish organisations and diaspora policy. Thus, we can safely say that the responsibility for

specific elements of the emigration and diaspora policy now lies in each of the branches of the government.

Still, the emigration and diaspora policy of Poland is not easily definable because it is scattered across many different policies. It is streamlined mainly within foreign policy, migration policy, educational policy, economic policy, social policy, etc. Strategic documents presenting policy objectives were designed irregularly after 1989. The earliest one dates back to 1991 (Nowosielski 2015). This activity grew more intense after Poland's accession to the EU, when legal emigration surged to very high levels. Two main strategic documents that are relevant to this policy are presented below.

Strategic Documents in Flux

Poland's emigration policy is officially based on the assumption that Poland is a democratic member of the EU and as such should not have any legal and administrative instruments which could limit or stimulate the labour migration of Poles. The only element that the state can influence is the standard of living in Poland, to make it attractive for Poles to remain or persuade them to come back (MI 2012: 18). This is directly stipulated in the strategic document titled "Migration Policy of Poland – Current State of Play and Further Actions" (*Polityka migracyjna Polski – stan obecny i postulowane działania*), developed by the inter-ministerial Committee for Migration and adopted by the Polish government in 2012.⁵ The document sets out general directions for activities aimed at "minimising the negative effects of emigration". They are as follows (MI 2012: 18):

- Provide information on economic opportunities in Poland;
- Remove obstacles that hinder Poles living abroad from exercising their civil rights (e.g. participating in Polish elections while staying abroad);
- Support the adaptation of return migrants' children to the Polish education system and increase the availability of Polish language and history courses for children and young people during their stay abroad;
- Support the families of emigrants staying in Poland (for example, by reducing the negative effects of the problem of "euro-orphanhood");
- Strengthen contacts with Polish organisations abroad and undertake efforts to improve the situation and image of Poles living abroad (for example, by counter-acting discrimination against Poles in destination countries);
- Develop a system for monitoring the scale of labour migration and the situations of both Polish migrants abroad and their families in Poland.

⁵Currently, the new government is working on the new concept of migration policy; it is not yet known whether and to what extent it will differ with regard to emigration policy.

The implementation plan to this document, adopted in late 2014, included only 10 (out of 192) recommendations on emigration and diaspora policy.⁶ Almost all of them were quite general political actions and cultural initiatives already being implemented by the Polish consulates or institutions in Poland. The only novelty was the promotion of business connections for recent emigrants in specific countries of the world.

In August 2015, shortly before the autumn parliamentary elections, a strategy document concerning emigration and diaspora policy for the next 5 years was issued by the Ministry of Foreign Affairs. After being analysed by the inter-ministerial Committee for the Polish Diaspora and Poles Abroad, it has been approved by the new government. “The Government Programme of Cooperation with Polonia and Poles Abroad in 2015–2020”⁷ predominantly treats emigration and diaspora issues as an element of the foreign policy. Its strategic objectives include:

- Supporting Polish language training and schooling in Polish about Poland for communities abroad and for children of migrant workers;
- Preserving and strengthening Polish identity and access to Polish national culture;
- Capacity building for Polish associations abroad;
- Supporting return of recent migrants (through information and motivation);
- Developing links with Poland.

The document categorises communities abroad into four groups: Polish historic minorities, Polonia (people of Polish origin born and reared abroad), WWII emigrants and post-accession emigrants. The authors also divide Poles abroad into ten geographic-functional categories and assign different political initiatives to each.

Emigration Policy

At present, Polish state institutions do not pursue any policy aimed at either limiting or encouraging economic emigration. Most of their activities are focused – as indicated above – “at minimising negative effects of emigration” (MI 2012: 18). In the not very distant past, this policy was more active; the state concluded bilateral agreements on the employment of Poles abroad and made efforts to help open the labour markets of EU countries to Polish migrant workers (Kicinger 2009b).

The deputy minister of foreign affairs of the new government (post-2015) has distinguished four priority areas of action targeted at post-accession migrants: helping migrants strengthen their ties with Poland; supporting information and advisory services aimed at raising awareness among migrants on their rights (e.g. free legal,

⁶<https://bip.mswia.gov.pl/bip/polityka-migracyjna-po/19529,Polityka-migracyjna-Polski.html>

⁷<https://www.msz.gov.pl/resource/70a7021e-304c-4075-a812-18e5b3410966:JCR> Interestingly enough, the traditional phrasing “Polonia and Poles abroad” was kept in the document due to widespread opposition to using the phrase “Polish diaspora”.

social and psychological counselling for migrants provided by NGOs); supporting Polish language courses for children of migrant workers; and cooperating with trade unions, local authorities, labour inspectorates, NGOs, etc. in destination countries of Polish migrants.⁸

Bilateral Agreements on the Employment of Poles Abroad

As mentioned earlier, the vast majority of Polish emigrants go to European Union countries, where they can undertake economic activities under the same conditions as citizens of these countries, i.e. without a work permit. As a result, bilateral agreements with eight EU member states – Germany, France, Spain, Belgium, the Czech Republic, Slovakia, Latvia and Luxemburg – ceased to be in force. Poland's agreement with Germany was especially interesting: it was introduced after Poland was granted visa-free access to the Schengen zone. To limit the phenomenon of illegal employment, Germany agreed to host 200,000 workers annually ("contingent workers") from Poland, mainly in construction and agriculture. The contingent worker slots could not be filled, however, after the 2004 accession, as the flow of workers went to the UK and Ireland. Bilateral arrangements with five non-EU countries are still valid: the agreement with Libya on the employment and working conditions of Polish citizens (1980); the agreement with Russia on the rules of employment of Polish and Russian citizens (1994); the agreement on the mutual employment of workers in Ukraine (1994); and Belarus (1995); and the agreement with Switzerland on internship exchanges (1993). However, in practice all of these agreements are "dormant".

Poland has recently signed four work and travel schemes (with New Zealand, Australia, Taiwan and Japan). They support the work mobility of young Poles (18–30/31) for 12 months each year. It is important to note that these bilateral agreements specify a certain quota (e.g. 200 visas a year for Australia) that young Poles usually fulfil very quickly, while interest from the other country's nationals (in working in Poland) is usually very low.

Bilateral and International Agreements Concerning the Recognition of Qualifications Abroad

Currently, nine bilateral agreements concerning the mutual recognition of degrees are in force in Poland. Only two of them, with the Czech Republic and Slovakia, concern the equivalence of diplomas and degrees for various purposes, including economic ones. The remaining seven agreements – with Austria, Belarus, France, Germany, Lithuania, Libya and Ukraine – refer only to the recognition of education for the purpose of further studies.

⁸ <http://www.sejm.gov.pl/sejm8.nsf/InterpelacjaTresc.xsp?key=5070FA3F>

Apart from the above-mentioned valid agreements, there have also been provisions on equivalences in education in several other bilateral or international agreements, now expired, that were concluded with a number of post-communist and communist countries, including some that no longer exist. Diplomas issued during the period when these agreements were in force (until 2004, 2005 or 2006) can still be recognised on this basis.

Returnees with foreign diplomas from states that are members of the EU (as well as the OECD and EFTA) are treated the same as Polish diploma-holders (Art. 191a of the Law on Higher Education, 2011). It means that their diplomas can be used both for the purpose of continuing education and for professional purposes.

Bilateral Agreements on Avoiding Double Taxation

Poland is a party to 93 bilateral arrangements aimed at the prevention of double taxation, concluded with, among others, all EU member states and all other main destination countries for Polish emigrants. They envisage two methods of avoiding double taxation: an exemption-with-progression method (*metoda wyłączenia z progresją*) and a method of proportional deduction (*metoda proporcjonalnego odliczenia*). Under the first one, taxpayers who derive income from abroad are exempted from the obligation to pay tax on overseas income in the country of origin. Instead, they pay in the country of tax residence, i.e. a country where the taxpayer has the majority of his/her vital interests or stays for more than 183 days in a tax year. However, the amount of overseas income is taken into account in determining the progressive tax rate in Poland. Under the second method, income earned abroad is subject to income tax in Poland, but this tax is reduced by the amount of tax paid abroad. It is worth noting that not all regulations provided for in agreements on avoiding double taxation are beneficial for Poles, for instance in the case of the taxation of pensioners returning from the US to Poland (Deptuła 2013).⁹

Bilateral Agreements Regarding Social Security

Poland has signed only eight bilateral agreements with non-EU countries in the field of social security: with Yugoslavia in 1958 (which currently refers to three countries: Montenegro, Serbia, Bosnia and Herzegovina); Macedonia in 2006; Canada in 2008; South Korea in 2009; Australia in 2009; the US in 2009; Ukraine in 2012; and Moldova in 2013. The scope of the agreements usually includes: old age pensions, disability pensions, survivor's pensions, benefits in the event of accidents at work and occupational diseases, sickness benefits, and sometimes health benefits, child benefits or unemployment benefits. Currently, such agreements are negotiated or negotiations are planned to begin with Turkey, Israel, India, Japan and Mongolia. Poland needs more agreements on social security. They are of vital importance

⁹Read more about the rationale for tax abolition for emigrants in Szczepański (2011: 93–94).

(e.g. for repatriates and members of their families) but it is not easy to conclude them due to, among other things, such mundane reasons as staff shortages in the relevant department of the Ministry of Family, Labour and Social Policy, and sometimes because of the lack of will of other countries, for instance in the cases of Russia and Kazakhstan.

Protection of the Rights of Polish Migrant Workers

The main activities of state institutions to help protect the rights of Poles working abroad are aimed at information and prevention before migrants' departure from Poland and during their stay in destination countries. For example, Polish diplomatic posts have published guides on living and working conditions in the countries where they are based, which are available on their websites and are also disseminated by the National Labour Inspectorate and local labour offices in Poland. In addition, consuls cooperate with local institutions abroad such as trade unions, local authorities (including labour inspectorates), healthcare institutions and non-governmental organisations with regard to the protection of Polish migrant workers' rights. Liaison offices of the Main Labour Inspectorate were opened in four cities: Hague, Paris, Brussels and Bratislava. Meetings with representatives of the Social Insurance Institution on social insurance for Polish migrant workers are also organised in numerous EU countries (MFA 2013a). Measures to protect Polish migrant workers include registering employment agencies and requiring labour inspectors to control their activities. It is worth mentioning that due to the many violations of Polish migrants' economic rights, for instance in the Netherlands, a special "Action Plan for Protection of Polish Migrant Workers' Rights in the Labour Markets of the EU and EFTA Member States" was adopted by the European Committee of the Council of Ministers in October 2012. It envisages improving cooperation between the Ministry of Foreign Affairs, the Ministry of Labour and Social Policy, and the Polish consulates in order to establish mechanisms to effectively respond to such cases (for instance, consulates are regularly asked to fill out questionnaires on the state of Polish workers abroad).

Educational Rights

In general, Poland supports a quite extensive network of Polish schools abroad that focus on both recent migrants and long-term Polish diaspora. In the countries with the largest number of recent Polish emigrants, the government operates school consultation points (SCPs), where only selected subjects are taught in Polish: for example, there are 2 SCPs in Great Britain; 3 in the US; 7 in Germany; 5 in Ireland; and 2 in the Netherlands. Moreover, children of temporary migrant workers may also attend so-called social schools managed by Polish educational organisations, parent associations or Polish parishes. A list of such schools is available on the website for

Polish education abroad). Currently there are 110 such schools in Great Britain; 48 in the US; 53 in Germany; 21 in Ireland; and 9 in the Netherlands.¹⁰

Return and Repatriation

Return activities undertaken by the Polish state can currently be divided into two categories: those that are for post-accession migrants (a fairly new initiative) and those for the repatriation of ethnic Poles (a policy which dates back to the 1990s).

The policy towards post-accession migrants is mainly to facilitate their return and reintegration by providing potential returnees with information on the state of the Polish labour market and on other issues that are important for returnees. In the above-mentioned strategic document “Migration Policy of Poland...”, it is strongly emphasised that “the programme supporting return migrants was not designed to actively encourage Poles to return, but rather to facilitate return in the case of a decision to leave the country of emigration” (MI 2012: 89). In light of this document and in the opinion of politicians, both of the previous and current government, social and economic policy broadly aimed at the improvement of the economic and living conditions of Polish citizens probably has the most influence on the scale and dynamics of return migration (MI 2012).¹¹

As regards the initiative of the working group on re-emigration, operating within the inter-ministerial Committee for Migration, a government campaign “Have you got a PPlan to return?” and an information portal for returnees www.powroty.gov.pl were launched in 2008 (this guide was also published in a printed version “Returnee. A GPS for Returnees”). Its aim – as highlighted above – was to facilitate, but not to encourage, return migration by providing useful information on the labour market and ways to cope with practical and formal problems just before and after a return to Poland. The portal ceased its active operations in 2012 and since then has been part of the rather moribund project “Green Line Information and Consultation Centre for Employment Services”, coordinated by the Volunteer Labour Corps. As researchers have pointed out, there may be insufficient knowledge about this portal among migrants and return migrants (SCC 2012).

Measures targeted at return migrants’ children, who have poor or no command of the Polish language, have established free Polish language classes and remedial courses (individual or group lessons) for up to 12 months, organised in schools attended by these pupils and financed by the municipalities. Parents of children coming from abroad as well as school administrators may obtain useful information online (or from an illustrated handbook) on all formalities related to enrolling in a school and on integration in a Polish school environment.

In 2008, the Ministry of Finance introduced a tax amnesty for migrants, making it possible to them to pay lower income taxes after their return to Poland. Despite a

¹⁰ www.polska-szkola.pl

¹¹ <http://www.sejm.gov.pl/sejm7.nsf/InterpelacjaTresc.xsp?key=184D39D7>; <http://www.sejm.gov.pl/sejm8.nsf/InterpelacjaTresc.xsp?key=5070FA3F>

large information campaign ("*Ulga na powrót*"), less than 100,000 applications were submitted within the framework of the programme (Szczepański 2011).¹²

According to Magdalena Lesińska (2014), Poland's policy towards return migrants may be described as reactive, i.e. focusing on facilitating return migration rather than stimulating it, and on avoiding problems with reintegration rather than maximising the profits related to return migration. Taking into account the typology by Maciej St. Zięba (2010), the Polish model of reintegrating return migrants can be called an "information model" because its main aim is to provide migrants and (potential) return migrants with information on their rights, obligations and opportunities, based on the assumption that they will be able to effectively use this information before and after return.

In addition to its policy aimed at facilitating the return of contemporary emigrants, Poland pursues a resettlement policy targeted at foreigners with Polish roots living abroad (who are often descendants of displaced persons), on post-Soviet territories. One of its very important elements is a repatriation policy permitting "foreign Poles" who were living in the Asian part of the former Soviet Union prior to 1 January 2001, i.e. in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan or the Asian part of the Russian Federation, to resettle in Poland at the invitation of a Polish municipality, which can offer them a flat and a job. Repatriates who arrive in Poland are granted one-time aid for adaptation, in the form of, among other things, partial reimbursement of the costs of travel to Poland, a settlement and maintenance grant and a school allowance for minor children. Apart from this, they may also take part in Polish language courses that are organised in their countries of residence, and adaptation courses that are organised in Poland. Along with crossing the Polish border, these repatriates (but not members of their families without Polish roots) acquire Polish citizenship and, simultaneously, all rights assigned to Polish citizens.

In recent years, the number of people immigrating to Poland within the repatriation programme was relatively small, but not due to a lack of people of Polish origin who were willing to resettle – around 2600 "foreign Poles" granted a promise of a repatriation visa are registered in the database "Compatriot" (*Rodak*) and are awaiting an invitation from Poland – but rather because few municipalities are willing to invite repatriates and their families (despite the fact that the cost of support provided by the municipalities is reimbursed from the state budget). From 1997 to 2014 only 7036 people resettled to Poland under the repatriation action (CSO 2015). In the post-2015 context, it seems that the repatriation policy is being overhauled so that more funding and support can be given to resettle willing ethnic Poles.

Starting from 1 January 2017, holders of the Card of the Pole – issued to people of Polish origin from 15 countries established after the dissolution of the Soviet Union – willing to resettle to Poland gained the right to obtain a permanent residence permit from the very beginning of their stay in Poland, as well as to the financial support for settlement and maintenance to be paid during the first 9 months after submitting an application for a permanent residence permit.

¹²For a comprehensive overview of policy instruments concerning returning migrants see Szczepański (2010, 2011).

Diaspora Policy

Economic Cooperation with Poles Abroad

Economic cooperation with Polish communities abroad is based mainly on the cooperation of the Ministry of the Economy through the Trade and Investment Promotion Sections of Polish embassies with economic and business organisations from the Polish diaspora such as the Polish City Club, Polish Professionals in London, Poland Street Association in Great Britain, the Polish–Dutch Business Association in the Netherlands, the Polish–American Chamber of Commerce and Poland Trade Council in the US. These activities are aimed at promoting the Polish economy and encouraging Polish entrepreneurs from abroad to invest in Poland at workshops, seminars, fairs, etc. During such events, representatives of Polish business abroad are provided with information on possibilities for financial support of investments, among other things. Moreover, officials support the formation of organisations of young professionals of Polish origin as well as search for people of Polish descent in senior positions at all levels of administration in financial and business organisations in order to establish cooperation.

Other institutions involved in the promotion of the Polish economy abroad – which seems to be the most important aim of the Polish government's economic cooperation with the Polish diaspora, at least where cooperation with Poles from the West is concerned – include the Polish Information and Foreign Investment Agency which encourages representatives of Polish businesses abroad to invest in Poland, usually at conferences promoting investment in Poland, and the Polish Agency for Enterprise Development, which helps small and medium-sized Polish firms to enter foreign markets in cooperation with Polish firms and business organisations abroad (MFA 2013a, b).

It is worth adding that according to regulations concerning the Card of the Pole (described below), foreign Poles from the East have full access to the Polish labour market, including the right to start up a business under the same terms as Polish citizens in Poland. It provides significant support to people of Polish origin in terms of helping them to conduct economic activities in their historical homeland.

Policy Concerning the Education of Poles Abroad

The main state institutions responsible for the education of Polish children abroad at the primary, gymnasium and secondary school levels are the Ministry of National Education and the Centre for the Development of Polish Education Abroad. The Centre runs 71 schools (co called school consultation points) at Polish diplomatic posts (consulates or embassies) in 36 countries (mainly in Western Europe). These schools only offer complementary curriculum consisting of several subjects taught in Polish: Polish language, knowledge about Poland, the history of Poland, the geography of Poland. Only the Group of Schools in Athens also implements the basic curriculum. In the 2016/2017 school year about 17,000 children were enrolled

in schools at Polish diplomatic posts. Moreover, the Centre provides financial support to several hundred social schools run by NGOs or Polish parishes.

Apart from this, it is possible to learn through the Internet. Distance learning (both basic and complementary curricula) is organised by the Centre for the Development of Polish Education Abroad. In the school year 2015/2016, 552 children benefited from this form of education (at all educational levels). The Centre carried out a project co-financed by the European Social Fund (ESF) titled “Open school – a system for the support of migrant pupils” which enabled lessons and consultations to be conducted online in real time (meaning direct contact between a teacher and a student abroad). Another project titled “Development and pilot implementation of innovative curriculums for Polish children residing abroad”, also co-financed from the resources of the ESF and coordinated by the Centre, developed an online handbook for Polish children (with various levels of Polish language proficiency) learning abroad entitled “Turn Poland on” (“Włącz Polskę”). It was designed specifically for the purpose of teaching Polish language and knowledge about Poland.

People from outside Poland conducting Polish language courses and teaching other school subjects in Polish abroad can take part in trainings organised by the Polish Teacher Training Centre in Lublin, managed by the Centre for the Development of Polish Education Abroad. The trainings are carried out in Poland, in other countries or online. In addition, the Ministry of National Education sends Polish teachers to Polish schools abroad, mainly to Eastern countries (81 teachers in 2014/2015) (NIK 2015).

As far as higher education is concerned, the main institutions involved in supporting Poles from abroad is the Ministry of Science and Higher Education and the Bureau for Academic Recognition and International Exchange. The Polish state provides scholarships to young people of Polish descent studying in Poland, almost exclusively to foreigners from ex-USSR countries and holders of the Card of the Pole. Students of Polish descent may also receive scholarships in their country of residence if they study at a branch of a Polish university. The Ministry also co-finances the Polish University Abroad in London.

Members of the Polish diaspora can also obtain a state certificate confirming the level of their proficiency in Polish after taking the language examination organised by the State Commission of Proficiency in Polish as a Foreign Language.

Citizenship

Currently, the issue of citizenship is regulated by the Act on Polish citizenship of 2009, which came into force in 2012. Polish citizenship follows the principle of *ius sanguinis*.¹³ According to this regulation, Poles are not obliged to renounce their

¹³ Each generation that can trace its direct link with a Polish citizen (as defined in the Act on citizenship of the Polish State of 1920) is eligible. It means that in some circumstances a Polish passport can be claimed by 5th generation of emigrants, born abroad. In reality it is extremely rare, although e.g. Argentinean crisis of 2000 resulted in a surge of applications for recognition of Polish citizenship by third and fourth generation emigrants in Argentina.

citizenship while acquiring citizenship of another country. In other words, Polish law allows Polish citizens to have multiple citizenship. However, as stressed in Article 3 of the aforementioned Act, Polish citizens who hold the citizenship of another country have the same rights and obligations with respect to Poland as persons who have only Polish citizenship, regardless of their place of residence (Sieniow 2013). Sometimes Polish nationals applying for the citizenship of another country are obliged to renounce Polish citizenship, but this is due to the regulations of the country of naturalisation rather than Polish regulations. Poles applying for the renunciation of Polish citizenship must get approval from the Polish president (the reason for this requirement is to prevent statelessness).

A novelty in the new Act on Polish citizenship is the right to the restoration of Polish citizenship, which is granted to persons who lost it before 1999 for various reasons under previous acts on Polish citizenship (1920, 1951 and 1962), for instance due to political reasons in the period of the Polish People's Republic. The Minister of the Interior restores Polish citizenship at the motion of a foreigner and renunciation of foreign citizenship is not necessary in these cases.

Foreigners from ex-USSR countries whose Polish origin has been officially confirmed by the Polish authorities can obtain the Card of the Pole, which is issued in Polish consulates. This document does not entitle a person to cross the Polish border without a valid visa, but on the basis of the Card of the Pole it is possible, among other things, to obtain a long-term visa allowing multiple entry into Poland, to obtain employment without a work permit, to run a business under the same terms as Polish citizens, to benefit from public education in Poland, and to have priority when applying for resources aimed at supporting Poles abroad from the state budget or from the budget of local authorities.

Foreigners of Polish origin from all over the world, not just from the former Soviet Union, have facilitated access to Polish citizenship (by recognition as a Polish citizen) with a shorter period of stay (1 year instead of 3 years) if they possess a permanent residence permit issued in connection with their Polish origin or possession of the Card of the Pole.

Voting Rights

All people who live abroad and possess Polish citizenship and – most importantly – have a valid Polish passport (or Polish ID), have the right to vote in the European Parliament and national elections, i.e. parliamentary and presidential elections, even if they are also citizens of another country. It does not matter how long they have been residing abroad but registering as a voter before every election is necessary. Interestingly, Poles not residing in Poland also have candidacy rights.¹⁴

Voting from overseas is possible in polling stations located outside Poland (268 in 2011 elections, and 229 in 2015 elections). Beginning in 2011, it has also

¹⁴For more about the electoral rights of Polish citizens abroad see Korzec and Pudzianowska (2013).

been possible to vote by post. In spite of these mechanisms, Polish citizens residing permanently and temporarily abroad are not particularly interested in taking part in Polish elections. For example, in the 2015 parliamentary elections only around 175,000 Poles voted abroad. It is worth mentioning that in practice, the votes of emigrants do not affect the results of Polish elections (despite the fact that the political preferences of Poles living in the United States and Canada differ considerably from the political preferences of Poles residing in Europe). Emigrants do not vote for special representatives of emigrants – as in Italy, for instance – but for candidates in the district of Warsaw. This is perceived as a problem by some emigrants who would prefer to vote for candidates from their places of residence in Poland (MI 2012: 91). Interestingly enough, the new government (post-2015) has announced that a special representative of Poles abroad in the Senate would be established. Thus beginning with the elections in 2019, Poles abroad (and even those staying abroad for holidays) probably will vote for Warsaw candidates in the lower chamber (Sejm) while voting for a special diaspora representative in the Senate.

Conclusions

Poland's policy towards its diaspora has a long history, but was frozen for 50 years of communist rule. It regained importance together with the increased mobility of Polish workers across Europe in the 1990s, and particularly after Poland's accession to the EU. Still, the Polish state does not explicitly differentiate between emigration and diaspora policy, but rather between policies towards ethnic minorities across the Polish Eastern border and policies for those West of Poland. The policy reflects the particular needs of each group. Policies directed toward ethnic Poles include repatriation and the Card of the Pole. Post-accession emigrants in the EU are not covered with policy instruments other than educational support for children or consular protection for migrant workers, for instance. The rationale is that the overarching legal framework of the European Union covers all the needs of intra-EU migrants. Cultural ties and heritage seem to be more important with regard to Polish emigrants beyond the EU. Overall, the Polish nation is based on Polish ethnicity and Polish citizenship. Only the latter, however, entitles individuals to political rights abroad.

In recent years, the policy towards the Polish diaspora and Poles abroad has been undergoing significant changes: both institutional – funds for supporting Poles and their organisations abroad have been transferred from the Senate to the Ministry of Foreign Affairs and back – and substantive, focusing on providing aid not only to Poles in the East but also to “new” Polish emigrants in the West. These policies elicit much controversy amongst stakeholders. At the moment, however, it is too early to judge what the effects of these changes will be.

Thus the main policy drivers are related to traditional interests and recent needs. The first is based on the historical experience of Polish emigration, which is perceived predominantly as forced emigration. This view, which defines emigrants as a

vulnerable part of the nation, has been constant in Poland's history. The second is related to post-accession emigration, which is seen more pragmatically as the adventurous migration of workers. In both cases the policy drivers are home-grown and are related to the way emigration has been shaping Polish society for centuries.

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Chapter 8

A Global Nation? The Evolution of Emigration and Diaspora Policies in Portugal (1960–2016)

José Santana-Pereira and Ana Paula Horta

*I saw my country pour into Austerlitz.
There were baskets and baskets all over the floor. Pieces of my
country.
Remains. Arms.
My country with nothing, nothing, dumped in the streets of
Paris.*

(Portugal in Paris, Manuel Alegre, poet and politician, 1970)

Introduction

The literature on migration has been marked by a growing interest in the concept of diaspora and the consolidation of diaspora policies by political institutions in the countries of origin (Bauböck 2003; Sheffer 2003; Gamlen 2006; Fitzgerald 2009; Ragazzi 2009, 2014; Varadajan 2010; Desiderio and Weinar 2014). Despite dealing with the same social groups, this body of research differs from that focusing on the political processes of immigrant integration in host countries (e.g. Heckmann and Schnapper 2003; Joppke 2007), since it studies the mechanisms adopted by countries of origin in order to foster the diaspora's contributions to the fulfillment of their interests. This goal is reached via the creation and development of political, social and economic ties with emigrants (Unterreiner and Weinar 2014). Diaspora policies are different from emigration policies insofar as the latter are concerned with the ease or difficulty of cross-border mobility and focused on those who have left the country regardless of how long they have been away, while diaspora policies focus on permanent or long-term emigrants. In this chapter, following the typology guiding this volume, we distinguish between diaspora building and diaspora engagement policies. While the former are intended to promote the creation of a community and a sense of cultural and/or political heritage, the latter have to do

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with the recognition of rights and obligations, being more practical and mostly aimed at creating socio-economic links, and include the establishment of institutions to encourage these links.

Portugal has a longstanding tradition of emigration with a particularly powerful demographic, economic and cultural impact. Therefore, it is an interesting case for the study of diaspora and emigration policies. In the Portuguese case, the main pattern is the transition from an emigration policy to a diaspora policy, focusing on the establishment of political, cultural and socio-economic links with its citizens living abroad. This transition began at the start of the 1980s and was the result of the recently-installed democratic regime's new understanding of the emigration process, its meanings and impacts. Since then, the trend has been non-linear, with policies giving greater or lesser importance to diaspora building and diaspora engagement goals depending on the short-term national and international contexts.

This chapter describes the evolution of emigration and diaspora policies in Portugal in the past six decades. Then, the most relevant drivers of these policies are identified and dissected. In a third section, the measures currently in place, aimed at strengthening political, citizenship, cultural and socio-economic ties, as well as fostering portability of rights and regulating the emigration process, are explored. The analysis presented here is mostly based on academic literature on the subject and enriched through an examination of press articles, governmental programmes and other relevant official documents.

The Evolution of Emigration and Diaspora Dynamics, Discourses and Policies in Portugal, 1960–2016

History of Portuguese Emigration Before the Financial Crisis of 2008

For many centuries, Portugal has been a country of emigration. This has resulted in the creation of a sizeable diaspora, with several so-called Portuguese communities (*Comunidades Portuguesas*) established throughout the world – particularly in Europe and the Americas. If we exclude the migrations in the era of discoveries and colonisation of territories in Africa, Asia and South America (from 1415 onwards), the roots of the Portuguese diaspora can be traced to the mid-nineteenth century, with emigration flows to Brazil and North America (Pena Pires et al. 2010; Marques and Góis 2013).

The economic boom in Western Europe, which contrasts with the chronic backwardness of the Portuguese economy, and the outbreak of colonial wars in Africa (1961–1974), led to a second wave of Portuguese emigration in the 1960s (Padilla and Ortiz 2012). Consisting mainly of low-skilled males, the departing population

generally made their way to France (which overtook Brazil as the primary destination, and which now has the largest Portuguese community in Europe: around 617,000 people in 2011),¹ but Germany was also a popular destination (interestingly enough, the post-war Germany's one millionth *gastarbeiter* – guest worker – was Portuguese; cf. *ionline*, 10 May 2016). The number of emigrants increased continuously from the beginning of the 1960s, peaking at 105,000 in 1966 (compared to 21,000–41,000 emigrants per year in the 1950s) (Marques and Góis 2013).

The *Estado Novo* authoritarian regime's emigration policy favoured the common good over individual freedom; therefore, the migration flows should not harm but foster the country's economic development and the prosecution of Portugal's goals in Africa, particularly the settlement of population in the 'overseas provinces' (Baganha 2003a, b). Therefore, emigration policies tended to be restrictive, seeking to manage the flow of migrants and channel it, as much as possible, towards the colonies, but simultaneously trying to protect the labour and social rights of emigrants in other countries (Santos 2004). The restrictive nature of the emigration policies led one-third of Portuguese emigrants to leave the country illegally in the 1960s, despite illegal emigration being a criminal offence (Santos 2004). Family reunification was also made difficult, because keeping emigrants apart from their families guaranteed the flow of foreign currency into the country (Santos 2004). The agricultural and (albeit to a lesser extent) industrial elites saw emigration as a risk to their activities as it reduced the availability of cheap non-skilled labour, forcing them to raise wages in order to retain and attract workers (Santos 2014). The Portuguese state eventually signed emigration agreements with the Netherlands (1960), France (1963) and West Germany (1964), which sought to maximise emigrant remittances and their economic impact but also to maintain control over the migratory flow (Baganha 2003a).

From 1960 to 1974, the trend in emigration policy was one of gradual relaxation, since there was an effective over-supply of labour, emigration to the colonies continued at a steady rate (Marques and Góis 2013), and the economic model the regime now wished to implement required highly-skilled workers, who showed no real interest in emigrating (Baganha 2003a, b). In the last years of the dictatorship, during the so-called Caetano Spring (*Primavera Marcelista*) of 1969–1974, the regime took its first faltering steps towards introducing measures that would now be called diaspora policies, aimed at strengthen the emigrant's links with the home country and ensure that they kept their Portuguese culture and identity. These policies included establishing holiday camps for the children of emigrants and providing support for emigrant associations (Rocha-Trindade 2000; Santos 2004).

Two years after the 1974 Carnation Revolution, which paved the way for the establishment of a democratic regime in the country, the right to emigrate was included in the new Constitution. The novel democratic regime hoped to renegotiate existing emigration agreements and to establish new ones with other countries. Emigration was one possible way out for the many citizens who returned to Portugal from the former African colonies, as it was for the large number of unemployed

¹ Observatório da Emigração (<http://observatorioemigracao.pt/>).

(Baganha 2003b). Remittances were also important for the struggling Portuguese economy. However, the possibility of emigrating was limited by the post-1973 international context, with recessive Western economies leaning towards the establishment of restrictions to immigration. The protection of emigrants' rights and the development of their culture and language were also key aspects of the Portuguese political discourse at that time (Santos 2004). From this period to the mid-1980s, there are two main trends in terms of migration flows: first, a large number of family members of earlier emigrants left the country to be reunited, resulting in the second generation of emigrants becoming part of the political agenda; second, there was an increase in the number of returning migrants (Aguiar 1981; Baganha 2003b; Marques and Góis 2013), partially as a result of voluntary return programmes in the host countries (Santos 2004).

By the early 1980s, the gradual transition from emigration policies focusing on the exit process to a more holistic approach was complete “with the protection of the social rights of migrants, becoming, finally, focused on all phases in the migration cycle, from departure, through arrival and integration in the receiving country to the eventual return home” (Santos 2004, p.18, our translation). At the same time, political institutions seemed to be particularly interested in creating diaspora building policies. The word ‘emigrants’ tends to disappear from the political vocabulary, being replaced by ‘Portuguese resident abroad’, ‘Portuguese communities’ and, more recently, ‘diaspora’. The 1983 government programme made this paradigm shift explicit, stating that the Portuguese state “does not regard our emigrants as a prime source of money, but rather as a set of Portuguese communities abroad, with their own interests and needs...”²

As a result, extending citizenship (access to nationality) and voting rights became key issues.³ Culture, including the defence of Portuguese traditions and language, is also a central topic in the political discourse on emigration. Moreover, the recognition of the need to represent and engage in consultation with the diaspora led to the establishment of the Council of Portuguese Communities (*Conselho das Comunidades Portuguesas*). While the impact of migrant remittances in the economy was still a relevant political topic (lower inflows and the return of emigrants are expected as a result of the recession in the Western democracies), the government began to view the Portuguese communities as agents of economic diplomacy. From this moment, diaspora policies – some of which focused more on diaspora building while others concentrated on diaspora engagement – were always a key feature of governmental discourses and policy packages on emigration.

Following the completion of the decolonisation (mid-1970s) and European integration (mid-1980s) processes, with the arrival of large numbers of people from the former African colonies, Brazil, Asia, the Middle East and Eastern Europe, Portugal became a country of inward migration (Padilla and Ortiz 2012; Horta and

²Portuguese government website's historical archive, www.portugal.gov.pt/pt/o-governo/arquivo-historico.aspx. Our translation.

³The debate on the right of emigrants to vote in presidential elections was particularly passionate (cf. Rodrigues et al. 2013).

Oliveira 2014). In 1991, a member of the Portuguese government stated – perhaps over-optimistically – that Portugal was no longer a country of emigration (Marques and Góis 2013); the same thing had been said – even more optimistically – by a group of academics in 1985 (Baganha 2003b). Despite becoming a country of immigration, Portugal never ceased to be a country of emigration (Marques and Góis 2014). In fact, a third migratory wave emerged in the mid-1980s, with Switzerland becoming particularly attractive in the eyes of the Portuguese citizens (Baganha 2003b; Padilla and Ortiz 2012; Marques and Góis 2013). It was not until 1993 that the migration balance became positive (Rodrigues et al. 2013). Even when this wave lost vigour, citizens continued to leave, also because the European integration made it easier for Portuguese to move to other European Union (EU) member states.

However, from the mid-1980s and 1990s it was immigration that was under the spotlight, dominating the official discourse, migration policies, legal reforms (regulation of migratory flows and social integration of migrants) and, consequently, the theoretical debates and academic research (Malheiros 2010; Horta and Oliveira 2014). Emigration became a secondary concern, and when discussed, the focus was put on the past – a trend that continues to this day (Marques and Góis 2014). During the 1990s, with emigration flows under 30,000 per annum and remittances accounting for 3% of the national GDP (being therefore higher than the EU funds received), “the myopia of the political agenda when it came to emigration was significant, with only passing attention being paid to the consolidated, established and sizeable diaspora” (Malheiros 2010, p. 134, our translation).

Emigration and Economic Crisis

The economic and financial crisis whose first signs were felt in the mid-2000s had a threefold impact on Portuguese migratory flows: (a) fewer immigrants came to Portugal; (b) immigrants began returning to their countries of origin; and (c) there was an increase in the flow of Portuguese emigrants, which reached levels that had not been seen since the 1960s (Marques and Góis 2013; Horta and Oliveira 2014). This is the fourth wave of Portuguese emigration (Padilla and Ortiz 2012). The number of Portuguese permanently settling in other countries, which had been lower than 10,000 per year between 2000 and 2007, reached almost 50,000 in recent years, while the number of temporary exits has quadrupled between 2003 and 2013. The migration balance was, again, negative.⁴ In addition to the traditional destinations, European countries such as Spain and the United Kingdom became host countries of Portuguese emigrants, as well as the former African colony Angola, a Portuguese-speaking emerging economy desperately short of skilled workers (Malheiros 2010; Marques and Góis 2013; Rodrigues et al. 2013).

⁴ Observatório da Emigração, <http://observatorioemigracao.pt/>

The right-wing coalition government in office between 2011 and 2015 controversially described emigration as an opportunity, which many interpreted as an invitation to emigrate (Rádio Renascença, 18 December 2012; TVI24, 30 October 2011). Emigrant remittances, the positive effects of emigration on unemployment rates and the reduction in social costs seemed to have been behind the government's alleged attempts to encourage emigration. The official political discourse focused on economic diplomacy as a crucial aspect of foreign policy, being the efforts made by the Foreign Ministry in this field supported by the Presidency of the Portuguese Republic (Silva 2013). Aware of the fact that several members of the Portuguese communities are integrated in the business, science, culture and political spheres within the societies in which they have made their home, the government sought to further develop the relationship with the diaspora in order to promote Portugal's economic interests abroad and the internationalization of its economy through exports and diaspora economic investments in Portugal. In short, there was a strong focus on policies that could strengthen the socio-economic ties between Portugal and its communities abroad.

References to the diaspora in the current government's programmatic statement are also of economic nature (the diaspora as a means of securing direct foreign investment, of promoting the internationalization of the Portuguese economy and Portugal's image in the world); however, there seems to be, again, a focus on political and citizenship ties (enhancing the exercise of citizenship and community representation, making it easier to exert political rights), as well as on cultural ties (expansion of the Portuguese language teaching programme, cultural exchanges, diaspora-focused media contents).⁵

The current size of the Portuguese communities is considerable. The most recent data, for 2015, shows that approximately 2.3 million Portuguese citizens live outside the country.⁶ To put this in context, Portugal's current population is just over 10 million. The size of the diaspora increases to five million if we are to include the descendants of Portuguese emigrants (Malheiros 2010; Rodrigues et al. 2013). Therefore, about one in every five Portuguese citizens does not live in the country. Consequently, Portugal is 12th in the world in terms of the proportion of its citizens living abroad (Rodrigues et al. 2013). Despite smaller than in the past, the economic importance of this phenomenon remains considerable: in 2013 the inward flow of remittances amounted to around €3 billion (1.8% of GDP), while outward remittances were never more than €600 million (Vidigal and Pena Pires 2014).

In regard to the most recent wave of emigration, most of the debate in the public sphere is based on the assumption that the new emigrants are very different from those of the 1960s, who were mainly poor and illiterate. This impression is only partially corroborated by academic research. The media tends to focus on the departure of skilled citizens, such as nurses, architects or those with university degrees (Padilla and Ortiz 2012); however, the fact is that both unskilled and skilled people

⁵Portuguese government website's historical archive, www.portugal.gov.pt.

⁶Observatório da Emigração, <http://observatorioemigracao.pt/>.

have left—the emigrant population tends to mirror the general population (*Público* 2016a)—and the majority of contemporary emigrants have relatively low academic qualifications (Malheiros 2010; Padilla and Ortiz 2012). Interestingly enough, the majority of contemporary emigrants are temporary migrants (Marques and Góis 2014).

The Drivers of Emigration and Diaspora Policies in Portugal

Turning to the main drivers of emigration and diaspora policies in Portugal, we start by considering the importance states attribute to their international role as a driving force behind diaspora and emigration policies. Looking at the typology discussed in detail by Weiner in the introduction to this volume, Portugal can be described as a regional political and economic power until decolonisation takes place (1975). Before that, and especially prior to the April 1974 revolution, the focus of the Portuguese state was on maintaining and developing its control over Angola, Mozambique, Guinea-Bissau, Cape Verde, S. Tomé and Príncipe, Goa and Macau. Therefore, the migratory flows should be channelled, at least partially, towards the settlement of some of these colonies. In a context in which the ‘promised lands’ were France and Germany, this meant the state had to control and restrict migration to Western Europe.

With the end of the decolonisation process and before accession to the European Community, Portugal, which was now reduced to its European territory, became a low-profile actor on the international stage. Having to cope with citizens returning from the former colonies and rising unemployment rates, emigration seemed a sound option. Consequently, the right to emigrate was included in the Constitution and attempts were made to increase and improve agreements with host countries. This move came a little late, however, as Western European immigration policies became more restrictive in the mid-1970s.

Accession to the European Economic Community (EEC) in 1986 resulted in a change in focus – Portugal now belonged to Europe, and its emigrants, many of whom had settled in other member states such as France, Germany and Luxembourg, were now European citizens. It was during the accession negotiations that the political discourse began adopting the term ‘Portuguese communities’ in place of ‘emigrants’. Without any relevant hard power resources, Portugal is not a powerful country within the EEC or, later, the EU and has to resort to smart power to ensure its demands and opinions are considered (Trechsel et al. 2014). Just like many countries of origin in a similar situation, Portugal saw in its emigrants and diaspora agents for development, which led it to seek stronger relationships with the Portuguese communities around the world in order to retain their loyalty to the home country and to promote them as informal ambassadors (Rodrigues et al. 2013).

Second, we must consider the characteristics of the emigrants, which are particularly important in the Portuguese case. During the 1960s, when the migratory flow was largely one of unskilled and illiterate men driven by the desire to improve their lives and return home with some money, the policies were essentially restrictive and designed to maximise emigrant remittances (which were important both for the country's development and for funding the colonial wars). From the 1980s, with the growing recognition of social and economic capital and the potential of permanent emigrants in terms of economic diplomacy, policies began focusing more clearly on the construction of links with Portuguese communities abroad. Now, while the common (but only partially true) perception is that the new emigrants are highly qualified and that Portuguese communities are integrated and have plenty of resources, it can be expected that the new policies will focus increasingly on their potential to develop the Portuguese economy, namely by means of emigrant return measures. In sum, during the twentieth century its people have been Portugal's most profitable export – no other good or service has had the same weight in the Portuguese balance of trade (Baganha 1994). At the beginning of the twenty first century, the Portuguese living abroad are once more considered to be of value to the Portuguese economy, albeit now for different reasons: there is less interest in remittances than there is in the potential for direct foreign investment, promotion of 'Brand Portugal' and modernization resulting from the professional and social capital acquired abroad.

In terms of discourse, Portuguese emigrants are often described as exceptional people. This idea of exceptionalism is made explicit in the government programme of 1987, which states that "the openness to other peoples and cultures and the easiness of integration into new environments, without prejudice to the nation, are perhaps the most peculiar characteristics of our way of existing in the world. It is largely through those Portuguese living abroad that we today affirm our universalist and humanist vocation".⁷ Therefore, to develop and strengthen this exceptionalism is paramount, and that should be done by encouraging the integration of the diaspora in the host country without neglecting their cultural and political links with Portugal—ideas that permeate much of the emigration and diaspora discourses and policies of the past 40 years.

In short, Portugal moved from being a regional economic and political power to a low-profile country on the international stage. It changed from being a country needing to populate its extensive overseas possessions to one with an over-supply of labour following the return of citizens fleeing from the former colonies, and then, later, a country of European citizens. From a country of poorly-educated and illiterate emigrants who nourished a desire to return, it became a nation with integrated communities in third countries, many of which in an excellent position to contribute towards the country's development as informal ambassadors, investors and lobbyists, and who have broad recognised citizenship and political rights. It is in the context of these changes that we must understand the dynamics of emigration and diaspora policies in Portugal.

⁷Portuguese government website's historical archive, www.portugal.gov.pt/pt/o-governo/arquivo-historico.aspx. Our translation.

Current Diaspora and Emigration Policies in Portugal

Strengthening Political and Citizenship Ties

The Portuguese state is extremely generous in its granting of political and citizenship rights to emigrants and their descendants. Here we will analyse two of the most important aspects of these ties: the access to nationality and the right of citizens living abroad to vote in Portuguese elections.

First, since 1981 access to Portuguese nationality has been relatively unrestricted, being essentially based on the principle of *jus sanguinis*. While the children of Portuguese emigrants are automatically considered to be Portuguese, their grandchildren can obtain nationality by means of naturalisation. In practice, this means any foreign citizen with a Portuguese grandparent can become a Portuguese citizen (Rodrigues et al. 2013). In 2008, the Portuguese parliament debated the possibility of simplifying access to Portuguese nationality by the third generation of emigrants, and in 2013 it allowed the naturalisation of people who could show they are members of a Sephardic Jewish community of Portuguese origin. Moreover, the acquisition of Portuguese nationality does not require renunciation of any other nationality, just as the acquisition of any other nationality does not imply the loss of Portuguese citizenship, unless the citizen specifically renounces it.⁸ In 1981, nationality ceased to be understood as an expression of exclusive identity and national loyalty: in a context of emigration, the legislator was concerned with ensuring that those who become citizens of their host nations could retain their links with Portugal.

Regarding voting rights, Portugal allows its citizens living abroad the right to take part in most national elections: European, presidential, parliamentary and national referenda dealing with issues that also concern citizens living abroad. However, they are not allowed to vote in local and regional elections or referenda (Rodrigues et al. 2013). The right to vote in general elections has been in force since the early days of the democratic regime; however, the franchise was only extended to presidential and European elections in 1997 and 1987/2005, respectively, and only after an intense debate on the matter had taken place (Marques and Góis 2013; Rodrigues et al. 2013). While citizens living abroad can vote in general elections by post, with the ballot papers being sent to the address provided when they register with the electoral roll (which may create problems due to outdated electoral registers) or at polling stations in their country of residence, postal voting is not allowed in presidential or European elections, which often makes participation costly due to the distance between the emigrant's homes and the consulate or embassy in which they can cast a ballot (Rodrigues et al. 2013). To illustrate the first kind of difficulties, there was some controversy following the 2015 election, since it was alleged that both technical and bureaucratic obstacles to citizens who reside abroad

⁸Nationality Law of 1981 and successive amendments, www.dgpj.mj.pt/sections/leis-da-justica/livro-vii-leis-da-nacionalidade/lei-da-nacionalidade.

prevented them from casting their votes (De Giorgi and Santana-Pereira 2016). Unsurprisingly, the proportion of citizens living abroad who turn out to vote is usually very low (Marques and Góis 2013, 2014; Rodrigues et al. 2013).

Strengthening Cultural Ties

The Portuguese state makes great efforts to establish cultural links with the Portuguese communities, for which the Camões Institute plays an important role. Established in 1992, it is the successor to a number of bodies dedicated to the promotion of the Portuguese language and culture. One of its main duties has to do with teaching. The Portuguese constitution places an obligation on the state to ensure the children of emigrants are taught Portuguese. To do so, the Camões Institute, in association with the Ministry of Education, manages a network of Portuguese language teachers abroad (*EPE—Ensino de Português no Estrangeiro*) at pre-school, primary and secondary school levels.⁹ Also, through its network of lecturers, the Institute provides lessons in the Portuguese language and culture at universities in 63 countries. It should be noted that one consequence of the financial crisis in Portugal has been severe cuts to the EPE budget, which has seriously undermined its effectiveness. The present government has spoken of its desire to expand the EPE, although it intends to maintain the access via tuition fees introduced by its predecessor (RTP 2016). In the summer of 2016, members of the Portuguese Communist Party called for the abolition of those tuition fees, claiming that promoting the language is an investment (rather than a cost) and that the fees discriminate against Portuguese living abroad, as they are the only Portuguese citizens who have to pay to study the language (*Observador* 2016a). The Camões Institute also oversees 15 cultural centres, in Portuguese-speaking countries, France, Luxembourg and Spain, where there are large Portuguese communities, but also in Asian countries (India, China, Japan and Thailand), perhaps in memory of the Portuguese who travelled through that region in the past.¹⁰

The media is also important in strengthening cultural links with the home country. In 1992, the state broadcaster created a new channel, *RTP Internacional*, specifically designed for the diaspora (but ultimately also watched by citizens of other Portuguese-speaking countries). The private broadcasters, SIC and TVI, set up their own international channels in 1997 and 2010, respectively. Most programmes are repeats of those already shown on the main national generalist and cable channels, although some content is produced specifically for the international channels. In the case of *RTP Internacional*, shows produced by the Portuguese communities are often aired. In terms of press, the newspaper *Emigrante/Mundo Português*, created in 1970, is published in Lisbon and delivers news to the diaspora. There is also a

⁹ Camões - Instituto da Cooperação e da Língua, www.instituto-camoes.pt/lingua-e-ensino/atribuicoes-no-dominio-da-lingua-e-cultura.

¹⁰ Camões - Instituto da Cooperação e da Língua, www.instituto-camoes.pt.

number of diaspora-focused publications produced in Canada, the United States, France and elsewhere, which manage to survive without receiving much help from the Portuguese state (*Público* 2005).

Third, encouraging associativism in the diaspora is considered essential for strengthening cultural links with the home country, and to this end Portugal offers support to non-profit making and non-political associations and federations, citizens and groups of Portuguese citizens or descendants of Portuguese citizens.¹¹

Lastly, a symbolic note. Since 1977, the main national holiday, the 10th of June, is called 'Portugal, Camões and Portuguese Communities' Day' (*Dia de Portugal, de Camões e das Comunidades Portuguesas*), thus celebrating the nation as a whole, the national bard and the diaspora (Rocha-Trindade 2000). In 2016, President Marcelo Rebelo de Sousa held the official ceremony commemorating the 10th of June in Paris, in recognition of the importance of the Portuguese community that lives there (*Observador* 2016b). The President has recently said he is willing to hold the official 10th of June ceremony in Rio de Janeiro, Brazil, in 2018, for the same reasons (*Público* 2016b).

Strengthening Socio-economic Ties

The policies focused on the Portuguese communities abroad also seek to establish socio-economic links. One of the key features is the establishment of platforms fostering investment. In 2013, the Diaspora Investor Support Bureau (*Gabinete de Apoio ao Investidor da Diaspora*) was created. Its goal is to promote, support and facilitate investment in the country by members of the Portuguese communities and descendants of Portuguese citizens, ensuring potential investors from the diaspora receive enough information and obtain the best conditions for carrying out their business in Portugal.¹² The Emigrant Support Bureaux (*Gabinetes de Apoio ao Emigrante*), that resulted from agreements between the central government and 100 Portuguese councils (out of a total of 308), and which are based in the municipalities, also seek – among other things – to stress the economic potential of these towns and villages among the Portuguese communities. It should be said that these offices are aimed both at members of the diaspora and at mobile citizens: those abroad, those who have returned and those who plan to return.¹³

Also, emigrants (both permanent and temporary), retired former emigrants who have returned to Portugal and descendants of emigrants can, on proof of status, open a bank account offering them fiscal benefits on the purchase of land or housing.

¹¹ Portal das Comunidades, www.portaldascomunidades.mne.pt/pt/apoios/area-cultural-e-movimento-associativo.

¹² Portal das Comunidades, www.portaldascomunidades.mne.pt/pt/gabinete-de-apoio-ao-investidor-da-diaspora-gaid.

¹³ Portal das Comunidades, www.portaldascomunidades.mne.pt/pt/gabinete-de-apoio-ao-emigrante-gae.

However, up until about 10 years ago, the fiscal advantages were more interesting, since these bank accounts offered income and property tax advantages.¹⁴ The reason for creating bank products offering much better terms than those available to citizens living in Portugal was to ensure a continued flow of remittances, which were essential to the Portuguese economy (Marques and Góis 2013, 2014).

Institutional Arrangements

The importance of the diaspora to the Portuguese state is stressed by the existence of a Secretary of State for the Portuguese Communities within the Foreign Ministry, in charge of overseeing many of the policies described here. This position has existed, with this name, in every constitutional government since 1985, but has known different names before that. In 1985, the expression ‘Portuguese communities’ definitively superseded all other official labels in which the word ‘emigration’ was almost always present¹⁵ – which is, again, evidence at the symbolic level of diaspora policies being favoured over emigration policies, in a moment in which Portugal was about to become a member of ‘Europe’ and the first Schengen agreements were being discussed.¹⁶ Interestingly enough, between 2002 and 2005, the Foreign Ministry was officially known as the Ministry of Foreign Affairs and Portuguese Communities.¹⁷

Portugal has an extensive global consular network, with concentrations in areas with large Portuguese communities: Europe and America.¹⁸ However, in recent years, while the number of those emigrating has increased, austerity policies have resulted in the Portuguese government committing itself to a policy of office closures, including embassies in places where the presence of Portuguese citizens is residual but also vice-consulates in countries with large Portuguese communities, such as France and Germany (*Diário de Notícias* 2011).

As for parliamentary representation, Portuguese citizens abroad can elect four members of parliament out of a total of 230: two in the electoral district ‘Europe’ and two in the electoral district ‘Rest of the world’. Once elected, these members of

¹⁴ See, for example, the Caixa Geral de Depósitos website, www.cgd.pt/Particulares/A-sua-Medida/Residentes-no-Estrangeiro/Pages/Informacao-Legal.aspx.

¹⁵ Emigration (1976–1978; 1979–1980; 1983–1985); Foreign Affairs and Emigration (1978–1979); Emigration and Portuguese Communities (1981–1983).

¹⁶ Other smaller bodies followed suit. For example, in 1980, the Emigration and Portuguese Community Support Institute (*Instituto de Apoio à Emigração e às Comunidades Portuguesas*) replaced the Emigration Institute (*Instituto da Emigração*), which had been created in the wake of the revolution in 1974. In 1994 it was itself replaced by the Directorate-General for Consular and Portuguese Communities Affairs (*Direcção-Geral dos Assuntos Consulares e Comunidades Portuguesas*) (Rocha-Trindade 2000).

¹⁷ Portuguese government website’s historical archive, www.portugal.gov.pt/pt/o-governo/arquivo-historico.aspx.

¹⁸ See the complete map at www.portaldascomunidades.mne.pt/pt/rede-consular.

parliament must defend the national interest instead of that of the citizens or regions that elected them – a rule that applies to all the deputies in Portugal (Rodrigues et al. 2013).

In terms of consultative bodies, the Council of the Portuguese Communities provides consultancy to the government on policies affecting migration and the Portuguese communities.¹⁹ The Council has around 80 members, elected by Portuguese citizens living abroad in national and sub-national circles, whose magnitude depends on the size of the diaspora in the host countries. Created in 1980, it is Europe's second-oldest diaspora consultative and representative committee (Aguar 2009). However, it has known ups and downs. In fact, it was closed in 1987 and did not reopen until 1996 (Malheiros 2010) when, in addition to representing Portuguese emigrants and their interests in Portugal, it was charged with promoting dialogue between Portugal and the public authorities in host countries (Marques and Góis 2013). Also, throughout the years there were many points of tension between its members and between them and the government, not to mention the many changes to its legal framework (Marques and Góis 2013), being the most recent from 2015. The Council is actually the second effort to create such a consultative and representative body, succeeding the short-lived Congress of Portuguese Communities (*Congresso das Comunidades Portuguesas*), created in 1979 and consisting of delegates elected by associations within the host countries (Rocha-Trindade 2000).

Lastly, it is worth mentioning the recently created Returning Emigrant Support Bureau (*Gabinete de Apoio ao Regresso Emigrante*), which seeks to strengthen the links and offer support to Portuguese emigrants wishing to return home. It monitors the implementation of initiatives such as the extension to emigrants of the Immigrant Mentoring Programme (*Programa Mentores para Imigrantes*), the Global Professional Mobility Platform (*Plataforma de Mobilidade Profissional Global*: an online tool that fosters the recruitment of highly-skilled Portuguese living abroad by publicising job opportunities in Portugal and elsewhere)²⁰ and the COME Competition (*Concurso VEM*), which offers support to emigrants seeking to open a business in Portugal.²¹ At the local level, the Migrant Support Bureaux, which we mentioned above, also seek to deal with issues which have to do with return and reintegration in the Portuguese society. The return of migrants, especially of those who left recently, is a key feature of the 2015–2020 Strategic Plan for Migrations (*Plano Estratégico para as Migrações*).²²

¹⁹ Comissão Nacional de Eleições, www.cne.pt/sites/default/files/dl/legis_ccp_66_a_2007.pdf.

²⁰ Plataforma de Mobilidade Profissional Global, mobilidadeglobal.org/plataforma-de-mobilidade-profissional-global/.

²¹ Alta Autoridade para as Migrações, www.acm.gov.pt/-/concurso-de-ideias-vem.

²² Alta Autoridade para as Migrações, www.acm.gov.pt/-/plano-estrategico-para-as-migracoes-pem.

Portability of Social Rights and Fiscal Policies

Within the social protection framework, particularly in terms of portability of social rights, the instruments of which Portugal is a part seek to apply the fundamental principles of equality of treatment, applicability of legislation (determining what laws apply), preservation of rights that have been or which are in the process of being acquired, and mutual administrative support between authorities and institutions. There are currently 40 conventions governing social security,²³ which in practice means that a Portuguese who works in a EU member state, Norway, Switzerland, the United States, Brazil or Cape Verde has the right to enjoy the working conditions and social protection offered to nationals of these states. Moreover, when or if they return to Portugal, the contributions they have made to the welfare systems in these countries will be recognised and counted, for instance, for retirement pension calculations. As for double taxation, Portugal has signed 76 instruments (agreements and bilateral conventions) of which 67 are currently in force and nine are signed and awaiting implementation.²⁴

Emigration Policies Enabling Outward Mobility and Ease of Access

As an EU member state within the Schengen Area, Portugal benefits from several advantages in terms of free movement of people within Europe, and is a partner of mobility programmes for students such as Erasmus. Portugal is also a signatory to several bilateral and multilateral instruments dealing with migration (protocols, agreements and treaties)²⁵ focusing on issues such as: the exchange of information about job opportunities and sectors of activity looking for workers; the reciprocal treatment of temporary and permanent migrants; the **entry, circulation, residence and establishment of its citizens**; reciprocal contracts; general working conditions; vocational training; the social promotion of the living conditions and residence of contracted Portuguese workers and their families; the readmission of people without documentation; **deportation and repatriation of citizens; the illegal trafficking of migrants**; citizenship and movement of people. However, not one of these is an ‘open channel’ for sending workers abroad. In terms of the portability of social and fiscal rights, the temporary migrants generally benefit from the same agreements and advantages offered to permanent or long-term migrants discussed above. Once they registered on the electoral roll abroad, which is voluntary, they are granted the same voting rights as diaspora members (although for relatively short stays, and in

²³ Social Security, www.seg-social.pt.

²⁴ Tax and Excise Authority, info.portaldasfinancas.gov.pt/pt/informacao_fiscal/convencoes_evitar_dupla_tributacao/convencoes_tabelas_doclib/.

²⁵ Gabinete de Documentação e Direito Comparado, www.gddc.pt/siii/temas.asp.

certain circumstances, it is possible to vote in advance).²⁶ Generally speaking, these measures, the majority of which implemented a long time ago, have a disjointed nature, not being supported by a real emigration policy that can ensure they remain focused and effective.

Conclusions

In recent decades, Portugal has developed a series of diaspora policies, which tend to overthrow a tradition of emigration policies going back almost 150 years and that, prior to 1976, tended to be restrictive. The shift of focus from emigrants to Portuguese communities that began during the early 1980s, the change in the nationality law, the granting of political rights, the emphasis on policies designed to promote the Portuguese language and culture across the world and the creation of representative/consultative bodies and organisations to support citizens abroad are examples of the affirmation of a diaspora building and diaspora engaging paradigm in Portugal. Some authors even say that, in some ways, the Portuguese communities abroad have replaced the lost empire, as democratic Portugal has spread, symbolically, across the world through the presence of its citizens in several countries (Rocha-Trindade 2000).

As for the nature and scope of its diaspora policies, Portugal seems to be close to the global nation-state model identified by Ragazzi (2014), characterised by a wide range of public policies aimed at the diaspora and the recognition of extensive rights to emigrants. Nevertheless, the relationship between the Portuguese state and the Portuguese communities abroad has been marked more by hesitations, discontinuities and no little ambivalence than by a consistent strategy, impermeable to changes in the executive (Marques and Góis 2014). Indeed, short-term factors have resulted in the emphasis switching between diaspora building (e.g. joining the EEC) and diaspora engagement policies (e.g. the sovereign debt crisis).

Lastly, it is worth noting that, despite the occurrence of a new wave of emigration, largely made up of mobile citizens and temporary emigrants,²⁷ the focus continues to be placed on the need to promote Portuguese communities across the world. In other words, the change from emigration policies to diaspora policies has been so intense that, in a context in which systematic and integrated emigration policies would once more make sense (due to the recent migratory flow), there is no real targeted or effective emigration policy. However, the recent interest in the creation of mechanisms for emigrant return contained in the Strategic Migration Plan or in the two latest government programmes can be seen as signs that the paradigm may be slowly changing.

²⁶ Comissão Nacional de Eleições, www.cne.pt/faq2/114/10.

²⁷ According to INE data for 2014 provided by the Observatório da Emigração, temporary departures represent around 63% of all departures. See <http://observatorioemigracao.pt/>.

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Chapter 9

Cultural or Political Diaspora: Approach of the Russian Federation

Olga Tkach

Introduction

After several decades of limited mobility to and from the area behind the iron curtain, the Russian Federation (RF) recently joined a world of global movement as an immigrant, emigrant and transition country. Since the 1990s, the Russian Federation has experienced several waves of emigration. The first waves started after the collapse of the USSR and were caused by economic and political factors. The main countries of destination for the former Soviets were Germany, Israel, the US and Greece. The end of the Soviet era opened the doors of the global labour market to highly qualified professionals, predominantly in technical specialties – physicists, mathematicians, and IT specialists. Brain drain became a public concern and was considered a great loss related to the opening of the border. Also, some ethnic groups such as Germans and Jews obtained their long-awaited freedom to leave the country and resettle in their ancestral lands. Approximate figures of outflow during the first decade after the USSR collapsed are estimated to be between 1.2 and 1.7 million (Malakhov 2014: 181). In mid 1990s, a number of social scholars made attempts to analyse the phenomenon of post-Soviet Russian-speaking diasporas (see Carment and Nikolko 2017: 4–5). In the 2000s, emigration declined, or at least became less extreme. Contract work, student and professional mobility abroad became more common for Russian citizens (Mukomel 2005: 58–59). In recent years, however, emigration from Russia increased again, and this issue flourished in public debates (see e.g. Mereminskaia 2014; Vashchenko 2015; Medvedev 2016; Mukhametshina 2016). Emigration is seen by many – predominantly middle-class families and highly qualified professionals who feel competitive in various niches of the global labour market – as an escape from the current political regime and the related to human rights abuses, declining welfare state, economic instability and insecure future. Approximate

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estimations reveal that since 2013, some 120-150 thousand citizens leave the country annually. Today, Russians are more attracted to the US, Germany, Israel; Canada and Finland (Mereminskaia 2014; Mukhametshina 2016).

Yet, experts estimate that Russia's current input into global labour migration is minimal. Indeed, unlike labour immigration from CIS countries to Russia, especially from Central Asia, the issue of emigration remains on the periphery of public debate. Compared to the burst of discussions on the influx of immigration, emigration seems to have less priority. The statistics on emigration from Russia to distant countries was and still are very vague. There are numerous resources that provide different figures of Russians around the globe that are difficult to check. Besides recent emigrants, thousands of ethnic Russians also remain in many CIS countries (e.g. Ukraine or Kazakhstan) and Baltic states (e.g. Latvia and Estonia).

Since the collapse of the USSR, Russians abroad have been a significant target group for Russian policy makers and executive bodies. The main trend and direction of Russian policies in this respect is diaspora policies that are mostly relevant for the population of long-term emigrants and their descendants rather than for mobile citizens or circular migrants. These policies are ideologically, legislatively and institutionally framed, and have been developed according to the perceived needs (or geopolitical interests) of two areas where Russians (or Russophones) live: the "near abroad", covering the countries viewed as being of immediate geopolitical importance to Russia in Eastern Europe and Central Asia (former territory of the USSR), and the so-called "far abroad", covering all other regions of the world. The former is mainly addressed by return policies, aimed at resettling ethnic Russians and their descendants who still live in CIS countries and Baltic states to the Russian Federation, while the latter presumes a broad sense of diaspora-building worldwide, particularly in the West.

This chapter aims to give an overall assessment of the Russian government's policy towards Russians residing abroad for longer or shorter periods. The main research questions look at how the Russian state develops diaspora and emigration policies (as per the definition of this volume), and what ideological and practical mechanisms facilitate this development. It is based on an analysis of secondary sources – academic literature, relevant federal documents and publicly available data on the work of governmental institutions responsible for the implementation of diaspora/emigration policies. Overall, the chapter tackles policy and institutional frameworks of the Russian state towards Russians outside Russia. The first section of the chapter positions Russia within the theoretical discussion on diaspora/emigration policies and discusses the main policy drivers. The main political discourse is also examined to identify it towards Russians outside Russia, and categorises Russian policy in this realm. The second section considers the main tools – both legislative and organisational – that facilitate the implementation of Russian diaspora and emigration policies.

Emigration and Diaspora Policy Drivers

Russian emigration and diaspora policies are driven by two main views. Russians abroad are seen by the government both as subjects or active participants of international processes, and as objects or passive beneficiaries of the state's assistance. The former presumes that Russians abroad possess a special status, since they promote Russian language and culture worldwide. The latter puts Russians abroad in the vulnerable position of those who need special support and protection from the Russian state. The first view is mainly employed towards the far-abroad, while the second – towards those living in neighbouring countries.

Russians Worldwide: The Compatriots Project

One of the main ideological foundations of the Russian state's international relations is that even if Russians are dispersed all over the world, they all are expected to be strongly and stably bonded to Russia. These bonds were first built discursively or terminologically, through political categorisation. For Russians outside Russia, the Russian officialdom prefers the term *sootechestvenniki* ('compatriots') rather than emigrants. 'Compatriots abroad', for instance, is one of the directions of the foreign policy of the Ministry of Foreign Affairs.¹

Russia's 'compatriots project' works as a political construct produced by and through particular discourses and practices rather than as a mere reference to Russian citizens or ethnic Russians living outside the borders of the Russian Federation. The concept of compatriots can broadly imply citizens of the Russian Federation, ethnic Russians and also Russian-speakers or Russophones (Byford 2012: 717).

The concept of compatriots has somewhat developed over time in Russian legislation. The core legal framework of the *sootechestvenniki* project is the federal law on compatriots (No. 99) passed by Boris Yeltsin in 1999. This Law gave an initial definition of compatriots in vaguely ethnic terms and proclaimed different types of support for compatriots abroad, including human rights protection, economic engagement into the Russian economy and collaboration in the areas of culture, language, religion and education. From the very beginning, the original core of the *sootechestvenniki* project was oriented mostly towards relations with the former USSR republics in the "near abroad", following the dismemberment of the USSR. It was emblematic of Russian's post-imperial contradictions as part of its transition from Soviet to Russian statehood. In the course of the 2000s, 'compatriot repatriation' from the rest of the former USSR has appeared as a flagship policy in Russia's efforts to tackle its demographic crisis (see Byford 2012; Molodikova 2017).

¹For the home page of the Ministry, see http://en.mid.ru/en/main_en. Last accessed 31.10.2015.

More recently still, nascent organisations of compatriots in the West have been tactically mobilised in global foreign relations PR campaigns (Byford 2012: 718). They help to comprise an image of a second statehood, which has emerged more recently, that is the image of a 'globalised Russian statehood'. It is generally promoted under the label *russkiy mir* ('the Russian world'), and has been on the rise in circles of Russian officials since the early 2000s, when the Russian Federation began to assert itself more actively on the international stage, politically and economically (Byford 2012: 721–722). Consequently, the law on compatriots underwent significant revisions that came into force on 23 July 2010 (No.179).² It declares Russian citizens living abroad to be *sootechestvenniki* by default (Article 3.1). More importantly, those who do not have Russian citizenship can become 'compatriots' through "a civic or professional activity to preserve the Russian language", or by "developing Russian culture abroad", "supporting compatriot community associations", or "maintaining spiritual and cultural connections with the Russian Federation" (Article 3.2). Hence, a 'compatriot' implies a fusion of 'loyalty' to the Russian Federation as a substitute for citizenship and 'loyalty' to Russian culture as a substitute for ethnicity. Therefore, compatriots can be defined as the state-imagined and state-supported 'diaspora'.

However, the compatriots project has never been solely about supporting Russians in the diaspora; it is also about projecting Russian statehood beyond its borders (Byford 2012: 720). Quite relevant to this is the self-representation of the Russian Federation as a protector of the rights and interests of compatriots abroad, and the claim that it safeguards their interests and will come to their rescue in emergency cases (taking pre-emptive actions, if necessary). These principles are reflected in the Foreign Policy Concept of the Russian Federation.

Apart from the specific concept of compatriots, the Russian state is actively involved in the process of Russian diasporisation through diaspora-building and diaspora engagement worldwide. The main gear of this process is a view of *Russians abroad as ideological resource for the Russian state*. The worldwide network of representative 'compatriot' institutions have been created and funded by specialised Russian governmental structures not only to organise and support Russians outside Russia, but also, and above all, to represent and promote Russia outside it. These associations are intended to be loyal to the Russian state and capable of being mobilised to assist in Russia's foreign affairs in a variety of ways. More generally, they are conceived as ground-level implementers of various programmes promoting Russian language, culture and influence internationally. This type of diaspora policy can be defined as 'cultural diplomacy' or 'outreach', which means the promotion of Russia and its culture outside Russian borders. This project is motivated by a desire for at least some form of state control over the production of Russia's image outside its borders (Byford 2012: 717–733).

Considering the above, it is safe to say that the emigration and diaspora policy is primarily driven by geopolitical interests and concerns as well as by a constant

²From here onwards, a note given in square brackets refers to a list of relevant federal documents enumerated accordingly.

preoccupation about the place of Russia in the world. The pursuit of recognition of Russian political, economic and cultural power seems to be at the core of many policy solutions.

Russians Abroad as a Target of Russian State Support

Another official view driving the policy presumes that Russians outside Russia can become an easy target for discrimination and (ethnic) rights abuse. The Ministry of Foreign Affairs of the Russian Federation declares the *protection of the interests and rights of compatriots abroad* as one of its priorities. Compatriots abroad are offered legal aid that is provided by official intermediaries of the Russian state. The relevant approach understands protection for compatriots to mean returning them to Russia from abroad. *Return policy or the voluntary resettlement of compatriots from abroad* has been oriented more to CIS countries and Baltic states, i.e. the “near abroad”, rather than worldwide. The Programme on the voluntary resettlement of compatriots is seen a priority of contemporary Russia’s emigration (or rather, return policy) rooted in the Soviet legacy. The legislative framework for this policy is a well-known state programme on assistance for the voluntary resettlement of compatriots living abroad to the Russian Federation. It was approved in 2006 by the Decree of the President of the Russian Federation No. 637 and has been amended several times since then. The programme considers Russian compatriots living abroad as a strategic demographic (in view of Russia’s dramatically low fertility rate) and settlement resource that could compensate the aging and decline of the population and develop peripheral regions of Russia socially and economically. The relevant work with compatriots residing abroad in 2015–2017 (formerly version 2012–2014) is governed by the Law of Compatriots (see Molodikova 2017).

In addition to its purely practical background, return policy also has a certain ideological component. It cannot be characterised as pertaining to emigration per se, as it is mainly oriented to the return or repatriation of ethnic Russians who either moved to other Soviet republics at some point or were born there (along with their descendants), and cannot always be defined as emigrants. However, the programme for voluntary resettlement describes their return potential in terms of cultural and spiritual bonds to their historical homeland. Article 1.3 proclaims that compatriots who were brought up according to the traditions of Russian culture, who speak Russian and do not want to lose their connection to Russia, are the most capable of adaptation and a speedy inclusion into a system of positive social relations with the host community in the Russian Federation.

The return of these people is seen as a natural outcome of the dissolution of the USSR and the imagined contemporary hardships that Russians might experience outside Russia, such as ethnic discrimination or a lack of minority rights. An underlying message of this policy is that there are many Russians who have always wanted to go back home, and that the Russian state can help them with this.

Hence, the Russian ‘diaspora’ is conceived as a projection of Russian statehood beyond its borders in international relations (Byford 2012: 716). The overall policy framework concerning Russians abroad covers two main approaches – ideological and demographic. The former presumes the establishment and maintenance of cultural ties with Russians residing worldwide and the promotion of Russian culture all over the world. The latter promotes the voluntary resettlement of compatriots who live in CIS countries or the Baltic states, but are keen to go back to their historical homeland in Russia.

Emigration and Diaspora Policies in Place

The Russian state uses a number of legislative and institutional tools to implement emigration and diaspora policies. In this dyad, diaspora policy that is based on the compatriots project has more significance than emigration policy. By and large, Russia has no emigration policy in the sense of sending people abroad on labour contracts. However, it does provide some solutions that support short-term mobility: educational agreements for the mobility of researchers and students, voting rights, pension laws, tax laws and the repatriation programme.

Diaspora Policies

Russia has developed a branch of special legislation that is oriented towards compatriots abroad, which is selectively referenced in this chapter’s bibliography. A number of existing bureaucratic units and positions are responsible for working with Russians outside Russia, in particular, the president and the government of the Russian Federation. The Ministry of Foreign Affairs and the Department for Work is the ministry that has compatriots abroad under its jurisdiction. Another governmental body that coordinates the work of executive bodies on the implementation of the state policy of the Russian Federation towards compatriots living abroad is the Government Commission on the Affairs of Compatriots Abroad.³

Also, in 2008, the Federal Agency for CIS Affairs, Compatriots Living Abroad and International Humanitarian Cooperation “*Rossotrudnichestvo*” (Russian Collaboration) was established by an order of President Putin. Today, its offices operate in more than 100 countries all over the world. The role of the agency in diaspora-building is significant and visible on the international stage. It “carries out projects aimed at strengthening international relations, in order to further close

³For the resolution of approval by the Commission see <http://www.mid.ru/bdomp/ns-dgpch.nsf/1f19f2b74cd6969ac3257249003e53ae/432569ee00522d3cc3257115003636fd!OpenDocument>. Last accessed 31.10.2015.

cooperation in the humanitarian sphere and the formation of a positive image of Russia abroad”.⁴

The main tool of Russian diaspora policies is implementation of *cultural diplomacy abroad*. *Rossotrudnichestvo* is the main dedicated government agency responsible for building cultural ties with Russian compatriots and popularising the idea of the ‘russkiy mir’ worldwide. Its main activities in this regard include the promotion of Russian culture in the world, the support of compatriots abroad, strengthening the status of the Russian language abroad, and supporting the development of international collaboration in science and education. *Rossotrudnichestvo*’s programmes have been implemented through the platform of the Russian Centres for Science and Culture that operate worldwide. In particular, the Russian language has been taught at 56 Centres in 50 countries, attracting over 19,000 students annually.⁵ The Ministry of Education and Science of the Russian Federation is responsible for providing the Centres with relevant literature. This activity corresponds to implementation of the Federal Target Programme “Russian language”, 2016–2020, which is meant to strengthen the status of the Russian language all over the world. Its focus is the popularisation of the Russian language worldwide and the reinforcement of its status abroad.

The Centres carry out a wide range of activities to further emotional attachment and patriotic loyalty to Russia and its culture, for instance: lectures and seminars on Russian literature and arts, relevant book presentations, theatre performances, youth festivals, international forums, and various Russian government PR campaigns such as Days of Russian Culture, a Day of Russian Science, Year of the Family, Year of the Russian Language, and so on. *Rossotrudnichestvo* also makes efforts to attract and recruit citizens from abroad to study in Russian schools and universities.

One of the ambitious diaspora-building projects of Russia’s international cultural diplomacy is the World Congress of Russian Compatriots living abroad. It has been carried out since 1991 with the supervision and support of the Ministry of Foreign Affairs of the Russian Federation and usually attracts representatives of Russian diasporas from all over the world. The most recent, the fifth Congress, was held on 5–6 November 2015 in Moscow, and convened over 400 participants from 100 countries.⁶ It was dedicated to the 70th anniversary of Russia’s WWII Victory. It also called attention to the voluntary resettlement programme for Russian compatriots from abroad.

Besides government structures, a number of Russian and international organisations that have been established and supported by the Russian government – NGOs, foundations, associations, councils, etc. – work with Russians abroad in close collaboration with the Russian authorities. Their core objectives correspond to the priorities of the state actors in the realm of cultural diaspora-building. The International

⁴For the home page of *Rossotrudnichestvo*, see <http://rs.gov.ru/en/about>. Last accessed 31.10.2015.

⁵For details see *Rossotrudnichestvo* <http://rs.gov.ru/project/8663>. Last accessed 26.10.2015.

⁶For details see http://www.mid.ru/activity/compatriots/forum/-/asset_publisher/QPhCKwsLtu5Z/content/id/1890814 and http://www.mid.ru/activity/compatriots/min/-/asset_publisher/evI8J0c-zYac3/content/id/1569262. Last accessed 31.10.2015.

Council of Russian Compatriots is one of the long-standing associations registered by the Ministry of Justice of the Russian Federation in 2003. It unites 137 Russian compatriot organisations from 52 countries. One of the main aims of the Council is the promotion of integration and the coordination of activities of public associations of compatriots to preserve ethnic and national identity, and the spiritual and cultural heritage of the Russian people, and to spread Russian language and culture abroad. The most active and high-ranking representatives of the Council have been awarded with medals – the honoured government award of the Russian Federation.⁷

Russian state funding for cultural outreach programmes that strategically engage Russia's growing worldwide diasporic communities is now being channelled principally through the Russkiy Mir (Russian World) Foundation. It was established in 2007 as an NGO, by a decree of President Putin.⁸ The Ministry of Foreign Affairs and the Ministry of Education and Science of the Russian Federation function as the founders of the organisation. The foundation is based in Russia and supported from the federal budget. It is responsible for the “reconnection of the Russian diaspora with their homeland through cultural and social programmes, exchanges and relocation assistance”. Its programmes also target “the millions of people worldwide who have chosen the Russian language as their subject of study, those who have developed an appreciation for Russia and its rich cultural heritage”. In order to fulfil this task, the Foundation opened a number of Russian centres and offices all over the world. The Foundation's Russian centres are created with the aim of popularising Russian language and culture as a crucial element of world civilisation, supporting Russian language study programmes abroad, developing cross-culture dialogue and strengthening understanding between cultures and peoples.⁹ The Foundation's Russkiy Mir Cabinet programme is aimed at creating conditions conducive to the study of Russian language as well as increasing the knowledge and understanding of Russian culture and the realities of contemporary Russia.¹⁰

The All-Russia State Television channels are also broadcast internationally. Viewers can access programming online free of charge or pay for access to most of the channels and radio stations. Both public and private Russian media are broadcast abroad. The Department of the State Policy in the Sphere of Mass Media under the Ministry of Communications and Mass Media of the Russian Federation is responsible for supporting and protecting the interests of Russian-language media abroad. It also helps Russian mass media promote a positive image of Russia abroad.¹¹

In 2014, the Government Commission on the Affairs of Compatriots Abroad established the World Russian Press Foundation (WARP Foundation), which was registered as an NGO by the Ministry of Justice of the Russian Federation. The Foundation is targeted at the “development of cooperation with the Russian foreign

⁷For the home page, see <http://www.msrs.ru/about/>. Last accessed 31.10.2015.

⁸For the home page, see <http://russkiymir.ru/en/>. Last accessed 31.10.2015.

⁹For details, see <http://russkiymir.ru/en/rucenter/what-is.php>. Last accessed 31.10.2015.

¹⁰For details, see <http://russkiymir.ru/en/rucenter/what-is2.php>. Last accessed 31.10.2015.

¹¹For details about the work of the Department, see http://minsvyaz.ru/uploaded/files/117_Prikaz_PolozhenieDSMI_1.pdf. Last accessed 31.10.2015.

press, aiming to form an objective image of Russia and widely disseminate information about the social, economic, cultural, and scientific achievements of the peoples of Russia among Russian (Russian-speaking) diaspora abroad through various events in Russia and abroad”.¹²

Policies Relevant for Mobile Citizens

Russia has put in place a number of policies that are relevant for the mobility of Russians, and that support them in their short-term mobility plans.

Mobility of Students and Researchers

The Ministry of Education and Science of the Russian Federation carries out a project on international academic mobility that is aimed at facilitating the modernisation of the educational system in Russia. The implementation of the “International Academic Mobility” project has been carried out in several areas, targeting both the immigration and emigration of researchers. In the case of the outbound mobility, several tools have been developed, such as international agreements for the recognition of academic qualifications¹³; support for Russian citizens who want to pursue their education abroad; incentives to attract leading scientists to Russian universities, research institutions of state academies of sciences and national research centres of the Russian Federation, etc.¹⁴ Another project called “Global Education” under the same Ministry elaborates a number of measures that provide social support to citizens of the Russian Federation who gained entrance to leading universities abroad on their own. The programme develops favourable conditions for these individuals’ return to Russia at the end of their training. It also provides free education to Russian citizens in leading universities abroad. Students who receive scholarships have to work for a Russian company for no less than three years.¹⁵ It is also

¹² For details, see <http://warp.pro/p2.html>. Last accessed 31.10.2015.

¹³ Russian certificates have been recognised in the following countries – Austria, Congo, Iran, China, Belgium, Spain, India, Kazakhstan, Sudan, Syria, Great Britain, the US, Ukraine, Brazil, Germany, Finland, France and Japan. See details <http://www.nic.gov.ru/ru/inworld/confirm>. Last accessed 25.06.2016.

¹⁴ See the Ministry home page <http://xn--80abucjiibhv9a.xn--p1ai/%D0%BF%D1%80%D0%BE%D0%B5%D0%BA%D1%82%D1%8B/%D0%B0%D0%BA%D0%B0%D0%B4%D0%B5%D0%BC%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B0%D1%8F-%D0%BC%D0%BE%D0%B1%D0%B8%D0%BB%D1%8C%D0%BD%D0%BE%D1%81%D1%82%D1%8C>. Last accessed 10.02.2016.

¹⁵ See details <http://xn--80abucjiibhv9a.xn--p1ai/%D0%BF%D1%80%D0%BE%D0%B5%D0%BA%D1%82%D1%8B/%D0%B3%D0%BB%D0%BE%D0%B1%D0%B0%D0%BB%D1%8C%D0%BD%D0%BE%D0%B5-%D0%BE%D0%B1%D1%80%D0%B0%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B5>. Last accessed 26.06.2016.

worth mentioning that Russian students and researchers do not pay fees for a Schengen visa (EU), thanks to a bilateral visa facilitation agreement.

External Voting Rights and Procedures of Voting from Abroad

The current formulation of voting rights is expected to keep the mobile citizen (short-term workers, students, tourists, etc.) electorate active while staying abroad. The Central Election Commission of the Russian Federation¹⁶ and the Ministry of Foreign Affairs are responsible for creation and implementation of this policy. The latter operates as a mediator between the former and the heads of diplomatic missions or consular offices of the Russian Federation on the territory of the host countries in order to organise elections.

According to the Constitution of the Russian Federation (Chapter 2, Article 32), all citizens of the Russian Federation shall have the right to elect and be elected to state bodies of power and local self-government bodies, and also to participate in referenda. The Convention on standards for democratic elections, voting rights and freedoms in the states – meaning members of the Commonwealth of Independent States (Article 2) – also declares that every citizen, upon reaching the age established by the Constitution and laws, has the right to elect and be elected to bodies of state power, bodies of local self-government and other bodies of national representation and elective offices, according to the terms and procedures defined by the Constitution and laws. Federal Law No. 67 (Article 3, Paragraph 4) proclaims that a Russian citizen residing outside the territory, has full voting rights in elections to federal bodies of state power, but also has the full right to participate in referendums of the Russian Federation. In addition, Russian citizens residing abroad permanently or temporarily due to business or tourist trips or for other reasons during the period of preparation and holding of elections to the State Duma, have the right to elect and be elected to the State Duma and to conduct other election activities according to the same procedures as the citizens of the Russian Federation living in the Russian Federation (On the State Duma elections, Federal Law No. 51). Even though the Constitution proclaims the voting rights of Russian citizens living abroad at all levels, the legal texts which describe the procedures in detail only relate to presidential and parliamentary elections. For local and municipal elections, this means the loss of an electorate.

The procedure for the preparation of voter lists by electoral districts commissions is regulated by Articles 15, 16 and 17 of the Federal Law on the Election of Deputies and Articles 16 and 17 of the Federal Law on Basic Guarantees. The list of voters in the electoral district formed outside the territory of the Russian Federation should be compiled by a relevant district election commission, based on the applications of Russian citizens residing outside the territory of Russia or on long-term business trips abroad. Per the Federal Law on the Election of Deputies, Russian citizens can be included in the voter list if they are residing outside the territory of the

¹⁶ For the home page, see <http://cikrf.ru/eng/>. Last accessed 31.10.2015.

Russian Federation, on a long-term business trip abroad, or staying abroad due to private invitations, business and tourist trips. The basis for inclusion in the list of voters who are Russian citizens either residing outside the territory of the Russian Federation or on a long-term business trip abroad is a written application submitted to a district electoral commission no later than a day before elections or an oral request on the day of elections. Citizens of the Russian Federation staying abroad due to private invitations, business and tourist trips are included in the voter list as soon as they come to a district election commission and provide a passport or another document replacing the passport, or an absentee ballot. If these citizens were not able to get an absentee ballot in advance, a district election commission includes them in the voter list at the ballot station on the day of elections. In this case, the local election commission should check the stamps proving the dates of the border-crossing and that the voter was unable to obtain an absentee ballot on those days.

A voter may be included in the voter list at only one ballot station. If the local election commission discovers that a citizen has been added to the voter list at any other stations, it should eliminate this error. The final voter list should be signed by the chairman and secretary and sealed by the district election commission. Diplomatic missions and consular offices of the Russian Federation shall assist citizens of the Russian Federation in the implementation of this Federal Law, other federal laws concerning voting rights in elections to federal bodies of state power and the right to participate in the referendum of the Russian Federation (Federal Law No. 67, 12 June 2002, On Basic Guarantees, Article 3, Paragraph 4). Ballot stations for voters residing outside the territory of the Russian Federation are formed by the heads of diplomatic missions or consular offices of the Russian Federation on the territory of the states where voters stay. Heads of diplomatic missions or consular offices of the Russian Federation should report to the Central Election Commission of the Russian Federation on the formation of ballot stations no later than 40 days before elections or, in exceptional cases – no later than 3 days.

All Russian citizens staying abroad can vote in the receiving country, in person. The place is defined according to the demand of voters. Any Russian citizen living outside the RF has the right to obtain an absentee ballot from the district ballot station located in the foreign state where he or she lives, and use it to vote at a ballot station located in another foreign state.

Citizenship

Regardless of his or her place of birth, a child born abroad is granted citizenship of the Russian Federation, if by the date of her/his birthday both or one of the parents is a citizen of the Russian Federation (On the citizenship of the Russian Federation. Federal Law No. 62, Article 12). Article 62 of the Constitution of the Russian Federation establishes the following rights regarding permission for dual nationality.

1. A citizen of the Russian Federation may have the citizenship of a foreign state (dual citizenship) according to the federal law or an international agreement of the Russian Federation.
2. The possession of a foreign citizenship by a citizen of the Russian Federation shall not derogate her/his rights and freedoms and shall not free her/him from the obligations stipulated by the Russian citizenship, unless otherwise provided for by federal law or an international agreement of the Russian Federation.
3. Foreign nationals and stateless persons in the Russian Federation shall enjoy the rights and bear the obligations of citizens of the Russian Federation, except for cases envisaged by the federal law or an international agreement of the Russian Federation.

A citizen of the Russian Federation who also has another citizenship is considered by the Russian Federation exclusively to be a citizen of the Russian Federation. A Russian citizen's receipt of another citizenship does not entail the termination of the citizenship of the Russian Federation (On the citizenship of the Russian Federation. Federal Law No. 62, Article 6). Russia recognises dual citizenship only for those states that have signed agreements with Russia on dual citizenship. In all other cases, a person is considered to be a citizen only of Russia. The Russian Federation has signed agreements on dual citizenship only with two Central Asian states – Turkmenistan and Tajikistan. If a Russian citizen obtains the citizenship of another state, he/she does not automatically lose the citizenship of the Russian Federation if she/he is not required to expatriate. However, this means that the person has merely acquired a second nationality rather than dual citizenship in the legal sense. When the legal owner of two passports – Russian and one from another state – arrives on the territory of the Russian Federation, the state considers her/him to be a citizen only of the Russian Federation. All in all, holding a second citizenship alongside the Russian one is legal, but means nothing on the territory of the RF.

In June 2014, a new Federal Law No. 142 added significant changes to the Law on the Citizenship of the Russian Federation (No. 62). It imposed administrative responsibility for the concealment of dual citizenship, which means that those who hide this information from the state will be fined or sentenced to forced labour. Accordingly, a Russian citizen who possesses citizenship or a residence permit from another state is now obliged to reveal it and register with the migration service. This initiative does not concern Russian citizens with dual citizenship living abroad. However, if this person is visiting Russia for some reason, he/she has to get registered like any other foreigner.

Another legislative initiative of the Russian government, in particular, of the Ministry of Finance, related to (gendered) citizenship, is still under consideration by the State Duma. It obliges Russian citizens to inform official bodies if they are married to or divorced from foreigners and/or have common natural/adopted children with them. Russians living abroad are to provide these data to the consular office

located in the country of residence. The general electronic registry is to be archived by the Federal Tax Service.¹⁷

Protection of Social and Labour Rights of Compatriots Abroad and Tax Policies

On 1 January 2012, the Foundation for the support and protection of the rights of compatriots living abroad was established as a non-profit organisation, according to the decree of President Putin.¹⁸ The Ministry of Foreign Affairs of the Russian Federation and the Federal Agency *Rossotrudnichestvo* function as the founders of the foundation, on behalf of the Russian Federation. The purpose of the Fund is to assist Russian compatriots with comprehensive legal and other necessary support in cases of abuse of their rights, freedoms and legitimate interests, in accordance with the generally recognised principles and norms of international human rights law.

The Russian Federation has a number of bilateral agreements on double taxation with more than 80 states.¹⁹ Article 23 of the Agreement on the partnership and cooperation establishing a partnership between the Russian Federation and the EU and its Member States guarantees that Russian citizens will be recruited legally, on equal terms with the citizens of the EU states with regard to working conditions, benefits or dismissal.

Russian citizens who are leaving the Russian Federation or emigrating for permanent residence and who are entitled to a retirement pension (part of the labour pension) and/or a pension under state pension requirements (except for social pensions) in accordance with the laws of the Russian Federation have a right to receive their retirement payment while abroad. On the basis of a Russian citizen's written application to the Pension Fund of the Russian Federation, a retirement payment can be transferred from the Russian Federation to the place of her/his permanent residence regardless of their date of departure from the Russian Federation. The document confirming the place of residence of a citizen outside the Russian Federation is issued by a diplomatic mission or consular institution of the Russian Federation or the competent authority (official) of a foreign state. The diplomatic mission or consular office of the Russian Federation also issues a certificate on the date of departure. The Pension Fund of the Russian Federation transfers the payment to the citizen's account in a bank or other financial-credit institution in the foreign state in which she/he resides. The transfer is made in a foreign currency at the exchange rate set by the Central Bank of the Russian Federation on the day of operation (On the approval of the payment of pensions...). All periods of work by

¹⁷ See <http://www.rbc.ru/ratings/economics/02/06/2016/575046979a7947189c5213c0?from=newsfeed>. Last accessed 28.06.2016.

¹⁸ For the home page of the Foundation, see <http://pravfond.ru/?module=pages&action=view&id=6>. Last accessed 31.10.2015.

¹⁹ For the detailed list with links to the particular agreements, see <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=63276>. Last accessed 31.10.2015.

Russian citizens in different countries of the EU can be summarised and transferred to the Russian pension arrangement, according to the Resolution of the Government of the Russian Federation No. 510.

Return Policy

The official bodies responsible for implementation of the programme of resettlement of compatriots *or* return policy include the Ministry of Foreign Affairs, *Rossotrudnichestvo*, and the migration service under the Ministry of the Interior, the Ministry of Labour, and a range of regional governments. The work of the programme is summarised and represented online on the portal *Russkiy vek* ('Russian Century') coordinated by the Ministry of Foreign Affairs.²⁰ As the representative of the Department for work with compatriots at the Ministry of Foreign Affairs has pointed out recently, 58 Russian Federal subjects²¹ currently take part in the programme, and since it was launched, over 280,000 compatriots have already moved to Russia.²² The programme expects compatriots to move to Russia as recruited specialists, business owners, private farmers or students. Resettlement also includes an applicant's family members. They all have the right to government guarantees and social support, depending on the receiving region. The programme claims that it reimburses all relocation expenses and provides daily allowances for settlement and six months of welfare payment in cases of unemployment. Those who do not possess Russian citizenship gain priority to apply for a temporary permit, residence permit and Russian citizenship (see Molodikova 2017).

Conclusions

Contemporary Russia's mobilisation of a diaspora of 'compatriots' has been focused on two historically and politically influenced images of statehood – that of the post-imperial 'ghost of the Soviet Union' and that of the post-modern 'globalised Russian world' (Byford 2012: 733). Russians outside Russia are expected to be connected to their historical homeland, be loyal to it, and to be willing to collaborate with it or even return to it. The mobile transnational life of Russians who are harmoniously attached to different places and developing their activities in several states is not discursively or politically supported. Therefore, Russia does not recognise dual citizenships, and wants mobile citizens who have citizenship or residence permits from other states to be registered in Russia in order to reveal to the Russian state

²⁰ See <http://www.ruvek.ru/?module=pages&action=view&id=13>. Last accessed 31.10.2015.

²¹ Russia consists of 85 so-called federal subjects. See here https://en.wikipedia.org/wiki/Federal_subjects_of_Russia

²² For the interview conducted in 8 July 2015, see http://www.mid.ru/activity/compatriots/min/-/asset_publisher/evI8J0czYac3/content/id/1569262#sel=12:65,12:64. Last accessed 31.10.2015.

their multiple belonging. According to this point of view, once they have emigrated from Russia or identified themselves as Russians abroad, compatriots always feel a spiritual connection with Russia, find themselves homesick, and are potentially ready to return one day. Put somewhat differently, the key loyalty of a compatriot is meant to be with the Russian Federation as a state (Byford 2012: 722). The diaspora and emigration policies of the Russian Federation have been geopolitically specific and orientated worldwide, and more specifically – towards the ‘near abroad’. In both cases, the Russian state is interested in building connections to compatriots, though in different ways.

The first approach presumes that the Russian authorities consider Russians or Russian-speakers living worldwide exclusively as an ideological recourse. The construct of the Russian diaspora has been created by the Russian state and supported financially and organisationally by the Russian government through the agency *Rossotrudnichestvo* and the Foundation *Russkiy Mir*. The general policy framework relates to the establishment and maintenance of cultural ties with Russians residing worldwide, which usually presumes the preservation and development of Russian language, culture and education. Russia introduces itself to the world as a country of “high culture” with unrivalled examples of artistic achievements. The main mechanism of communication with the Russian diaspora is the organisation of various Russia-relevant festivals, meetings, jubilees, competitions, etc. The Russian-speaking diaspora abroad taking part in these cultural events is used by the authorities as an element of the Russian brand, which can bring about some benefits in the realm of international cultural communication. The linking of the Russian diaspora to Russian state institutions is thought to represent Russian emigrants who maintain their loyalty and patriotic feelings to the Russian state by participating in cultural events and attending language schools. Russian emigrants who have dual/multiple citizenship, diverse identities and competences, and who could maintain transnational ties are not of interest to the Russian emigration policy, even though they receive benefits from the Russian state in terms of voting rights and are protected by its pension and taxation laws.

The second approach of the Russian emigration – or rather return – policy defines Russians, their descendants and Russian-speakers living abroad, especially in CIS countries and Baltic states, as a useful demographic and settlement recourse. The Russian state makes efforts to attract those groups back to Russia, even though they are not migrants per se because they were born in various Soviet republics decades ago. The programme on the voluntary resettlement of Russians – former Soviet citizens and their descendants – is aimed at the settlement and development of remote and abandoned Russian territories. The efficiency of the programme has never been systematically examined. However, the Russian authorities prioritise this programme and anchor their hope in it as a demographic and political instrument of development. In addition, through the resettlement programme, the Russian state attempts to fulfil its ambitions as a protector and rescuer for all Russian compatriots who might feel uprooted abroad and want to return to their historical homeland.

In sum, this chapter examined how emigration and diaspora policies in the Russian Federation work on the level of ideology, regulations and institutional

design. Yet, their implementation, influence on civil life and the actual contributions of all actors still require further systematic research.

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Chapter 10

Emigration and Development in Senegal

Sorana Toma and Lama Kabbanji

Introduction

Despite a long history and high levels of international out-migration flows, Senegal does not have a coherent migration policy framework (Fall 2010). Its approach to managing migration is done on a case-by-case basis, often based on urgency and reflecting a lack of coordination between the institutions involved in dealing with migration. Nonetheless, Senegal has been implementing a series of policies, mostly since the 2000s, meant to engage with its diaspora and to manage migration flows.

This chapter examines the development of such initiatives which, following Gamlen (2006) and Weiner's (2017) typologies, can broadly be divided into diaspora policies on the one hand, and emigration policies, on the other. Since the 1960s, Senegal has been adopting a series of emigration policies, which are understood as policies that facilitate or curb mobility (outward or return) across international borders. Until the 2000s, these have mostly been concerned with intra-continental migration, particularly migration within the Economic Community of West African States (ECOWAS) region. After that, Senegalese migration to Europe became the focus of most policies adopted by the government. Senegal signed several bilateral agreements with France, Italy and Spain for a concerted management of migration flows.

The turn of the century also marks the Senegalese state's acknowledgment of the role played by the diaspora members in their home communities. The diaspora has increasingly been regarded as one of the main agents of development for the country. A large symposium, organised in 2001 by the Senegalese Ministry of Foreign

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Affairs and called “a new partnership with the Senegalese living abroad”, brought together different state departments, the Superior Council of the Senegalese Abroad as well as several NGOs and migrant associations around two questions: “What can Senegal do for the Senegalese abroad?” and “What can the Senegalese abroad do for Senegal?” (Ndione and Broekhuis 2006). The main priorities were drafted into an action plan, which was developed in 2006 into the strategic document known as *Lettre de Politique Sectorielle des Sénégalais de l’Exterieur* (LPS). A series of diaspora-building and diaspora engagement initiatives were adopted over the last two decades, mostly with the aim of extracting economic resources from those living abroad.

This chapter starts by examining some of the drivers of emigration and diaspora policies, both domestic (the evolution and destinations of out-migration and remittance flows, the political and public discourse on migration and the diaspora) and international (the increasing importance of migration in Euro-African relations). The development of emigration and diaspora policies, and the institutions responsible for implementing each, are analysed in detail in Sect. ‘Emigration and diaspora policies in place’, while Sect. ‘Conclusions’ offers some conclusions.

Emigration and Diaspora Policy Drivers

The focus and content of the emigration and diaspora policies implemented by Senegal are shaped by both domestic and international factors.

Domestic Drivers

The more recent focus of the Senegalese migration policies on European-bound migration may in part reflect a **shift in the geography of Senegalese international migration flows**. Historically, migration to and from Senegal has mostly been in connection with other African countries (Gerdes 2007). It is mostly from the 1980s onwards that Senegal increasingly became a country of emigration and that flows towards Western destinations took off.

Senegalese international migration has a long and well-documented history, going back to the First World War when many Senegalese served in France as infantrymen (Gerdes 2007). The flows intensified after Senegal’s independence, particularly towards the African countries experiencing economic booms (such as the Ivory Coast, Ghana, Gabon and the two Congos) and to France, where the expanding automobile industry was in need of workers (Diop 2008). Beginning in the 1980s, a diversification of destinations and an intensification of flows towards Europe (and, to some extent, North America) has been documented (Ndione and Broekhuis 2006, Fall 2010). When France closed its borders to labour migration in 1975¹ and the

¹The bill of 5 July 1974 announced the end of immigration and the closing of borders. However, it reformed the policies on family migration, which became the main channel of immigration.

traditional African destinations started to experience economic downturns and promote a “national preference” for native-born workers (*ivoirité, gabonisation*), the Senegalese turned towards new destinations in the North such as Italy, Spain and the United States (Ndione and Broekhuis 2006). At the same time, scholars note the generalisation of migration across different fragments of the Senegalese society, in terms of region of origin, social class, ethnic and religious background and, to some extent, gender (Diop 2008, Fall 2010).

Several data sources illustrate the decreasing share of intra-continental migrations. The survey of Migration between Africa and Europe² documents an increase in absolute levels of migration to Europe accompanied by a decrease in migration to Africa (Schoumaker et al. 2013). Flow data from the national census and other surveys in Senegal estimate that between 1988 and 1992, 58% of international migrations targeted other African countries, whereas only 43% did so between 1997 and 2001 (Mezger Kveder 2012). The economic crisis seems to have put a stop to this trend, at least temporarily, as intra-continental migrations went back up to 46% of all international moves between 2008–2013 (ANSD 2014). Stock data compiled by the World Bank³ estimates that 92% of Senegalese migrants lived in another African country in 1970, whereas only 48% did so in 2013. The difference in migrant stocks between Europe and Africa is likely to grow due to the lower likelihood of European-based Senegalese migrants to return to Senegal (Flahaux, Schoumaker, et al. 2013). European migration thus seems to lead to a longer-term settlement compared to intra-continental migration.

Another trend well-documented in the data which may underlie recent Senegalese policies aimed at engaging the diaspora is the **substantial increase in remittances**, most pronounced from the middle of the 1990s onwards. According to World Bank estimates, monetary remittances sent to Senegal from abroad have increased six fold since 2000, from USD 233 million to USD 1476 million in 2008. The global economic crisis tempered this increase, and after an initial decline in 2009, remittance flows stagnated after 2011 at around USD 1600 million, representing on average 10% of the country’s GDP. Some argue that migrants’ remittances are responsible for a 30% decrease in national poverty rates (Cisse 2011), but this statement is not backed by a robust empirical analysis that allows one to demonstrate causality.

The European Union is by far the number one point of origin for monetary remittances, accounting for 51% of transfers in 2007, according to data from the Central Bank of West African States (BCEAO) (Ndione 2009). According to the same source, the United States accounts for 7% of total remittances, while West African countries account for 8% (down from 12% in 2006). The (apparently) larger economic influence of the Senegalese diaspora based in the global North compared to the African-based diaspora may partly explain the emphasis of most diaspora policies on this group of migrants. As will be discussed in the next section, the beneficiaries of diaspora engagement programmes are mainly the Senegalese living in Europe, suggesting they are perceived as development agents to a much larger extent than their African-based counterparts (Kabbanji 2013a).

²<http://mafeproject.site.ined.fr/en/>

³World Bank, Global Bilateral Migration database

In addition to their high propensity to send remittances back home, Senegalese migrants also stand out due to their membership in associations in destination countries and their **collective investments in their origin communities**. In Europe, they are one of the top immigrant groups in terms of “density” of associations (Lacroix et al. 2008, Ceschi et al. 2014): in Italy, they ranked first in 2005 with around one association for every 682 immigrants, according to Caritas Roma (Navarra and Salis 2011). Most of these associations (and particularly the *associations des ressortissants* or hometown associations) fund collective projects aimed at improving infrastructure and institutions in the origin community, such as building, renovating or supplying schools, medical centers and mosques, and improving the water, road or electricity infrastructure. This collective involvement of migrants in their home communities goes back to the 1970s, but political institutions have only recently acknowledged their role. Since 2000, and particularly since 2005, several initiatives aimed at financially supporting these projects have been implemented, as discussed in the next section.

Public and political discourses on migration converge when it comes to celebrating migrants as agents of development in their country and as local heroes in their communities. International migration has become a central feature of Senegalese identity and the standard model of social advancement. Whether in a village of the Senegal River Valley or in Dakar, the international migrant has emerged as the new figure of economic and social success (Dia 2009, 2010), replacing the state functionary as a symbol of individual achievement. The *modou-modou*,⁴ as they are referred to in colloquial terms, are celebrated in Senegalese pop songs as modern heroes, leading Riccio (2005) to conclude that a reversal of traditional hierarchies has taken place in Senegal. “It is the unskilled and sometimes illiterate who is traveling globally without losing touch with the beloved homeland whereas the white collar or the graduate seems bogged down in what seems a failed path of social mobility” (Riccio 2005, p. 100). Accordingly, young people’s “career planning” is increasingly directed towards the international labour market (Gerdes 2007).

Since the 2000s, the government has also adopted a **discourse that praises migrants as the main agents of development in Senegal**. Migrants and their organisations are considered key actors in the development of their countries: they are expected to share the interests of their communities of origin and to bear a moral responsibility towards them (Kabbanji 2013b), to the extent that they shift that responsibility away from the state itself (De Haas 2010). This moral obligation is reflected in the following interview of a Senegalese official, conducted by Ndione and Broekhuis (2006):

“The migrant has to be preoccupied and responsible for the economic and social environment in the home country and community. Migrants are thus invited to invest in their future and in that of their children through projects. We offer them assistance such as information, training, financial support, etc.” (interview with Papa Birama Thiam, Director of Technical Assistance, by Ndione and Broekhuis (2006)).

⁴A Wolof and Murid international migrant, abbreviation from Mamadou Mamadou

The diaspora policies promoted by the Senegalese government reflect and reinforce a normative discourse with respect to the role of migrants in their countries of origin (Kabbanji 2013a). Migrants' decisions about the use of their money are subject to value judgments, which condemn those who do not send money home and castigate non-productive investments (such as ostentatious consumption on clothing or ceremonies). NGOs involved in development programmes also share this discourse, as reported in this interview:

"Migrants also send money but sometimes it's not used well. Instead of engaging in ostentatious activities (...) it's not worth it, unless they can take part in collective activities that serve the national development. They can for example, start a micro-enterprise or take part in initiatives of microenterprise. They can create community centers that will be useful to the community" (NGO President, Dakar, interview 2012, cited in Kabbanji (2013a, p. 41)).

Concomitantly with praising the diaspora's contribution to national development, the post-2000 political discourse in Senegal condemns unauthorised migration to Europe. State officials are increasingly adopting a discourse that stresses the "unprecedented scale of illegal migration flows" from Senegalese shores (Senegalese Government and French Government pact, 2006: p. 2), conveying images of Senegal in particular – and of Africa in general – being "deserted by its unemployed young people". An active campaign against clandestine migration to Europe emphasising its dangers has been undertaken by most actors dealing with migration issues (public or private) and may serve to legitimise an increasingly interventionist approach.

While European-bound unauthorised flows are discouraged, both at a discursive and a practical, policy level, migration within the ECOWAS and the sub-region is promoted. Several campaigns and projects aim to improve the conditions of freedom of circulation within the sub-region, and intra-regional migration is seen to contribute to the integration of the ECOWAS. Migration within the ECOWAS is thus seen as a right to defend and as a phenomenon which promotes development in the region.

International Factors

Emigration and diaspora policies in Senegal are also influenced by regional and international factors related to the increasing importance given to migration issues in Euro-African relations. The signature of the Cotonou Agreement in 2000 aimed to institutionalise the sharing of responsibility between countries of the ACP and the EU with regard to the fight against illegal migration to Europe (Nunn and Price 2004). Subsequently, African migration became a key issue in European foreign policy. In 2005, the European Union adopted its so-called 'Global Approach to Migration' with many of its 'priority actions' focusing on African and Mediterranean countries. This approach seeks to strengthen the partnership between source, transit, and destination countries in relation to three 'equally important thematic dimensions: the management of legal migration, the prevention and reduction of illegal

migration, and the relation between migration and development' (EUROPA 2008, p. 1). Multilateral initiatives between African and European states multiply, focusing first and foremost on the need for increased cooperation with third countries on matters of security and irregular migration by externalising traditional instruments of migration control towards African countries (border control, combatting illegal migration and human trafficking) (Gabrielli 2007). These initiatives also focus on promoting measures aimed at facilitating the return of asylum seekers and illegal migrants to their origin countries. The link between migration and development is seen as a way to attack the "root causes" of migration – i.e. the lack of development in the home countries.

The impact on African countries can be observed both on the legal and the political level. First, if we take the case of regional African organisations, we can notice a change in their political discourse. For instance, in 2008, ECOWAS (of which Senegal is a founding member) adopted its "Common approach on migration", which acknowledges EU priorities on migration (See Kabbanji (2011) for more details on the reconfiguration of ECOWAS political agenda on migration). Senegal, like other African countries, adapted to the new frameworks of the Europeanised migration policy. The country has increasingly been working with European states in order to manage migration, namely through the signature of bilateral agreements that generally involve three components (although their relative importance varies): (1) the organisation of legal migration (quotas, circulation, visas, labour migration and student mobility); (2) the fight against irregular migration (readmission of nationals in irregular situations; police cooperation on border surveillance, the dismantling of organised clandestine migration networks and the fight against document fraud); and (3) co-development, re-labelled "solidary development", which includes public aid for infrastructure and technical assistance (Panizzon 2008).

A Set of Both Domestic and International Drivers

In sum, the emigration and diaspora policies implemented by Senegal were shaped by a series of both domestic and international drivers. The shift in the focus of Senegal's emigration policies – from intra-continental migration within the ECOWAS region to inter-continental flows, mostly towards Europe – can be related, domestically, to a change in the geography of out-migration flows, as discussed above. Furthermore, this shift may also be driven by changing international dynamics, more specifically the increased importance of migration in Euro-African relations and international conventions such as the Cotonou Agreement (signed in 2000). At the same time, the accelerated rate of adoption of diaspora policies after 2000 may also be shaped, to some extent, by the pronounced increase in remittances from the end of the 1990s onwards, particularly those sent by European-based migrants. However, while the public discourse only started praising migrants as national heroes and main agents of development around the turn of the century, their

investments in their home communities have been substantial and ongoing since the 1960s.

Emigration and Diaspora Policies in Place

Emigration Policies and the Institutions Responsible for Implementing Them

Since 1981, when exit visas were eliminated, the out-migration of citizens (or foreign nationals) from Senegal has mostly been regulated through bilateral and multi-lateral agreements. Furthermore, the right to move and to settle abroad is guaranteed by Article 14 of the Constitution “*Tous les citoyens de la République ont le droit de se déplacer et de s’établir librement aussi bien sur toute l’étendue du territoire national qu’à l’étranger* » (Art. 14, Senegalese Constitution).

Bilateral agreements between Senegal and other African countries regulating labour mobility go back to the 1960s. These include those signed with Mali (13 May 1965, renegotiated 26 July 1966); Mauritania (28 October 1972, replaced by a new convention of 5 December 1987); Gabon (concerning the mobility of Senegalese teachers); and Djibouti (regarding a technical cooperation contract for 40 Senegalese to reinforce teaching and training capacities). Furthermore, inter-cash payment agreements were concluded with Togo, Ivory Coast, Benin and Burkina Faso.

Senegal also signed several policy instruments at the regional level. It signed the ECOWAS treaty in 1975 (adopted in Lagos); subsequently, six protocols were signed by ECOWAS member states between 1979 and 1990, stipulating the right of free circulation, residence and settlement of persons within ECOWAS. Provisions were made in order to protect the rights of migrant workers within the Community, including protecting their investments and their landed properties as well as controls on employers to fight illegal labour. These agreements include conventions on the portability of rights such as social security and medical insurance.

However, the provisions of the various bilateral agreements and conventions ratified by Senegal on the social protection of Senegalese migrants are rarely enforced, which is partly due to the absence of administrative arrangements (Suarez 2012). Since the 2000s, international organisations have stepped in by coordinating several large-scale programmes aimed explicitly at improving the conditions of migration and the rights of migrants within the ECOWAS space. The project “Support and advice to African public authorities responsible for migration and development initiatives along the migratory route to West Africa” (the MeDAO Project),⁵ carried out capacity building activities for the social protection of migrants. In Senegal, it

⁵The project was carried out 2007–2013, funded by the European Union and the Spanish Agency for International Development Cooperation and coordinated by International and Ibero-American Foundation for Public Administration and Public Policies (FIAPP): <http://www.africa-eu-partnership.org/en/success-stories/more-social-protection-migrant-workers-west-africa>

provided support for the Ministry of Senegalese Living Abroad and other state officials to develop a work plan for promoting the ratification and operational implementation of bilateral and multilateral social security agreements. The AMEDIP project “Strengthening African and Middle Eastern Diaspora Policy through South-South Exchange”, carried out by the IOM and ICMPD (International Centre for Migration Policy Development) between 2011 and 2014, had similar objectives.

In 1990, Senegal also ratified the UN Convention on the “Protection of the Rights of all Migrant Workers and Members of their Families”. Furthermore, human trafficking and organised clandestine migration were penalised by the law. Senegal also ratified the Palermo protocols as well as Law No. 02–2005, which seeks to protect victims of trafficking and equivalent practices. This law penalises organised clandestine migration, be it clandestine emigration or clandestine immigration. According to this law, “organised clandestine migration by land, sea and air, as well as document falsification, may be punished with a 5 to 10 year-prison sentence and a 1,000,000 to 5,000,000 FCFA fine”.

Conventions and agreements with France, the former metropole and the traditional European destination of Senegalese migrants, go back a long way. The rights of Senegalese migrant workers in France are protected through a Convention on social security issues that Senegal signed with France on 5 March 1960 (renegotiated 29 March 1974 and through Law No. 75–33 of 3 March 1975). Senegal was among the first African countries to sign a “pact on concerted migration management” with France on 23 September 2006, which was ratified on 25 February 2008. The pact allowed Senegal to add occupations to the shortage list already in place for non-EU countries (Senegal added 18). It also introduced annual recruitment quotas for the various visa types: “a quota capped at 1000 entries per year is reserved for Senegalese citizens hired by French employers in Art. 2 of the covenant-agreement between Senegal and France of 2008” (Panizzon 2008, p. 17).

Senegal signed similar “cooperation agreements on migration” with Spain on 10 October 2006 and 9 November 2007, which are deals that use quotas in order to manage legal flows and which count on the support of Frontex in the fight against clandestine migration. Within the framework of the accord that was signed in November 2007, 2700 Senegalese were admitted into Spain to work on strawberry farms and 2000 in the fishery sector.⁶ These cooperation agreements encourage Spanish employers to actively recruit workers directly in the countries with which the agreement is signed. Several companies (including multinationals such as McDonald’s or Carrefour) have conducted recruitment missions in Senegal since 2007, and have admitted around 4000 Senegalese per year on temporary one-year visas. The accords also stipulate that prospective migrants have to be trained prior to their departure (Panizzon 2008).

Overall, the pact between France and Senegal emphasises training and education, the return of highly skilled migrants and co-development programmes. In contrast, the Senegal-Spain agreement focuses more on cooperation with respect to the

⁶ <http://www.workpermit.com/news/2007-11-12/spain/2700-spanish-work-permits-senegalese-migrants.htm>

surveillance of borders and combating illegal migration (Panizzon 2008). Furthermore, a cooperation agreement was signed between the National Confederation of Workers in Senegal (CNTS) and the Italian Confederation of Workers' Unions (CISL).

Senegal does not dispose of an autonomous structure that is responsible for designing and implementing emigration policies. Several ministries and departments of the government are conducting individual actions relative to their mandates. Ad-hoc committees are also established to solve one-off problems. The Ministry of Internal Affairs has been the governmental structure charged with signing bilateral agreements with countries such as France and Spain. The General Management for National Security is the operational arm of the Ministry, which is responsible for the implementation of the strategy for migration management in Senegal. The Ministry for Youth and Youth Employment is in charge of monitoring the global labour demand among youth (who are considered potential migrants). The Ministry for External Affairs is another important pillar of migration management. It is in charge of dealing with accords and partnerships with other countries and was involved in the negotiation of several agreements with important destination countries for Senegalese migrants. The Ministry of Justice – through its Criminal Affairs Board (DACG) – is involved in the fight against illegal migration, in particular against human trafficking, together with the support of the United Nations Office Against Drugs and Criminality (UNODC). The Ministry of Armed Forces is involved in the FRONTEX operation for surveying the coastline, in collaboration with the Ministry for Internal Affairs. The Ministry of Public Function, Work and Professional Organisations is involved in negotiating the terms of legal migration and the protection of migrant workers' rights (Some 2009).

In January 2008, the *Commission Nationale de Gestion et de Suivi des Offres d'Emploi* (National Committee for the Management and Monitoring of Employment Offers) was created (through the Joint Judgement No. 00896 of 11 January 2008). The Committee brings together the Ministry of Youth and Youth Employment, the Ministry of Internal Affairs, the Ministry of External Affairs, the Ministry of Senegalese Abroad, the Ministry of Employment and the Committee for Coordination of Defense and General Studies. The National Committee was created within the framework of agreements signed by Senegal with several partner countries on legal migration (in particular, following Spain's offer of 2700 jobs for Senegalese workers). According to the joint judgment, the National Committee is in charge of: centralising and circulating job offers; proposing their distribution at the regional level; verifying that the protection of migrant workers' rights is ensured; managing the pre-selection of the candidates; carrying out an inventory of worker profiles; implementing measures for selected workers which relate to raising awareness, information and training before departure; ensuring good implementation of the contracts and the return of migrant workers at the end of their commitment; implementing measures for preventing brain drain and ensuring good coordination between the different ministries on legal migration (Some 2009).

State Diaspora Policy

The state diaspora policy follows three general lines: the monitoring of the diaspora through a census project, the engagement of the diaspora in the economic development of Senegal, and the reintegration of return migrants.

First, the government has been making efforts to put in place a good system for **the management and monitoring** of the Senegalese population living abroad. The Ministry for Senegalese Abroad implemented a *census* project which aims to create a database of Senegalese nationals living abroad. The methodology consists of collecting information following three approaches: voluntary registration on a web site, the use of consular registries and the listing of Senegalese migrants belonging to Senegalese diaspora associations (a database of 741 Senegalese associations around the world is available). Based on this census, the government aims to provide social assistance and repatriation to Senegalese in distress. It also aims to set up a home page with relevant information for Senegalese living abroad.

Second, the government has been actively trying to engage Senegalese living abroad in the **economic development** of Senegal and their origin communities. The highly skilled have been an important target for such programmes. Together with national and international partners, the Senegalese government has implemented several programmes that draw on the expertise of qualified Senegalese who have migrated abroad (Flahaux et al. 2013). The main programmes are TOKTEN (through the Ministry of External Affairs, coordinated by the UNDP), the Initiative of Co-Development, later relabelled PAISD (funded by France and implemented through the Senegalese Directorate of Technical Assistance) and MIDA-Senegal (in partnership with the International Organisation of Migration).

For example, the project Transfer of Knowledge Through Expatriate Nationals (TOKTEN-Senegal) has three objectives: (1) enable Senegal to use national expertise abroad in order to contribute to the economic and social development of the country; (2) develop efficient mechanisms for the mobilisation of skills located abroad; find means for the identification and recruitment of experts, as well as the public, private or civil society funding that is necessary; (3) respond in a flexible and timely manner to the needs of the government by making high-level international expertise available (Fall 2010).

France has also been involved in financing some of the government programmes that aim to economically engage the diaspora, under the label of “solidary development” (or co-development). In 2000, it signed an agreement with Senegal in which it committed to support co-development. Furthermore, another agreement was signed in 2005 between the two countries, which included the implementation of a Priority Solidarity Fund called ‘co-development initiatives’, with a total budget of EUR 4.5 million in 2005 (Kabbanji 2013b). Lastly, a bilateral accord was signed on 21 January 2009 between France and Senegal for the implementation of a “programme to support solidarity initiatives for development” (PAISD), with a budget of EUR 9 million over 3 years.

The co-development initiatives and PAISD programmes have three common components:

(1) support for the promotion of private economic investment projects in Senegal; (2) the mobilisation of scientific and technically-skilled Senegalese diaspora for short assignments in Senegal; and (3) financial and technical support for associations of nationals to set up local infrastructure development in their regions of origin. PAISD is also comprised of another two components: (1) solidarity volunteering for development; and (2) implementation of sector action to help overcome the digital divide (<http://www.codev.gouv.sn>). Furthermore, the agreement signed between Senegal and France in 2006 (and its amendment in 2008) mobilises the Senegalese diaspora more intensely, for example by inviting high-level academics to return to Senegal by offering them shared department chair positions between a French and a Senegalese university; or by creating a visa enabling the circulation of beneficiaries of co-development programmes (Panizzon, 2008).

As can be seen from the stated objectives of the PAISD programme, such initiatives are not only targeting highly-skilled Senegalese experts but are also encouraging the productive investment of any member of the Senegalese diaspora. A large number of programmes aim to support migrants in the creation of small and medium enterprises in their countries of origin while some initiatives are also trying to promote the collective projects of migrant associations. One example of a notable programme among the former is the Fund in Support of Investments by Senegalese Living Abroad (FAISE), a programme implemented by the Ministry of Senegalese Living Abroad, which aims to encourage productive investment and the creation of businesses in migrants' regions of origin. It has two major lines of action: (1) the identification, study and funding of projects and (2) the reinforcement of management skills through professional training and technical support.

Other programmes include similar initiatives, such as the Migration for Development in Africa (MIDA) and its successor, Migrant Women for Development in Africa (WMIDA), as well as the Support Platform for the Private Sector and the Promotion of the Senegalese Diaspora in Italy (*Plateforme d'appui au secteur privé et à la valorisation de la diaspora sénégalaise en Italie* (PLASEPRI) funded by the Italian Cooperation, and the "Remittances and Local Development of Senegal" (REDEL) project funded by the Catalan Fund for Development Cooperation (Kabbanji 2013a, b) for details on the funding of each project). Eligible candidates are legally residing migrants, usually in the country that funds the programme, who have some resources and business experience. Given that the funding of the programmes supported by European countries is much higher, these initiatives disproportionately benefit Senegalese migrants residing in Europe (Kabbanji 2013a). The Housing Bank of Senegal⁷ has also promoted real estate investments by migrants through several actions, mainly concerning collection, monetary transfers and access to credit. The bank proposed property savings accounts for Senegalese living abroad. The implementation of this system relied heavily on Senegalese associations abroad that served as information conduits to the larger diaspora. It also

⁷Banque de l'Habitat du Sénégal

contributed to the development of an international banking system in order to capture migrants' savings.

Third, the Senegalese government has been actively **promoting the return and reintegration** of members of the diaspora, in collaboration with main destination countries. For example, Circular No. 6 of 17 January 1977 with France promotes an operation called "Training Senegalese workers who have emigrated to France in view of their return" (*Journal Officiel*, 1978–10–30, no. 4668, p. 1365). The government has also invested in programmes encouraging migrants' reinsertion in the agricultural sector. For example, the financial compensation of EUR 20 million received from Spain following the 2006–2007 agreements was in principle allocated to the plan REVA: Voluntary Return to Agriculture. The plan, which was criticised by many, aims to create jobs in agriculture and favours returned migrants (ANSD 2009). A similar programme – the Big Agricultural Offensive for Food and Abundance⁸ (GOANA) offers land and agricultural machines to return migrants and prospective emigrants who wish to invest in agriculture.

Last, the Senegalese diaspora also enjoys political representation in Senegal, as all Senegalese nationals living abroad have voting rights. Research showed that a significant share vote in Senegalese elections and that they tend to have a significant weight in determining the outcome both through their votes and through their influence on relatives in the homeland (Ceschi and Mezzetti 2014). Furthermore, to ensure their political representation, Law No. 98–48 from 10 October 1998 stipulates the election of three senators to represent Senegalese living abroad. Recently, the government stipulated that a Member of Parliament elected by the diaspora is to be appointed as third deputy president of the National Assembly, that five Senegalese abroad should be nominated in the Senate and that the Economic and Social Council should include diaspora representatives.

Beginning in the 1980s, Senegal developed a series of state institutions responsible for engaging with its diaspora and implementing diaspora policy. Initially, these institutions were focused on facilitating the reintegration of migrants. In 1983, following agreements with France on the return of Senegalese workers, the position of the Minister in charge of Senegalese living abroad, delegated to the President of the Republic, was created. The Minister was responsible for helping, orienting and coordinating the States' actions in order to facilitate the social and economic reintegration of Senegalese migrants wishing to return to Senegal (Fall 2010). In 1987, with French assistance, Senegal created the *Bureau d'Accueil, d'Orientation et de Suivi* or BAOS (Office for Reception, Orientation and Monitoring) within the Ministry delegated to the President. The BAOS is in charge of giving migrants all relevant information with respect to the conditions of their return and reinsertion, facilitating their reintegration in a different production sector, implementing the policy for the promotion and transfer of migrants' savings, and facilitating the technical and financial implementation of migrants' individual and collective projects (ICMPD and IOM 2010).

⁸ Grande offensive agricole pour la nourriture et l'abondance

The delegated ministry in charge of Senegalese abroad was dismantled and, following a ministerial reorganisation on 2 June 1993, the authority of the Ministry for External Affairs was broadened; the Ministry became the Ministry for External Affairs and Senegalese Living Abroad⁹ until 2003. Since 2003, a specific Ministry has been dedicated to migrants: the Ministry of Senegalese Living Abroad,¹⁰ which changed its name to the Ministry of Senegalese Living Abroad, Arts and Crafts, and Tourism.¹¹ Its objectives are to implement an efficient system for managing and monitoring the Senegalese population living abroad, on the one hand, and on the other, to develop a policy of engaging the diaspora in its development efforts (Fall 2010, p. 20).

The representation of the Senegalese diaspora is also ensured by the creation, in 1995, of a consultation body, the Superior Council of Senegalese living abroad (by Decree No. 95–154 from 9 February 1995). The subsequent Decree No. 4380/MAESE/DSE from 24 April 1997 further detailed the composition, organisation and functioning of the Council, as well as the mode of election of delegates. The functioning of the Council was judged unsatisfactory and a new decree (No. 2010–241) in 2010 attempted to revitalise it.

Furthermore, other institutions that are not primarily responsible for dealing with the diaspora are nonetheless involved in the implementation of diaspora policies. The Ministry of Economy and Finance is also interested in the diaspora and in particular in its participation in the development of the country through monetary remittances. The Ministry of Decentralisation and Local Authorities is the entry point at the local level for national and international actors, in particular for organisations and associations of the diaspora that wish to invest in Senegal.

Conclusions

Adopting the general framework outlined in the introduction of this book, the present chapter documents how Senegal has increasingly adopted both emigration and diaspora policies, which are intimately tied. Whereas the number of the policies and initiatives implemented has increased over the last two decades, their focus has shifted under the influence of several domestic and international drivers.

As discussed in Sect. ‘Emigration and diaspora policies in place’, emigration policies have been adopted by Senegal since the 1960s. Up until the 2000s they mostly concerned intra-continental migration, particularly migration within the ECOWAS region. Several bilateral and multilateral agreements and protocols sought to promote the mobility of citizens between the ECOWAS Member States, but they also contained provisions on the portability of rights, and in particular of social security and medical insurance rights. Since the 2000s, Senegalese migration

⁹Ministère des Affaires Étrangères et des Sénégalais de l'Extérieur

¹⁰Ministère des Sénégalais de l'Extérieur

¹¹Ministère des Sénégalais de l'extérieur, de l'Artisanat et du Tourisme.

to Europe has become the focus of most policies adopted by the government. Senegal signed several bilateral agreements with France, Italy and Spain for a concerted management of migration flows. The main objectives of these agreements are to curb illegal migration, readmit nationals in irregular situations and organise channels of legal migration.

This shift in the focus of emigration policies from intra-African (and particularly West-African) flows to Europe-bound migration is partly related to domestic drivers, such as a shift in the geography of Senegalese migration, characterised by an increasing share of inter-continental migrations. International factors have also played a role, more specifically the fact that since the 2000s, migration from Africa has occupied a more prominent role on the agendas of European policy-makers (marked by the signature of the Cotonou agreement) who are particularly interested in curbing illegal migration from the continent. This further contributed to a change in the focus of the ECOWAS initiatives after 2000, restricting the right of free circulation to a few categories such as liberal professions, tertiary-level students, young professionals and female entrepreneurs, and promoting numerous initiatives to tackle illegal migration within and beyond West Africa (Kabbanji 2011).

The turn of the century also marked the acknowledgment by the Senegalese state of the role played by the diaspora in their home communities. The remarkable increase in remittances sent by the Senegalese living abroad fuelled a new discourse praising migrants as national heroes and as one of the main agents of development of their country. In order to institutionalise this new relationship with the diaspora, Senegal created a plethora of institutions, such as the Superior Council of the Senegalese Abroad (created in 1995 and revived in 2010) and the Ministry of Senegalese Abroad (in 2003).

Diaspora policies have been included as a component of most bilateral agreements signed with European countries. They aim to promote the diaspora's engagement in the economic development of Senegal. In turn, national development should help curb migration, particularly in its illegal form. Overall, the various policies and bilateral agreements with European states aim to tightly control legal flows to Europe and to stop undocumented flows, while also tapping the economic development potential of the European-based diaspora. This policy approach of European-bound flows contrasts strongly with the government's approach of promoting intra-continental flows, and particularly flows within the ECOWAS. Until recently, migration within the sub-region was encouraged and freedom of circulation and settlement has long been recognised (though not well implemented). Development is not seen to lead to less migration; on the contrary, intra-regional migration should contribute to the development of the ECOWAS member states. However, the African-based Senegalese diaspora is not perceived as having the same role in the development of their origin country as diasporas in Europe or the US and is therefore not the object of targeted diaspora policies.

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Chapter 11

Overseas Koreans and Dedicated Diaspora and Emigration Policies

Ijin Hong

Introduction

All countries are countries of immigration and emigration, and Korea is no exception. Partly due to the troubles of the past century, the Korean peninsula has had a long history of emigration, with overseas Koreans being one of the biggest migrant communities in the world today. Although some studies on Korean migration do exist, they tend to describe the overseas activities of migrants and independence fighters rather than framing the discourse in a way that fits well with migration studies (Yuh 2005). Also, whenever the conditions of returning migrants in South Korea have been investigated, the approach taken tends to be one of citizenship rights (Hong and Atteraya 2013; Bauböck and Guiraudon 2009), although this may apply less to short-term stayers. With communication and transportation improvements, emigration in the twenty-first century is characterised by heightened mobility, meaning that states may be willing to facilitate the movement of their citizens, as well as to try to foster political, social and economic links with emigrants and their descendants residing abroad. While the former approach refers to emigration policies, the second is more of a diaspora policies approach (Unterreiner and Weiner 2014; also see the first chapter of this volume).

This chapter focuses on the situation of Korean emigrants, the drivers behind their mobility, and the policies that the state (with a focus on the South Korean government) is taking to ensure their mobility and protection. The demographic picture of overseas Koreans “reveals the cartographic traces of colonialism, World War II, the Korean War and the Cold War. Koreans in Japan in particular are marked as reminders of Japan’s colonial rule of Korea and the ensuing wars that shaped the global Korean diaspora” (Ryang and Lie 2009).

The acts and subordinate statutes that define the legal and political notion of “overseas Koreans” include the Act on the Immigration and Legal Status of Overseas

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Koreans, the Overseas Korea Foundation Act, the Korea Foundation for International Healthcare Act, and Foreign Exchange Transactions Regulations.

Although nationals of the Republic of Korea are usually covered by these acts, in some cases they also include ethnic Koreans with foreign nationalities who have long been residing abroad. The Act on the Immigration and Legal Status of Overseas Koreans defines overseas Koreans as follows: (1) nationals of the Republic of Korea who have obtained permanent residency in a foreign country or are residing in a foreign country with a view to living permanently there; and (2) persons who used to be citizens of the Republic of Korea but lost their citizenship and have obtained the nationality of a foreign country (due to naturalisation, for instance), including Koreans who had emigrated abroad before the Government of the Republic of Korea was established and their lineal descendants.

Emigration and Diaspora Policy Drivers

Emigration Drivers

The Korean peninsula has been divided along the 38th parallel since the end of the Korean war in 1953 into the communist dictatorial regime in the north, and the capitalistic presidential government in the south. Before that, Korea had been one political entity. Accordingly, when we describe emigration and diasporas, Korean communities abroad originate from both the North and South, and they originally were a labour diaspora (Choi 2003). Overseas Koreans are one of the biggest emigrant communities in the world. According to a study conducted by the Overseas Korean Foundation, as of 2011 there were over 7.26 million Koreans residing in 175 countries (Overseas Koreans Foundation 2011). For the purposes of the analysis in this chapter, closer attention is paid to the South Korean case.

Due to the troubled history of the Korean peninsula, which suffered poverty, Japanese colonisation, a division along the 38th parallel, as well as rapid economic growth and globalisation, South Korea has experienced a rapid transition from its status as a migration-sending country up until the end of the 1980s, to one of an immigration country after the 1980s, when economic growth triggered return migration and inflows of foreign workers (Oh et al. 2011).

Turbulent times and famine affected the reign of Chosun between the end of the 19th and the beginning of the twentieth century, more or less in concomitance with the beginning of Japanese influence, followed by colonisation. These circumstances forced several Korean farmers to emigrate and look for arable land in China or Russia, while many others moved to Hawaii in the US as migrant labourers. The division and militarisation of the peninsula in the aftermath of the Korean war (1950–53) also represented important push factors for refugee migration, along with labour migration (encouraged in 1963 by president Park Chung Hee's Emigration Act), intermarriage between Korean women and American soldiers, and the international adoption of unwanted Korean-born children (Yoon 2006; Yuh

2005; Kwak 2011). International adoptions were formally supported as a policy strategy to deal with children born out of wedlock, something that was socially stigmatised up until recent times.

During the military dictatorship under the years of rule of President Chung-hee Park (1961–1979), free movement was discouraged to keep the national currency within national boundaries, and due to political sensitivity about the division with the North. This all changed, however, in 1981, with the new measures for issuing passports and allowing free movement. The changes were particularly significant in 1988 when the Olympic games were hosted by South Korea, a benchmark for the country's political and economic development). As a result, previous restrictions on free movement (limiting amounts of currency in possession, requiring permission for traveling) were gradually lifted; by 1989 South Koreans were able to travel without restrictions (Oh et al. 2011).

Later on, the Asian crisis of 1997 forced many out of the country, subsequently boosting the relocation of several bankrupt Koreans to other countries such as the Philippines. A more recent trigger for emigration is the increasing unemployment rates for the young, who consider leaving the country in search of better opportunities.

Korean Diasporas Around the World

Depending on where they reside, Korean emigrants are labelled and identified in different ways.

Overseas Koreans are generally called *Kyopos*, especially when they are based in the US, Europe, or Japan (they are variously named “American Kyopos”, “German Kyopos”, “Japanese Kyopos”, and so forth). Emigrants in Europe have a fairly recent history, since they started to arrive as guest-workers or students only in the 1960s. Korean migration to Germany was encouraged after World War II when workers for difficult jobs such as mining and nursing were needed. Bilateral agreements between South Korea and Germany, signed in 1973, let Koreans emigrate to Germany as temporary guest workers, sending remittances to their motherland. This collaboration also developed in terms of diplomatic and economic relations between the two countries, as Germany also lent money to Korea at that time.

The origins of American Kyopos date back to the beginning of the twentieth century. As early as 1903, Korean workers first came to the sugar plantations in Hawaii, as a result of connections with American missionaries in South Korea. Inflows of Korean workers continued over the century. Korean male workers were employed in sugar factories in Hawaii and became active as political dissidents against the Japanese colonial domination (Choi 2002). At the time of the Korean War (1950–53), intermarriages with American soldiers prompted thousands of Korean women to emigrate to the US. These trends reached their peak in the 1970s and 1980s, when more than 4000 Koreans arrived annually due to mixed marriages and chain migration. As for the adoption of Korean children, it has been estimated

that since 1955, 200,000 Korean children left the country (Yuh 2005). Today, the Korean diaspora in the US is mainly concentrated in Hawaii and California, and tends to position itself in the middle to lower classes in American society (Yoon 2006).

Japanese Kyopos (also named *zainichi* Koreans in Japan) also have a long history in the country; their numbers began to increase substantially during the colonisation of the Korean peninsula (1905–1945). Emigrants were either impoverished farmers or labourers looking for employment, but between 1939 and 1945 they were serving in the Sino-Japanese war as conscripted soldiers, miners and ‘comfort women’ for the Japanese military (Yoon 2006). Korean migrants continued to arrive in Japan and to reside especially in the southern part of Japan, where most were from Jeju island, in the southern part of South Korea – a situation that continues to create a divide between Japanised Koreans who have been residing in Japan for generations, and newcomers, who are more connected to Korea in terms of language and culture. Japanese Kyopos live, de facto, as a ghetto community, organising their own schools and activities. It has not been easy for them to obtain Japanese naturalisation, due to the Japanese government’s segregationist and ethno-national citizenship policy (Kashiwazaki 2009). Among those who arrived in Japan prior to the division of the peninsula, some were from the North; however, since the two Koreas were separated in 1953, the Japanese government has only recognised the Republic of Korea in the South, in 1965, the year in which official diplomatic relations between the two countries started. This means that the North Koreans who had opted for no citizenship instead of becoming South Koreans prior to the division represent a stateless minority residing in Japan (Ryang and Lie 2009). In the 1960s, Koreans in Japan were relegated to doing manual work and working in the black market. However their businesses have diversified through time and today they own numerous slot machine businesses and Korean restaurants (Yoon 2006).

Diasporas in the former Soviet Union are known as *Koryos*. The history of Korean migration to the former Soviet Union dates back to 1863, when poor peasants moved to Siberia in search of arable lands. Geographic proximity also fostered the development of relations between Russia and the then-Chosun state. After the Russo-Japanese war, Koreans in Russia, who were believed to be involved in espionage for the Japanese government, were deported en masse to Central Asia – to Uzbekistan, Kazakhstan, Kyrgyzstan and Ukraine, with the unfulfilled promise of receiving some compensation (Yoon 2006). These Russian-speaking Koreans are mostly from North Korea (Ki 2002). Compared to other overseas Koreans, they present higher levels of cultural and linguistic assimilation, due to the strong pressures of Russification. (Yoon 2006).

Chinese Koreans residing in China, from North Korea, are called *Chosuns*, probably because they began arriving in China during the Chosun era. Korean migration to China dates back to the 1860s, when poor farmers arrived looking for arable land to cultivate rice. Koreans in Manchuria backed the communists during the civil war between the Communists and Nationalists (1945–49), in which Mao Zhe Tung prevailed. As a reward, communist China allowed them to continue living in their own autonomous region (soon after renamed a ‘prefecture’) and to keep

their own language and customs (Yoon 2006). The Korean community in China is vast and densely populated, especially near the border with North Korea. Most of the population lives in ghettos comprised of descendants of Korean emigrants. These individuals have Chinese citizenship but attend their own schools and religious services in Korean.

Latin and South America have also been popular destinations for emigration since end of the Vietnam War, probably as a result of Park Chung Hee's Emigration Act of 1963, which pushed Koreans to increase foreign exchange earnings for the country. It has been estimated that to date there are around 50,000 Koreans living in Brazil (Yuh 2005).

After the Vietnam War, Koreans began to access Canada, Australia and New Zealand, which have also recently become immigration countries for Koreans pursuing educational objectives abroad (Lee 2009). Emigration to Canada has been described as being incentivised by Canadian missionaries who have been present in the Korean peninsula since 1888. Early emigration to Canada before the 1960s therefore mostly involved church ministers, medical students, and scholars, followed by subsequent migratory inflows of more diversified types of emigrants (Yoon 2006).

Generally speaking, recent trends of Korean emigration waves have evolved over time, with each decade presenting its own set of circumstances.

In the 1970s, Korean emigrants escaped poverty and went to West Germany, the US, Australia, and Central Asian countries to work as menial labourers.

In the 1980s, Koreans performed specialised jobs abroad. This was facilitated by President Chun's liberalisation of migration movements following the hosting of the Olympic Games in 1988.

In the 1990s, emigration focused on specialised work and investment abroad.

In the 2000s, families split for educational purposes, with fathers working in South Korea, and mothers bringing children to study in prestigious educational facilities in the US and other Anglo-Saxon countries. Because the Republic of Korea is now affluent, it is also now common to see return migration (especially of Chosuns and Koryos). The South Korean government issues special visa permits to allow facilitated residence and employment for overseas Koreans.

According to available statistics, South Korean emigrants predominantly left for the US. However, this trend has been waning in the recent years, due to a considerable improvement in living standards in Korea. Figure 11.1 below shows a recent time series of emigration trends between 1984 and 2012. Putting aside the generally declining trend of emigration to the US, it appears that historically important moments (the opening up of the borders in 1989, the economic crisis at the end of the 1990s, and the economic changes following 2008) were followed by increased flows first to New Zealand, and later to Canada.

According to a recent assessment of overseas Koreans abroad, more than seven million ethnic Koreans reside abroad, of whom more than half are based in Asia, and slightly more than one third in the Americas. While migration flows to the US seem to be declining based on projections, migration to China is seemingly catching up over the same period. Overall, migration to China has increased 15.76% in 2011

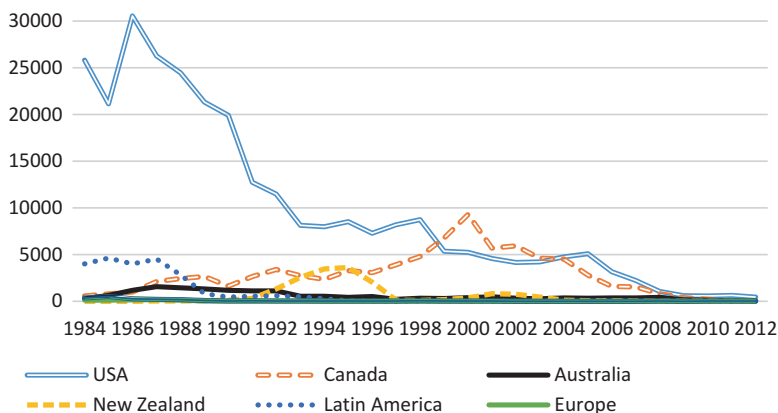


Fig. 11.1 Emigration trends for South Koreans in different geographical regions, 1984–2012, Ministry of Foreign Affairs

compared to 2009. Unfortunately, there are no specifications about whether these residents abroad are long or short-term stayers, or, generally speaking, how mobile this international community of overseas Koreans is. It seems that there has always been a certain degree of movement of Chosun in China and Koryo people in the former Soviet Union, in search of better opportunities. However, with improvements in technology and transportation, these movements have become even more fluid, giving rise to the permanent or temporary return of migrants, i.e. circular migration patterns (Newland 2007) of ethnic Koreans with foreign nationalities (Hong and Atteraya 2013).

Development of Policy Drivers

According to the previously described historical turnarounds, it is evident that emigration and the diaspora were strongly motivated by economic factors. Policy developments on these matters tended to follow suit in a slower fashion, due to the lack of autonomous and independent governments on the Korean peninsula. If we limit the discourse to the Republic of Korea, which was consolidated at the end of the Korean War (1953), it is possible to state that drivers of emigration and diaspora policies have changed considerably, depending on successive developments at the domestic and international levels.

Up to the 1980s, when South Korea was still a developing economy, the main *domestic* drivers of emigration policy consisted of facilitated migratory outflows of workers in surplus, according to regulations established by the Emigration Law of 1962 (Oh et al. 2011). Following the 1980s, on the other hand, when the country was experiencing a full economic boom, many overseas Koreans returned and emigration outflows concomitantly waned.

International factors are perhaps better suited to explaining emigration and diaspora trends during the past few decades in South Korea. The amendment of the Immigration Act in the USA (1965), which allowed bigger inflows of immigrants from Asia, was one of the triggers of Korean emigration towards better opportunities abroad. Another important driver of Korean emigration and return migration was the establishment of diplomatic relations with communist countries, especially with China, Russia and Vietnam (Oh et al. 2011). Since its establishment, the Republic of Korea has been focusing on national security rather than on the economy, under the influence of the United States. However, with the commencement of diplomatic and commercial relations with these countries, overseas Koreans have been returning to their homeland, prompting the government to give them preferential treatment over other foreigners through the Overseas Koreans Act (1997).

These concerns also prompted discussions on the political rights of overseas Koreans through the 2000s, which resulted in the amendment of the 'Public Offices Election Law' in 2009, which now allows overseas Koreans to vote in presidential elections and for voting members of the National Assembly (Oh et al. 2011).

Current Emigration and Diaspora Policies

Generally speaking, South Koreans enjoy a high level of mobility and at least nominal recognition of their identity whenever they retain their citizenship, and sometimes this applies also to those who switched to a foreign nationality. This is somewhat indicative of the strong political and cultural ties of overseas Koreans with their country of origin (Gamlen 2008), and of how citizenship identity in Korea is determined not by only by nationality, but also by ethnicity (Hong 2015).

Emigration Policy

As already described above, emigration from South Korea was enormously facilitated when the travel bans enforced during the years of President Chung-hee Park's dictatorship (1961–1979) were lifted during the 1980s. In recent years, the South Korean government issued an affordable biometric passport, and Russia has lifted the visa requirement for Koreans, facilitating their travels into Russian territory. As a result, South Korean passport holders now have visa-free travelling ability that is among the highest in the world, whereas the ban on mobility still applies to North Koreans.

The Korean state does apply specific regulations and help for overseas Koreans who wish to return to their homeland. For example, the state does not provide incentives for overseas Koreans in the former Soviet Union or China to return to Korea, but it facilitates their employment through the temporary works visa system which targets overseas Koreans (the H2 visa) (Seol 2012). The Office for Immigration

of the Republic of Korea is the main institution responsible for the creation and implementation of these regulations.

Bilateral and multilateral agreements on the readmission (or forced returns) of emigrants not been contemplated in Korea, although due to the situation with North Korea, one such accord exists between China and the Democratic Republic of Korea, whereby North Koreans who are caught in China after fleeing their own country are repatriated by the Chinese authorities. The Chinese police and government and the North Korean government and its military concentration camp staff are the main institutions in charge in these cases.

Bilateral agreements to guarantee the right to possess land and real estate properties, as well as agreements on avoidance of double taxation, do exist with a number of countries. Similar agreements on the portability of social rights have been stipulated between the Republic of Korea and several countries.

Pre-departure orientation training is easily made available through agencies in the private sector which specialise, for example, in the administrative preparation of formal documentation necessary for Koreans who are preparing to study abroad. Mechanisms of recognition of diplomas, professional qualifications, and other skills (e.g. driver's licenses) are usually in place, but they depend on bilateral and international agreements.

Institutions supporting the integration of Koreans residing abroad exist in a number of states. For example, the US has counselling centres that are only for Koreans, and Japanese Kyopos have long organised themselves through the Chongryun and Mindan support activities in Japan.

Diaspora Policy

Korean diasporas are encouraged to maintain the links to their home country.

They can receive special IDs and visas to promote enhanced mobility to Korea. In legal terms, the special treatment also covers other areas: for example, Koreans in Japan retain Korean citizenship, but they are not obliged to comply with military conscription in South Korea. For ethnic Koreans who were born and raised abroad, and who hold a foreign nationality passport, residence and settlement in South Korea can be facilitated either through the 'Visit and Employment Programme' (H2 visa), which allows especially low-skilled workers with no family bonds in their land of origin to reside and work over the short term; or through the F4 visa, which allows foreign nationals with Korean family in their motherland to reside and work in the country with relative ease.

The South Korean nationality legislation places a higher importance on *ius sanguinis* than on *ius soli*. Being born in the South Korean territory alone is no guarantee of obtaining citizenship if both parents are of foreign nationality. On the other hand, second generation migrant Koreans are generally granted South Korean nationality, provided that their parents did not give up their Korean citizenship. Under the Constitution, North Korean refugees are provided with South Korean

nationality, under the conditions that they are North Korean nationals and have not committed a crime. Korean nationals living abroad who have retained their South Korean citizenship do have the right to vote through the embassy in presidential elections, but only under the condition that they are legally residing in a foreign country (Public Offices Elections Law of 2009). Considerable effort is made both at the central and local government levels to record population statistics on residents abroad and in South Korea (Oh et al. 2011).

The teaching of Korean and Korean culture abroad is usually carried out by Korean diasporas abroad, as in the cases of the Chosuns in China and Zainichi Koreans in Japan. At the institutional level, the South Korean government has promoted the King Sejong Institutes, which are sponsored by the Ministry of Sport and Tourism. These are akin to similar cultural institutes that promote a country's culture, such as the Goethe-Institut for Germany. At present, a total of 23 Korean institutes exist in Europe: four in Russia (one in Moscow), three in Germany (Berlin, Bonn, Tübingen), two in Spain (Las Palmas in the Canary Islands and Madrid), two in London, one in Lisbon, one in Minsk, one in Venice, two in Belgium (one in Brussels), one in Sofia, one in Paris, two in Poland (Poznan, Warsaw), one in Prague and one in Hungary. The institutes provide a general service addressing all foreign nationals interested in Korean culture, but not Korean communities abroad. The organisation and implementation of educational facilities for Korean diasporas abroad are mainly the result of initiatives that start at the community level.

Overseas, Korean nationals are also eligible for protection from the South Korean state (for instance, emergency rescue activities). Even those with a foreign nationality are entitled to receive veterans' benefits under the "Act on the Honourable Treatment and Support of Persons, etc. of Distinguished Services to the State" or the "Act on the Honourable Treatment of Persons of Distinguished Services to Independence".

Aside from diplomatic missions and relevant ministries and offices, legal counsellors are available in four embassies (in the US, Japan, China, Geneva. Korean women's and family counselling centres are also present in the US.

Institutions in Charge

The main institution in charge of migrant Koreans is the Division for Overseas Koreans at the Ministry of Foreign Affairs. This refers to all overseas Koreans who are regularly documented on the Ministry's official listing of Koreans residing abroad. Activities of the Ministry to benefit overseas Koreans include visa management, bilateral agreements for the recognition of driving licenses, passport issues, etc.

Diaspora-related policies are constantly monitored and discussed by the Overseas Korean Policy Committee, which is affiliated the central government. Members of the committee (usually Vice Ministers) come from the Ministry of Justice, the Ministry of Strategy and Finance, the Ministry of Education, Science and

Technology, the Ministry of Foreign Affairs and Trade, the Ministry of Public Administration and Security, the Ministry of Culture, Sports and Tourism, the Ministry of Employment and Labour and the Ministry of Unification (Oh et al. 2011).

Additional institutional organisations include the Overseas Korea Foundation and the Korea Foundation for International Healthcare, which have been established pursuant to the acts and subordinate statutes for the protection and support of overseas Koreans, but whose activities are not very tightly coordinated.

Engagement of Non-state Actors

Cultural identity, a sense of Korean history, and the teaching of Korean among the diaspora abroad is kept alive through self-organisation at the community level. In particular, schools for compulsory education are often put together, financed, and administered by the migrant communities themselves, especially in China and Japan, where the ghettoisation of minorities is stronger. Emigration flows to European countries mostly started in the 1960s, motivated by the search for better opportunities. Due to the more independent nature of this second wave of migrants, it has been argued that the sense of community and the will to preserve collective identities has been less strong there (Yoon 2012).

Migrant platforms for exchanging information are available on internet websites of *ad hoc* associations and foundations. One example is the Overseas Korean Foundation network, established in 1997 from the Overseas Koreans' Committee under the Ministry of Foreign Affairs. This organisation, based in Seoul, South Korea, aims to build a platform of support, exchange and cooperation between overseas Koreans and their home country. To this end, it favours visits of overseas Koreans to their homeland, the promotion of research, the construction of a network of talented Kyopos and the promotion of Korean language and culture for overseas Koreans and their descendants.

As for NGOs, private actors (e.g. businesses), associations, trade unions, churches, and other non-governmental actors, there seems to be considerable activity, though generally on a small scale. According to the Ministry of Foreign Affairs (2012), there are, at the moment, almost 3000 economic, political, social and cultural Korean associations abroad operating in various countries. The most numerous and active can be found in the United States (mostly culture and welfare-related residential and religious associations), Japan (predominantly associations that are based in the district where Koreans tend to reside), and China (mostly organisations concerned with educational facilities for teaching Korean language and culture). The services these organisations offer tend to be related to learning Korean and to cultural and religious events, although there is a considerable diversity among them depending on the size of the community, and its geographic collocation. It can be said that the existence of these activities locally makes up for a lack of government assistance from the country of origin.

In Japan, two main organisations have been active since the 1950s: the pro-north Chongryun organisation (established in 1955), which founded Korean schools that are not entitled to issue academic certificates and degrees (at its peak, there were 150 chongryun schools), and the pro-south Mindan expatriate organisation. Chongryun local offices are now facing the risk of closure due to low membership, bank foreclosures, the inability to pay rent and taxes, and tightened controls by the Japanese authorities (Ryang Lie 2009). Both organisations have been active in the promotion of human rights for the Korean ghettos in Japan. A few examples are given by the Zainichi *chosenjin no jinken o mamoru kai* (Association for Protection of the Human Rights of Zainichi Koreans), the Chongryun *Doho horitsu seikatsu senta* (Consultation Centre for Law and the Everyday Life of Compatriots), established in Tokyo in 1997, providing legal advice on visas, pensions, taxes and inheritance to both newcomers and long-standing Korean residents; the Mindan International Cooperation Centre in Kanagawa (established in 1999), addressing both foreign and Japanese residents; and the Network of Japanese, Korean, and Foreign Residents in Japan to Realise the Suffrage of Long-Term Foreign Residents in Local Politics (Kashiwazaki 2009).

Conclusions

Emigration and diaspora in South Korea are complex to describe, not least due to the historical developments of the Korean peninsula in recent decades and the relatively short experience of the Republic of Korea as a government. From the 1960s to present times, South Koreans have gone from strict travel bans to broad travel access to visa-free circulation in the world. Although this heightened mobility has increased travelling opportunities over the short term for students pursuing education abroad, business people and other mobile citizens, earlier emigration trends in the past have resulted in settled Korean diasporas in the world, and especially in Japan, China, the US, and former Soviet Union countries.

The South Korean government has just recently started to regulate emigrants' mobility by facilitating visa regulations for return immigrants and allowing voting rights for overseas residents who have retained citizenship. Overall, mobile citizens are ensured considerable freedom of movement. The government guarantees preferential routes of resettlement in Korea to overseas Koreans who are Korean passport holders (such as Japanese Kyopos) and to foreign nationals with Korean ethnicity, either with family ties on Korean soil (who qualify for the F-4 visa) or without these connections (H2-visa holders), in this order. Clearly, ethnic Koreans enjoy considerable opportunities for resettlement in their motherland, especially if compared to other guest workers from Southeast Asia, who qualify for a working visa for the short term (E9 visa) but have more restricted working conditions (for example, lack of mobility across companies, which makes them excessively reliant on their employers). Generally speaking, the South Korean state recognises overseas Koreans in terms of ethnic and cultural identity, but does not support them in

material terms. Instead, it offers them an institutional frame within which they can build their identities and go on with their own, mostly entrepreneurial, activities overseas.

With all these internationalised overseas communities in the world, most of whom are still fluent in the Korean language, the Republic of Korea has a formidable pool of people who might contribute to shaping its economy and society in many ways. However, the way in which ‘Koreanness’ and ‘multiculturalism’ are conceptualised in the public discourse in the southern end of the peninsula is still very restrictive; little space is left for the contributions of fellow expatriates. In a way, the public discourse and the self-understanding of the Korean state in the international arena is still very limited. And while emigration policies are in place, not much has been done yet to reach out to Korean diasporas around the world (Mylonas 2013). Hopefully in future years, more opportunities for collaborations and a bolder self-construction of national identity in the South and the North will allow a more internationally conscious approach when devising policies for the circular migration of overseas Koreans. The peninsula is also potentially affected by the internal circular migration that is likely to happen if the two Koreas eventually become united. That, though, would be another story.

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Chapter 12

Living in the Past, Leaving in the Present. Emigration and Diaspora Policies in Spain

Francesco Pasetti

Introduction

Emigration has long characterised the history of modern and contemporary Spain: from the mid-1800s when Spaniards left the country for Latin America, to the early 2000s, when economic twists and turns brought about new outflows, calling into question Spain's "reputation" as an immigration country (Sanchez Alonso 2010, 2011). The period from 1936 to 1975 is particularly remarkable – that is, from the start of the Civil War to the end of the Franco's dictatorship. Those years witnessed a large exodus of people, most of whom were political refugees and economic migrants fleeing persecution and harsh economic conditions. The outflows of Spaniards continued until the first half of the 1970s, first following the colonial route to Latin American countries and then beginning in the 1960s, favouring European destinations such as France, Germany, Belgium and Switzerland. Later, Spain's economic growth and the transition to democracy slowed outflows while making room for returning migrants. Thereafter, Spain's net migration rate grew steadily: gradually in the 1980s, and rapidly after the mid-1990s, fuelled by the arrival of people coming from non-EU countries.

Policymakers' activities in the area of migration have focused mainly on these latest trends. At the time that the first state democratic legislature came into being, emigration was no longer a crucial issue on the political agenda. And in the decades that followed, governments were instead dealing with a country that was converting itself into one of the top immigration countries.

Accordingly, the scholarship has paid much more attention to the issue of immigration and immigration policies than to emigration and related policy measures. It is only in recent years that scholars, impelled by the social transformations that came along with the financial crisis, have begun to look at emigration matters and

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the response from Spanish legislators (see, for instance, Herrera Ceballos 2014; Domingo and Blanes 2015).

The present chapter follows this line of inquiry by investigating emigration and diaspora policies. On the one hand it takes stock of the policy measures and the institutional framework targeting Spanish emigrants and diaspora communities, and on the other it tries to capture institutional evolution, addressing its underlying drivers. To meet these aims, different methods of analysis are employed (a policy analysis of legal texts and a content analysis of media outputs), and different sources of data are relied upon (primary and secondary). The lens of analysis is centred on the group of emigrants composed of people who were born in Spain and hold a Spanish passport.¹

As the following pages illustrate, Spain has a variegated and detailed policy framework addressing emigration and diaspora. Over time, the Spanish policymaker has remained faithful to a traditional approach which is built on the idea of *Hispanidad* (“Spanishness”), and privileges diaspora interests over those of mobile citizens. This is a kind of legislative approach which is rooted in Spain’s relations with its colonies, but which seems to be called into question by the dynamics of the twenty-first century.

This chapter is structured in the following way. It begins by offering a general overview of the current framework of diaspora and emigration policies in force in Spain, pinpointing differences and similarities of treatment between long-term emigrants, mobile citizens and descendants living abroad. The third section looks at the drivers underlying this policy framework. Demographic, political, and historical factors are then sifted through in order to try to identify which have more relevance, and which have less or no relevance, in the Spanish context. Finally, some concluding remarks are provided concerning the overall approach that policymakers have undertaken to deal with emigrants and diaspora, in the light of the challenges brought about by recent economic and political transformations.

Emigration and Diaspora Policies in Spain

The first legislative measures targeting emigration date back to the turn of the twentieth century. However, their scope was limited to the acknowledgement of freedom of movement outside national borders,² and did not introduce any institutional arrangements or specific policy tools targeting emigrants. Despite the growing

¹ Where not explicitly stated, the text generally refers to this specific group of emigrants. That said, it should be borne in mind that such a group is part of a broader set of Spanish emigrants which also includes: foreigners with double citizenship, foreigners who returned to their country after having acquired Spanish citizenship, and foreign descendants of Spanish nationals who acquired Spanish citizenship under the Law of the Historical Memory.

² The right to emigrate was banned in 1941 and then reinstated in 1946, once regime authorities acknowledged the impossibility of curbing migrant outflows (Kreienbrink 2009).

numbers of people leaving the country, it was only in the early 1960s, with Law 93/1960 and Decree Law 1000/1962, that legislators approached emigration with a more systematic approach. Since then, a growing policy framework targeting emigration and the diaspora has taken shape, yet without explicit recognition of distinct policy area(s). Rather than issuing a wide-ranging and specific law addressing emigration and the diaspora, national policymakers have opted for a sectoral and horizontal approach (Kreienbrink 2009), meaning that the current policy framework targeting these areas is the cumulative result of actions carried out in other policy sectors (e.g. citizenship, welfare, labour market, foreign policy, etc.).

Notwithstanding such limitations, the present chapter distinguishes emigration and diaspora policies according to the theoretical backdrop presented in the introduction to this volume. These policies are understood as distinct sets of policy outputs, each of which targets a concrete part of the emigration experience and singles out a specific policy domain. While diaspora policies have a pronounced ideological character related to the state-building process, emigration policies have a more practical connotation, targeting citizens moving across borders, regardless of the time spent abroad. More precisely, diaspora policies are conceived as the set of policy outputs aimed at building the diaspora community while also strengthening their ties with the home country. Within this broad set of measures, it is possible to distinguish between *diaspora-building* and *diaspora-engagement policies*, respectively. On the other hand, emigration policies are defined as all the measures helping or hindering international mobility. Two sub-categories can be identified for these policies as well: one that includes all the measures facilitating or curbing outward mobility (i.e. *outward mobility measures*), and another that gathers together measures concerning rights recognition and integration (i.e. *ease-of-access measures*).

Diaspora-Building Strategy

Political Ties

The citizenship regime represents a core pillar of the **diaspora-building strategy** and took shape in the 1900s. Both the 1954 and 1982 reforms of the Civil Code reaffirm *ius sanguinis* as the core principle ruling the acquisition and loss of nationality while also establishing a system of privileged naturalisation for many of the countries that once were part of the Spanish Empire.³ On the other hand, Spaniards migrating to these countries were protected by means of treaties allowing them to retain Spanish nationality while acquiring a new nationality from another country.⁴

³Thus, citizens of Latin-American countries, Andorra, the Philippines, Equatorial Guinea and Portugal are required to have a minimum of 2 years of residence to apply for naturalisation, compared to the general requirement of 10 years for the rest of foreigners.

⁴Bilateral agreements on dual citizenship were signed with Latin American countries, Andorra, the Philippines, Equatorial Guinea and Portugal. Spanish legislation considers Latin American countries to be those in which Spanish or Portuguese are one of the official languages. The list of agree-

According to an ethnic rationale built on the concept of *Hispanidad*, an ideological construct entrenched in the Francoist past, the Spanish citizenship regime aims at safeguarding the communities of Spaniards abroad, while reinforcing their ties with the “homeland”.

Additional reforms, with different connotations, have been carried out more recently. The so-called “Law of Historical Memory” (Law 52/2007) deserves particular mention, as it established actions in favour of persons who suffered persecution or violence during the Civil war and Franco’s dictatorship. In particular, the Seventh Additional Disposition provisionally modified the Spanish nationality law, recognizing the right to Spanish citizenship for children and grandchildren of Spaniards who lost or had to give up Spanish nationality as a result of exile due to Civil War or dictatorship.

As regards voting rights, the law is largely inclusive of citizens who live abroad. Yet, it distinguishes between temporary and long-term emigrants. The former are granted full rights, ensured through the option of voting by mail, so that they are able to express their electoral preferences in all the elections on Spanish soil. By contrast, the voting rights of long-term emigrants are restricted to general and regional elections. The prohibition on voting in local elections, issued with the electoral reform of 2011, “emerged from the concern for the negative consequences derived from the appearance of a market for votes among the communities of Spanish emigrants in certain Latin-American countries.” (Moreno-Fuentes and Martín-Pérez 2012, 640).

Cultural Ties

Diaspora-building policies go beyond the mere sphere of political representation and empowerment, and embrace the cultural dimension, especially as pertains to the core assets of education and language. In this regard, it is worth mentioning the network of entities located in foreign countries, arranged under the authority of the Ministry of Education (Royal Decree 1027/1993).⁵ These include centres under Spain’s ownership and mixed ownership, which provide courses which follow the Spanish national curriculum and target both Spanish and foreign citizens. Other centres serve Spanish communities settled in foreign countries’, using curricula that follow the educational system of the host country but are integrated with courses on the literature, geography and history of Spain.⁶

ments signed by the Spanish government regarding dual citizenship is available at: http://extranjeros.empleo.gob.es/es/normativa/internacional/doble_nacionalidad/index.html

⁵Along with these entities, there are others teaching Spanish language and culture outside the national curriculum. For more information on their activities see <http://www.mecd.gob.es/educacion-mecd/ba/actividad-internacional/oficinas-centros-exterior/centros-docentes.html>

⁶These entities also offer Spanish courses where Spanish is not the official language of the host country.

The preservation of cultural ties with the diaspora has always been a crucial concern for Spanish policymakers, who have pursued this aim by means of various media. During the Francoist period, the preservation of cultural ties was a mere tool of propaganda complying with the regime's strategy to control information (Fernandez Vicente 2009). Whereas after the transition to democracy, it became an important informative tool for Spaniards living abroad. Media propaganda consisted primarily of printed publications, for example *Carta de España* (literally, "Letter from Spain"), a monthly magazine published since 1960.⁷

Diaspora Engagement Policies

Socio-economic Ties

Legislative strategies addressing diaspora communities also include **diaspora-engagement policies**. The main normative reference for these is the latest citizenship reform. Law 40/2006 of the "Statute of Spanish Citizenship Abroad", established a basic legal framework to safeguard Spanish emigrants' economic and social rights (Title I) and to facilitate the social and professional integration of returnees (Title II). To this end, it also establishes mechanisms and instruments of cooperation and coordination among different entities of the public administration (Title III). Rules and procedures provided by this law integrate the provisions set by former decrees and executive tools. Taken together, they make up a wide policy-framework targeting the socio-economic interests of citizens working abroad and, more generally, those of the Spanish diaspora. Within this frame, it is possible to identify two main dimensions, one pertaining to the area of social security and the other to taxation. Social security for emigrant workers is mainly regulated by means of integrational agreements, including multilateral and bilateral treaties.⁸ In addition, a general framework of ordinary and extraordinary aid addresses the needs of Spanish residents abroad through old-age pensions, healthcare assistance, as well as disability, death and survivor benefits for emigrants and their families.⁹ As regards

⁷For an interesting historical excursus on the evolution of this media output see the book edited by Calvo Salgado and colleagues (Calvo Salgado et al. 2009b).

⁸The Latin American Multilateral Agreement on Social Security was signed in 2011 with Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Paraguay, Portugal, the Dominican Republic, Uruguay and Venezuela. In addition, bilateral agreements are in force with: Andorra, Argentina, Australia, Brazil, Canada, Chile, Colombia, the Dominican Republic, Ecuador, Japan, México, Morocco, Paraguay, Peru, the Philippines, the Republic of Korea, Russia, Tunisia, Ukraine, Uruguay, the US and Venezuela. The list of countries whose relations with Spain on Social Security are governed by international agreements is available at: http://www.empleo.gob.es/movilidadinternacional/es/menu_principal/aunclinc/convenios/index.htm

⁹The most important normative provisions in this regard are contained in Royal Decree 996/1986, Royal Decree 1564/1998, Order TIN/3356/2001, Royal Decree 1203/2003, Order TAS/2865/2003, Order TAS/819/2004, Order 561/2006, Royal Decree 08/2008, Resolution 8/IV/2008, Resolution 25/II/2008, and Resolution 16/II/2012.

tax matters, Spanish emigrants can rely on 102 bilateral agreements in force to mitigate the effects of double taxation.¹⁰

Finally, Law 3/2005 (known as the “Law of the Children of the War”) issued economic provisions for people of Spanish origin who were minors at the time of the Civil War and were forced to leave the country to escape the conflict, spending most of their lives abroad as a result.

Special Arrangements in the Institutional Framework

The main institution responsible for the implementation of the normative framework is the General Branch of Emigration (*Subdirección General de Emigración*), which functions as the operative branch dedicated to Emigration matters under the Ministry of Employment and Social Security (Royal decree 343/2012). Its actions are complemented by those carried out by other units, primarily the General Council of Spanish Citizens Abroad (*Consejo General de la Ciudadanía Española en el Exterior*). This is an advisory authority which aims at ensuring the rights of the Spanish residents abroad and promoting collaboration within public administration on emigration matters. Spanish emigrants can also rely on a dedicated institution belonging to the Ministry of Foreign Affairs: the Councils of Foreign Residents (*Consejos de Residentes en el Extranjero*). These advisory agencies address Spanish emigrants’ interests abroad, and act as intermediaries with the Spanish community residing abroad, supplementing the actions of embassies and consulates.

Table 12.1 tries to sketch the complex set of measures and institutional arrangements mentioned. Taken together, these elements constitute a broad legal backdrop which is enforced at the state-level to engage with diaspora communities while strengthening their ties with the home country.

This framework is complemented by the actions carried out at both origin and destination by regional and local authorities, as well as by emigrant associations. In this regard, five subsidiary programmes are implemented by the central government, providing economic aid to associations, organisations and projects aimed at Spanish emigrants.¹¹

As presented at the beginning of this section, diaspora policies are complemented by practical measures that target mobile citizens across international borders. These have been defined as **emigration policies** and, as mentioned earlier, can be separated into the following two main sub-categories.

¹⁰ The list of bilateral agreements on double taxation is available at: http://www.minhap.gob.es/es-ES/Normativa%20y%20doctrina/Normativa/CDI/Paginas/CDI_Alfa.aspx

¹¹ Each programme pursues a specific target-objective, namely: associations, centres, research, communication, and elderly and dependent people (Law 38/2003, Royal Decree 887/2006, Order ESS 1613/2012).

Table 12.1 Diaspora policies in Spain

Diaspora-building policies		Diaspora engagement policies	
<i>Political ties</i>	<i>Cultural ties</i>	<i>Socio-economic ties</i>	<i>Special institutional arrangements</i>
Bilateral agreements permitting dual nationality with a specific set of countries	Different entities providing national curriculum education and/or education in national language abroad	Agreements on Social Security for emigrant workers	Dedicated administrative ministerial entities and external agencies, focusing on diaspora communities
“Law of Historical Memory”	Sponsored teaching of national language abroad	Bilateral agreements on double taxation	Consultative expatriate councils or advisory bodies
External voting rights for general and regional elections	Subsidy programmes in favour of associations and projects aimed at Spanish emigrants	Provisions to meet needs of Spanish residents abroad	
		Ordinary and extraordinary aid for Spanish residents abroad	
		“Law of the Children of the War”	

Source: Adapted from Introduction

Outward Mobility Measures

The main policy outputs which aim at supporting emigration include three bilateral agreements on youth mobility signed with Canada (2009), New Zealand (2009) and Australia (2014).¹² The common rationale underlying these measures is to facilitate the outward mobility of Spanish people who are between 18 and 30 years old and looking for education and professional opportunities. Another agreement, signed in 2013 with Germany, is specifically aimed at fighting youth unemployment, supporting both employment and training.¹³ This was arranged within EURES (European Employment Services), a cooperation network coordinated by the European Commission to facilitate the free movement of workers within the European

¹² *Aplicación provisional del Acuerdo entre el Gobierno del Reino de España y el Gobierno de Australia relativo al programa de movilidad para jóvenes, hecho en Canberra el 3 de septiembre de 2014* (<http://www.boe.es/boe/dias/2014/09/19/pdfs/BOE-A-2014-9527.pdf>); *Acuerdo entre España y Canadá relativo a los programas de movilidad de jóvenes, hecho en Ottawa el 10 de marzo de 2009* (<http://www.boe.es/boe/dias/2010/02/02/pdfs/BOE-A-2010-1576.pdf>); *Acuerdo entre el Reino de España y Nueva Zelanda relativo al programa de vacaciones y actividades laborales esporádicas, hecho en Wellington el 23 de junio de 2009* (<http://www.boe.es/boe/dias/2010/05/04/pdfs/BOE-A-2010-7093.pdf>)

¹³ Further details at: <http://prensa.empleo.gob.es/WebPrensa/noticias/ministro/detalle/1934>.

Economic Area. Partners in the network include public employment services, trade unions and employer organisations.¹⁴

Despite these recent examples – and notwithstanding the financial crisis, which such measures are meant to tackle – emigration policies targeting workers sent abroad have been marginal to the normative framework deployed at the national level. A systematic response to post-crisis emigrants' needs, favouring their insertion in foreign labour markets, is still lacking. The main legislative pillars underlying emigration policies date back to the aforementioned citizenship reform of 2006, which was conceived in one of the most prosperous periods in the recent history of the country.

What some authors have defined as the *neo-Hispanic migration* (Domingo et al. 2014; Domingo and Blanes 2015),¹⁵ was unimaginable at the time; the primary concern of the government was to support and safeguard returnees.

Ease-of-Access Measures

Indeed, most ease-of-access measures concern citizens living abroad who are willing to return to the home country. Apart from the general system of socio-economic policies illustrated above, Spanish returnees can rely on a tailored and variegated set of policies. Some of these policies address social security matters: according to a legislative tradition that dates back to the end of the 1980s, returnees are granted medical, hospital and pharmaceutical assistance.¹⁶ Here, a specific provision is dedicated to citizens (and their families), who work abroad but must return provisionally to Spain. In 2007, an additional provision integrating ordinary aid was issued to address the extraordinary needs of returnees who face urgent expenses when they arrive in Spain (Royal Decree 1493/2007).

The General Branch of Emigration is also the main institution responsible for carrying out actions targeting mobile Spaniards. Its scope of action covers mobile citizens, emigrants willing to go back to Spain, as well as returned migrants upon arrival. This institution works in parallel with the Bureau of Return (*Oficina de Retorno*), a specific institution that provides administrative information and counselling.

Also, in the case of measures addressing emigration, the framework established at the central level (see Table 12.2) is complemented by actions arranged by regional

¹⁴In Spain, the main institution responsible for employment issues is the Public Employment Service (*Servicio Público de Empleo Estatal*), an autonomous entity ascribed to the Ministry of Employment and Social Security

¹⁵With the term “neo-Hispanic migration” (*migración neohispánica*), Domingo et al. (2014) refer to a migratory phenomenon which emerged in the first decade of the twenty-first century concerning three categories of emigrants: citizens born in Spain, naturalised citizens and foreign residents living in Spain.

¹⁶Res. 20/VIII/1986, Res. 21/IV/1997, Order TAS/2865/2003, Order TIN/3356/2011.

Table 12.2 Emigration policies in Spain

Outward mobility		Ease of access	
<i>Visa policy</i>	<i>Mobility management</i>	<i>Rights recognition</i>	<i>Integration support</i>
Visa facilitation agreements	Agreements on youth mobility (with Australia, Canada; Germany and New Zealand)	Full voting rights for mobile citizens	Bureau of Return: institution supporting integration of returnees
		Agreements on Social Security for returnees	
		Provisions to meet the needs of Spanish returnees	
		Ordinary and extraordinary aid for returnees	

Source: Adapted from Introduction

and local actors, as well as by those carried out by civil society. A specific provision, analogous to those addressing the Spanish diaspora, is dedicated to returnees. Royal Decree 1493/2007 issued subsidy programmes in favour of associations and projects targeting the extraordinary needs of returnees (and of their families) facing urgent expenses upon their arrival in Spain.

An overall look at the Spanish diaspora and emigration policies sheds light on the privileged focus of the policymaker. The institutional and policy framework in force appears to be undoubtedly oriented towards diaspora communities rather than towards mobile emigrants, with most of the measures targeting a long-term emigrated population and its descendants, rather than temporal mobile citizens leaving the country.

Drivers of Emigration and Diaspora Policies in Spain

What affects more of the current policy framework is the lack of concern for new emigration dynamics. Since the turn of the of century, the central state has seemed essentially indifferent to the effects that recent social transformations have had on Spaniards deciding to emigrate. This holds true with regard to both the impressive economic growth of the first years of the twenty-first century and the dramatic issues raised by the eruption of the financial crisis. In the Spanish case, contrary to what is predicated by the literature (Arrighi et al. 2013; Hampshire 2013), the characteristics of the current outward migration seem to exert scant influence on emigration and diaspora policymaking. And this is the case notwithstanding the increasing relevance of the phenomenon.

The “Lack of Concern” About Recent Outward Mobility

Statistical data on emigration point out a constant growth of out-migration since the crisis (INE 2015). In the first half of 2015, the outflow of Spanish citizens increased by 23.1% (compared to the second half of 2014), with two-thirds comprised of people born in Spain.¹⁷ The post-crisis emigration of natives partly retraces the traditional routes of the twentieth century, in terms of both the sending-region contexts (Tables 12.3 and 12.4) and destination countries (Tables 12.5 and 12.6). As the similar ranks in the stock and flux of emigrants suggest, most contemporary migratory out-flows come from historical sending regions – such as Madrid, Andalucía and Catalonia – and head to countries where large diaspora communities already exist (such as France, Germany and the UK).

Comparing between stocks and flux figures also allows us to shed light on novel social dynamics, possibly linked to the recent social dynamics. Thus, while in the last years few people have left traditional emigrating regions such as Galicia, Castile and Leon, where the size of the emigrant stock ranked them among the country’s top 5 sending regions, new sending contexts such as the Basque Country seem to have emerged.

Table 12.3 Spanish emigrant stock – 2015: Top 5 sending regions

2013		2014		2015	
Region	Emigrants	Region	Emigrants	Region	Emigrants
Galicia	154,970	Galicia	155,554	Galicia	155,623
Andalucía	88,293	Andalucía	91,723	Madrid	99,903
Madrid	83,156	Madrid	91,571	Andalucía	95,603
Catalonia	82,220	Catalonia	87,952	Catalonia	95,000
Castile and Leon	51,927	Castile and Leon	52,768	Castile and Leon	53,609

Source: INE, Instituto Nacional de Estadística

Table 12.4 Spanish emigrant flux:^a Top 5 sending regions

During 2012		During 2013		During 2014	
Region	Emigrants	Region	Emigrants	Region	Emigrants
Madrid	5096	Madrid	8415	Madrid	8332
Catalonia	5071	Catalonia	5732	Catalonia	7048
Andalucía	2639	Comunitat Valenciana	3744	Andalucía	3880
Comunitat Valenciana	2034	Andalucía	3430	Comunitat Valenciana	3290
Basque Country	916	Basque Country	1025	Canary Islands	1119

Source: INE, Instituto Nacional de Estadística

^aSpanish emigrant flows are calculated as the difference between the stocks between 2 years

¹⁷ On 1 January 2015, the broad group of Spanish emigrants was made up of 2,183,043 individuals. The subset of those born in Spain, on which this study focuses, amounted to 733,387.

Table 12.5 Spanish emigrant stock: Top 5 destination countries

2013		2014		2015	
Country	Emigrants	Country	Emigrants	Country	Emigrants
France	118,072	France	121,287	France	124,143
Argentina	92,453	Argentina	92,579	Argentina	92,610
Venezuela	55,850	Germany	57,636	Germany	61,881
Germany	54,358	Venezuela	56,131	Venezuela	56,167
UK	45,089	UK	49,065	UK	54,418

Source: INE, Instituto Nacional de Estadística

Table 12.6 Spanish emigrant flux: Top 5 destination countries

During 2012		During 2013		During 2014	
Country	Emigrants	Country	Emigrants	Country	Emigrants
UK	2766	UK	3976	UK	5353
Ecuador	2092	Germany	3278	Germany	4245
France	1976	France	3215	US	3065
US	1915	Ecuador	2981	France	2866
Germany	1910	US	2543	Ecuador	2259

Source: INE, Instituto Nacional de Estadística

An analogous logic applies at destination. Here traditional destination countries such as Argentina and Venezuela seem to have been ignored by post-crisis native emigrants, while new locations, such as Ecuador, have received more interest. National policymakers have not seemed receptive to these new tendencies. The current legislative scenario falls short of a comprehensive and up-to-date normative framework that takes new destination countries into account. This is especially true for new mobile citizens. Apart from the agreements with some of the states mentioned in section “Outward mobility measures”, most of the policies in force are aimed at permanent emigrants and their descendants, rather than at temporal mobile citizens leaving the country.

That said, an assessment of the recent stagnation in this policy area cannot avoid a careful consideration of the limits that prevent policymakers from capturing the real scope of the emigration phenomenon. This fact is related to a lack of reliable data.

Official data on the stock and flows of emigrants provided by the National Institute of Statistics (INE) rely on consular information. The problem with this source of data is that the registration with the Consulate is voluntary and it usually implies the loss of specific social benefits in Spain. Two aspects that increase the likelihood that the INE underestimates the real number of Spanish emigrants (Herrera-Ceballos 2014).¹⁸ The practical difficulty of quantifying the magnitude of

¹⁸This is especially the case for people with plans to return from the very beginning of their migration.

these effects makes the assessment of the emigration phenomenon an arduous task. Moreover, the current statistical information does not permit us to distinguish the different kinds of emigrants who make up the Spanish diaspora.

If data constraints are an objective obstacle to legislative action, they do not represent, as such, a sufficient condition to account for the recent institutional inertia concerning new outward mobility. However, “below” the apparent immobility at the national level, an intense and heterogeneous activity takes place, carried forward by regional actors.

Sub-national Actions Targeting Emigration and the Diaspora

Since the turn of the twenty-first century, regional actors – known in the country as autonomous communities (*Comunidades Autónomas*) – have gradually assumed greater importance in relation to the diaspora. The role of these actors in the management of the emigration phenomenon has to be understood in light of the affirmation of the federalising process that came along with the establishment of democracy in the country. Furthermore, the lack of an all-inclusive law and, more generally, the persistence of a vague regulatory framework, have further stimulated policymaking actions at the regional level.

The 1978 Constitution gives the central state exclusive jurisdiction regarding external actions carried out beyond national borders. However, it did so without specifying the scope and limits of such actions. Initially hesitant in the face of such constitutional haziness, the autonomous communities were heartened during the mid-1990s by a famous ruling of the Constitutional Court (STC 165/1994) which gave them leeway to act beyond borders. Thereafter, regional actions that target the diaspora have consistently grown. By the year 2000, the presence of autonomous communities abroad was already a noteworthy reality.

The number and kinds of measures vary substantially among the regions: whereas in the past a leading role was played by three “historical communities” (i.e. the Basque, Catalan and Galician communities), over the years many other regions have established dedicated institutions and tailored actions, aimed at their respective diasporic communities. At the beginning of 2013, according to a report issued by the Ministry of Foreign Affairs and reported by *El País*,¹⁹ there were 166 offices held by regional actors abroad. At present, the institutional organisation of several autonomous communities includes a specific branch dedicated to emigration and diaspora issues.

Without delving into the details of their measures, which goes outside the aims of the present study, it is important to stress the fact that actions at the regional level

¹⁹El País, “La acción exterior de las autonomías deberá seguir directrices del Gobierno”, 19 February 2013. At: http://politica.elpais.com/politica/2013/02/18/actualidad/1361211063_672270.html

not only fill in gaps left by the national legislator, but often eventually clash with the central state authority (Ridao Martín 2015). A nation-building process that is parallel to and sometimes in conflict with that of the central state can indeed be conceived as one of the key rationales that drives local policymaking addressing emigrants. This is especially the case for the aforementioned historical communities; their strengthening of distinctive and autonomous ties with their diasporas represents a key dimension in the project of building a national identity that is different from the Spanish project. In the regions where nationalistic feelings are less pronounced, policymakers' actions primarily aim to meet the needs of the groups that are sufficiently "sizable" within their *demos*. Thus, in cases where the diaspora represents a substantial phenomenon in terms of numbers, we notice a more thorough policy response. The regions of Andalusia and Madrid (see Table 12.3 and 12.4), for example, have diasporas that are large enough to merit political attention.²⁰

Polity Building and Perceived Global Role

To account for the Spanish legislative outlook on emigration and diaspora matters, our analytical lens has to be geared towards the ideational substratum upon which their approach hinges.²¹ In particular, as evident from the analysis, we should look at factors beyond the ways in which state perceives itself, both globally in relation to other nation-states (Unterreiner and Weiner 2014), and in relation to its diaspora.

In relation to other nation states, the Spanish state presents itself as a **regional actor**. Over the decades, policymakers' focus has remained clearly oriented towards a concrete region of the world, comprised of Latin American countries and other countries with whom Spain shares historical, linguistic and cultural ties. This approach harkens back to the concept of *Hispanidad*. Rooted in the colonial past of the country (Alvarez Rodríguez 2006), the idea of *Hispanidad* was initially reaffirmed during the Francoist period in order to stem Spain's political isolation in the aftermath of the Second World War (Kreienbrink 2009). Deprived of its antidemocratic connotations, this conceptual construct has persisted over time (Calvo Salgado et al. 2009a; Minardi 2011), receiving increasing social and political legitimacy, and coming to mean the kinship of the Ibero-American community of people, unified by a shared historical heritage. The Organisation of Ibero-American States²² is only

²⁰ Of course, the two mentioned rationales are not mutually exclusive. Thus, in the cases of the Basque Country, Catalonia and Galicia, nation-building considerations go along with weighing the quantitative relevance of their diaspora.

²¹ This relies on the theoretical backdrop presented in the introductory chapter of this volume, along with invaluable insights offered by Mehta (2011).

²² *Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura* (<http://www.oei.es/index.php>). This entity was formally acknowledged by the European Commission in 2014.

one of many examples of initiatives celebrating a common historical heritage and supporting a transnational project of identity building. Such a “regional focus” goes beyond the mere sphere of culture and takes the concrete shape of economic measures and institutional arrangements, as demonstrated by the Latin American Multilateral Agreement on Social Security (signed in 2011) and by the yearly Ibero-American Summits, both of which are evidence of the intense and multifaceted relations that link Spain with its former colonies.

As regards the relationship with its diaspora, the Spanish state’s attitude can be described as **externally inclusive**. Spaniards living abroad are, indeed, given (almost) all political and citizenship rights: temporary and long-term emigrants are granted voting rights for general and regional elections. These may also depend on favourable conditions concerning double nationality, especially in the countries that are “included” in Spain’s regional focus. In this way, the Spanish diaspora is directly involved in the polity-building of the country. This is a fact that has a precise historical explanation which is linked to the development of the country in the 1900s. As highlighted in the introduction, emigration characterised the history of the country in that century. The experiences and memories left by the country’s “American” and “European” phases have marked the collective consciousness, shaping policymakers’ ideological approach in the subsequent years of the democratic transition until the present day. The European phase of emigration and its historical roots, for instance, were key terms of reference in the approval of both the Law of the Children of the War and the Law of the Historical Memory.

As time passed, such an approach has translated into concrete policy measures and affirmed itself as the main driving logic of policymaking in the areas of emigration and diaspora.

Conclusions

Emigration has marked both the history of modern Spain as well as the present, and it may prove to be one of most relevant social dynamics for the near future of the country. This chapter has tried to sketch the response given by the Spanish state to the phenomenon while offering some interpretative cues that can help us to understand the current framework of emigration and diaspora policies. This is a result of the legislative actions carried out over the last 50 years. In that time, Spain has developed a variegated policy framework targeting the social, political and economic rights of its emigrants and its diaspora communities.

The making of the diaspora and emigration policies is mainly rooted in the logic of a traditional emigration country which is trying to strengthen the community’s sense of belonging beyond national borders, while also reinforcing both economic and social ties with the population living abroad.²³ Policymakers’ preferences for

²³ In this sense, the present chapter is in line with the findings provided by earlier contributions focused on the Spanish citizenship regime (see Martin-Perez and Moreno-Fuentes 2012; Rubio

the former set of measures emerges as a key element of the analysis: the legislative approach appears undoubtedly oriented towards the diaspora community rather than towards mobile emigrants. Its underlying rationale is rooted in the country's history and combines elements referring to both the colonial past and the idea of a Hispanic transnational identity. This ideological frame has geared legislators' attention towards Ibero-American countries, and has favoured the interests of permanent emigrants over those of mobile citizens.

Once settled abroad, Spanish emigrants can rely on a complex frame of policies that guarantee them economic and social rights comparable to those enjoyed by citizens at home. Their children, who in many countries possess a Spanish passport, have the opportunity to study Castilian and to take lessons that follow the curriculum taught in Spain. Some of them may never have set foot on Spanish soil if one of their parents took advantage of the opportunities ensured by the Law of the Historical Memory. Long-term residents abroad can vote in regional and national elections held in Spain and, if they decide to return to Spain, can rely upon various tools and institutions which provide tailored support both overseas and upon arrival.

If we turn our attention from long-term emigrants to mobile citizens, the regulatory backdrop is significantly different. Unlike other countries, Spain has neither a set of institutions in force targeting mobile citizens (with a view to onward and circular migration), nor a broad policy framework regulating labour migration and formation (internships and traineeships), with the exception of the few examples mentioned. The salience and characteristics of the current outward migration seem to remain at the periphery of the Spanish political agenda. While measures arranged by regional actors could have partially filled in the void left by national legislators, they have instead proceeded along a separate trajectory, increasing the need to systematise actions that target emigration and diaspora as distinct and distinctive policy-areas.

The recent laws issued (Law 2/2014 and Law 25/2014) have pursued such aims, but while they may have provided results in terms of efficiency, they also seem to have rekindled tensions between the central government and autonomous communities.

What emerges from the analysis is the "rigid" attitude of policymakers, who are anchored to the past and less responsive to the challenges brought about by the twenty-first century. The early economic boom, the crisis of 2008 and important demographic issues linked to an aging population and a decline in the birth rate, should make emigration management a strategic matter at the top of the Spanish policymaking agenda. However, as pointed out by our inquiry, a significant step in this direction still has to be taken at national level.

Emigration is a complex social phenomenon that requires analysis. The concept of an "emigrant" corresponds with a heterogeneous entity in the empirical domain. In the Spanish case, this kind of theoretical construct covers various categories of people, including natives, naturalised immigrants and descendants of Spanish citi-

Marin et al. 2015). In this regard, the fact that the main normative reference of both emigration and diaspora policies are still found in the last citizenship reform, is itself emblematic.

zens who may never have been to Spain. Such complexity goes along with specific methodological limitations concerning the availability and quality of data. As pointed out by several authors (Domingo et al. 2014; Prieto-Rosas 2009) more accurate and reliable statistical tools are needed for further progress in the analysis of the phenomenon. These issues represent crucial challenges both for the researcher assessing emigration policies for academic purposes as well as for the policymaker trying to develop refined policy-tools. The scholarship seems to have taken important steps in this direction (see, for instance, Domingo and Blanes 2015; Herrera-Ceballos 2014) with improved analytical accounts and compelling proposals. The challenges of our day also call for up-to-date policymaking responses.

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Chapter 13

Tunisia and Its Diaspora: Between Protection and Control

Stéphanie Pouessel

Introduction

Tunisia has a long history of emigration during the 1900s. Today, an estimated 10% of the Tunisian population lives abroad (first and second generation Tunisians). Of these, 83.5% still have Tunisian citizenship or links to Tunisia and live in the EU. In 2015, the Office of Tunisians Abroad declared that there were 1,325,690 Tunisians living abroad. If we look at the top destination countries based on the stock of Tunisian migrants in 2012, France ranks first, hosting more than half (54.2%) of all Tunisian migrants, followed by Italy (14.6%), Libya (7.9%) and Germany (7.4%).¹ With regard to the perspective of Tunisian society, everyone is concerned about emigration; there is no one who does not have a person from his family or a close relationship with someone living abroad. Emigration is therefore an intrinsic part of the society. But the post-2011 implication of emigrants participating in the political renewal of the country could appear as an intrusion of outsiders. Tunisian emigrants are seen as being distant from their home society with regard to their sociocultural traits. That said, tensions between migrants and Tunisian society predate the current political context: emigrants have always been regarded as a somewhat different element of the community, as people leading split lives. The society and the state had (and still has) to come to terms with circular migrant workers who are never fully rooted in their Tunisian villages; families who live off financial transfers, having

¹ These were the top destination countries of Tunisian migrants in 2012: France 625,864 (54.2%), Italy 169,099 (14.6%), Libya 91,669 (7.9%), Germany 85,218 (7.4%), Belgium and Luxembourg 22,025 (1.9%), Saudi Arabia 19,350 (1.7%), Canada 16,822 (1.5%), Algeria 16,753 (1.4%), United Arab Emirates 15,670 (1.4%), Switzerland 15,014 (1.3%), other 78,150 (6.8%). Total: 1,155,634. Source: Tunisian Office Abroad http://www.ote.nat.tn/fileadmin/user_upload/doc/Repartition_de_la_communaute_tunisienne_a_l_etranger__2012.pdf

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been left behind by long-term emigrants; and the difficulties of reintegrating returnees who may lack social networks or simply have linguistic barriers (for instance, returnee children who are not fluent in Arabic) (Pouessel 2016).

The Tunisian State currently considers emigration to be one of its main social and economic issues, but it has come a long way in recognising the need to engage with its emigrants. Historically, the official discourse on emigration has always been to promote legal migration through agreements with European countries and with countries outside Europe (Canada, Australia, etc.). Worker mobility was initially the focus. For example, the Tunisian government developed a strong relationship with French institutions in order to send workers to France, but initially put less emphasis on maintaining political or economic ties with migrants who ultimately decided to stay abroad.

This approach changed over the years and Tunisia became an active sending state (possibly modelling some of its policies on Morocco) that recognised the need to strengthen links with Tunisian emigrants in order to encourage their participation in local development. Now it grants an array of rights to emigrants: they can claim full citizenship (which includes the right to take part in all elections) and some advantages that help them to concretise links with Tunisia such as free Arabic language courses abroad. Nonetheless, non-state actors often criticise the state for perceiving the diaspora only as economic resource.

Currently, Tunisia is one of very few countries worldwide that has a somewhat balanced approach to emigration, as it has both emigration policies and diaspora engagement policies. This means that the Tunisian state provides measures at each step of its citizens' outward mobility and is equally active towards temporary and permanent emigrants. It is also one of very few states that actively counteracts the irregular emigration of its own citizens.

The chapter presents the current policy concerning emigration, i.e. the policies that facilitate labour emigration or the circular migration of workers, such as the protection of social rights abroad, policies that regulate outflow, and notably, measures to fight irregular migration. I also discuss policies that concern the diaspora, i.e. all policies that strengthen diaspora ties with Tunisia, especially through political rights or economic ties (such as the encouragement of investments in Tunisia), and the integration of the diaspora within political and civil Tunisian society. In addition, I provide an update on emigrants' current rights after the revolution of 2011, which includes: political and civil rights (voting, multiple nationality, military duty); socio-economic rights (agreements on labour migration, customs/import incentives); social rights (family, social security); and cultural rights (languages, school, media).

The chapter also presents the non-state actors engaging in their home country from abroad as important stakeholders in Tunisian emigration and diaspora policy. The collapse of the previous regime in 2011 has permitted the country to redefine the relationship between Tunisia and the Tunisian diaspora, with migrant and diaspora associations having an important say in these changes.

Emigration from Tunisia: A Short Overview

The history of Tunisian migration is related to Europe. Since the mid-1900s, migration waves from Tunisia have been bound primarily for Europe. According to Mensard (2004), taking into account the period of emigration, type of movement and the destination country, four waves can be identified. First, from the 1950s to the early 1960s, Tunisian migrants were arriving in Western European countries in response to a growing need for low-skilled labour during the reconstruction of European economy. The main destination of this guest-worker migration was France. Compared to later waves, this one was a less regulated, more temporary circular migration of male workers, who were able to enter the French labour market through private arrangements with employers. In the second wave, from the early 1960s to the mid-1970s, outmigration flows towards Western European countries increased continuously. Tunisia signed bilateral agreements on the migration of temporary workers with several Western European countries, notably with France (1963), Germany (1965) and Belgium (1969). Thanks to these formal arrangements, the circulations became regulated migration flows. These flows were still characterised by a male and low-skilled population of migrants. At the same time, Libya also became an important destination country, due to its booming oil industry and vast opportunities for irregular employment. The third wave, from the mid-1970s to the early 1980s, was a turning point in the evolution of Tunisian migration. In the wake of the oil crisis of 1974, Western European countries terminated guest-worker agreements and introduced visa regimes. The expectation was that the Tunisian immigrant workers, who had been deemed temporary, would return home. Faced with new obstacles to circulation and the prospect of not being able to re-enter the host country, the migrants chose to bring over their families (using new policies on family reunification introduced in Western Europe) and settle. On the other side of the Mediterranean, in Libya, political tensions between Libya and Tunisia led to the decrease of migratory movements to Libya and the return of many migrants to Tunisia. These two new conditions, in Europe and in Libya, led to a new kind of migration towards the Gulf countries (which had economic opportunities in their oil-based economies, among others) and towards “new” European countries (such as Spain, Italy, Greece, etc.). Migration to these countries was predominantly comprised of workers in vulnerable situations (undocumented workers in Southern Europe and disposable workers in the Gulf). Finally, in the last period of migration, from the mid-1980s to the mid-2000s, Tunisian migrants continued their return from Libya and sought alternative destinations. This last wave was partially defined by a new population of skilled Tunisian migrants. High unemployment among university graduates and the expansion of migration opportunities for high-skilled workers in Europe and North America have led increasing numbers of university-educated Tunisians to emigrate. Student migration has also risen: France (25,000 students in 2008), Germany (6000) and North America (4500) have become prime education destinations in recent years (Natteur 2015).

At 83.5%, Western Europe remains the major destination region for Tunisian migrants. This became especially true after the 2013 war in Libya. The characteristics of emigration vary depending on the destination country. While in traditional European destinations, such as France and Germany, migration is based on family reunification, emigration to Italy is mainly characterised by labour migration. Today, Tunisian emigration to Europe includes many different migrant profiles: resident citizens (former exiles and migration for studies, work, etc.) dual nationality citizens (219,037 persons)² and last but not least, irregular migrants. Emigration to the Maghreb countries is primarily composed of lower skilled migrants and tends to be more spontaneous, with higher fluctuation rates, whereas migration to the Gulf States is regulated and organised through temporary labour migration programmes (Ragab et al. 2013).

Short overviews of emigration from Tunisia often blur a small but very important part of emigration: political forced emigration (exiles). This type of emigration is important because it reflects Tunisia's history of dictatorship and repression, and because many Tunisian refugees from the banned Islamist party returned to Tunisia after the revolution and are now involved in politics at the highest level of the State (the Islamist party won the first legislative democratic election in October 2011). The Islamist party, *Ennahdha*, was strongly repressed in the late 1980s and early 1990s. Tens of thousands of Islamists were imprisoned or exiled during this time. There are no figures available on the number of exiles. We only know the destinations for Tunisian asylum seekers: Western European countries (mainly France – with more than a thousand people – but also Italy, Germany, Great Britain, Sweden and Belgium), North African countries³ and Canada (Béchir Ayari 2008).

Emigration and Diaspora Policies in Tunisia

As of 1956, i.e. the year in which Tunisia became an independent state, an active emigration policy was considered a solution to the oversupply of workers in the domestic labour market. Tunisians leaving for work abroad were labelled “Tunisian workers abroad”, or TTEs (*Travailleurs Tunisiens à l'Étranger*). In 1967, the Tunisian government created an agency called “Office de l'Emploi et de la Formation Professionnelle” that organised the direct recruitment of unskilled Tunisian workers for industry and building sectors in Western European countries. The Tunisian government expected workers to migrate temporarily and return to Tunisia. Interestingly enough, because of the legal framework, these migrant workers were absent from all legal registers (a so-called “double absence”): they did not socially exist in the residential register of Tunisia (as emigrants) nor in the country of destination (as temporary

²Office des Tunisiens à l'étranger. 2006. Banque de données. Statistiques sur les Tunisiens dans le monde en 2003. Tunis. 2006. 132 p.

³On this point, see Luiza Toscani, *Terre d'accueil, le droit d'asile benaliéné* available here: http://www.reveiltunisien.org/article.php3?id_article=2373.

workers) (Sayad 1999). Permitting dual citizenship for those who stayed abroad (and their children) – excluding the combination of a Tunisian passport with one from a neighbouring country of Tunisia, which was accepted only in 1975 – was “probably a way to recognise that Tunisians in Europe would not return” (Brand 2006, 13). The Tunisian State then focused on the protection of their rights abroad through measures such as bilateral agreements with France. Agreements on the social protection of Tunisian citizens, however, did not begin to develop until the 1990s.

The Office of Tunisians Abroad (OTE) was created in 1988 in order to implement diaspora policies through various cultural and social assistance programmes. Its 14 social attachés in Tunisian embassies and consulates organise cultural events, summer camps for Tunisian children living abroad and language courses to foster Tunisian migrants’ ties to the country. Also, in response to the wave of migration and the development agenda, promoted since early 2000s by international organisations and UN forums (such as the Global Forum on Migration and Development), the Ministry of Social Affairs, Solidarity and Tunisians Abroad designed policies aimed at increasing economic benefits through remittances, business networks, knowledge transfers and investments (Katterbach 2010).

The major obstacle to the engagement of diaspora for the development of Tunisia lay in the political tensions with diaspora that was critical of the regime in the country of origin, and the government’s desire to engage the diaspora economically. As a part of a charm offensive, the Tunisian Presidential Programme 2009–2014 offered a wide range of measures to Tunisian emigrant communities, which met four key objectives: “to foster the social and cultural links of Tunisians abroad with their country of origin; to consolidate the established institutional framework dealing with Tunisians abroad; to establish ‘Maisons de Tunisie’ (dar tounsi) to convey Tunisian history, culture, and the work of Tunisian experts and artists residing abroad; and to implement new initiatives aiming at encouraging skilled Tunisians abroad to participate in the development of Tunisia”.⁴ This was the last attempt to revamp Tunisia’s diaspora policy before the revolution of 2011. These measures were all related to some form of political control of the Tunisian diaspora. Indeed, all Tunisian-established institutions abroad were used to control the state’s opponents, sometimes harassing them, spread the official ideology and foster allegiance to the regime.

After the fall of the regime, emigrants – through elites and leaders of Tunisian emigrant associations active in the countries of destination (primarily in the European Union) – made significant claims to their rights to participate in the work of rebuilding the new democratic country. Migration issues became part of the important social, economic and political changes brought about by the revolution. Indeed, we witnessed a new attitude on the part of the public authorities regarding the Tunisian community abroad. A new set of challenges had emerged, beyond the

⁴ (2010) *Inventory of Institutional Capacities and Practices – The Tunisian Experience*, International Centre for Migration Policy Development–International Organisation for Migration

usual circulation of workers or need to design political and economic ties to encourage remittances.

The proof of this is the creation of a “State Secretary of Migration and Tunisians abroad” (SEMTE) in 2012.⁵ This institution was put under the supervision of the Ministry of Social Affairs. In 2014, the State Secretariat was suppressed and its responsibilities were downgraded and transferred to the Office of Tunisians Abroad. This institution is in charge of migration, uniting the visions of the different actors, ensuring good governance of resources, supporting coordination between partners and understanding opportunities in the field of migration. Through this institution, a new policy of emigration and diaspora consists of:

- The drafting of a national strategy on migration between the EU and Tunisia (including border management, labour emigration, assistance to the Tunisian community abroad, return and reinsertion, migration and development). SEMTE works on this task in collaboration with the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Training and Employment and the Ministry of Social Affairs.
- Improving and strengthening a sense of belonging to one’s homeland for Tunisians abroad; insuring effective assistance for Tunisians abroad; protecting the rights of the community; improving the system of social protection; improving the quality of administrative services that are intended for Tunisians abroad; and supporting community integration.
- Strengthening community involvement in the current democratic process and in the development of the country.

Furthermore, the entry of several politicians living abroad to political life has encouraged expatriate elites to do the same (for instance, the new president of Tunisia in 2011, Moncef Marzouki, was a returnee). This shift in the position of the diaspora in relation to new political realities signalled new, more open and active policies that would in turn benefit the diaspora.

Regarding illegal migration, the transitional democratic government faced an upsurge of illegal migration into Italy in 2011–2012. The arrival of thousands of Tunisian migrants on the Italian island of Lampedusa in the days and weeks following the fall of the Ben Ali regime is continuing. To give an idea of the scale, in less than 3 months (January–March 2011), 20,258 Tunisians arrived in Lampedusa (Frontex, Report for the first quarter of 2011).

⁵The current context of the country’s political transition has resulted in perpetual shifts in migration politics. The State Secretary of Migration and Tunisians Abroad, created in 2012, was cancelled following the adoption of a new constitution and the nomination of a new government in January 2014.

State Emigration Policy

Tunisian emigration policy, before and after 2011, has aimed at anticipating the needs of the host country and preparing potential candidates for temporary migration. This is based on specific bilateral agreements, each of which stipulate the type of a worker needed (skill level, language skills and sometimes even gender). Interestingly enough, opening regulated channels of legal labour migration (either short or long-term) is one of the key strategies for curbing irregular migration post-2011.

The Ministry of Employment has traditionally been in charge of promoting legal migration. The Ministry tries to negotiate and sign bilateral agreements that open labour markets to low and mid-skilled workers, mainly in Western Europe. For example, it signed a migration agreement with Italy in 1998 (implemented in 2000) which allows 4000 Tunisians per year to enter Italy, provided that they have with an employment contract there. Since 2003, this agreement has not been well implemented by Italy. Today, Tunisia engages in follow-up negotiations with the Italian government to boost this agreement.

Another example is the Tunisian-French agreement on legal migration, which was signed in 2008. It stipulated that work visas should be granted to 9000 Tunisian candidates for emigration (not exceed 3000 applications per year). Diaspora policies were also affected by the revolution as the government's primary focus has been on political stability. As of 2015, Tunisia has been trying to re-engage the agreement with France. To achieve this, it aims to strengthen the capacities of structures in charge of labour migration (the National Agency for Employment and Independent Work (ANETI) with the cooperation of the French National Agency for Employment, called *Pôle Emploi*). *Pôle Emploi* is expected to propose employment offers for temporary work while ANETI tries to provide Tunisian candidates to fill the vacancies.

Interestingly enough, Tunisia also tries to control periods of stay abroad. The periodicity of stay is indicated in the framework of technical cooperation with a given country: for example, students receiving a scholarship to study in the EU must commit to returning to work for 3 years in Tunisia (Decree of the Minister of Higher Education, 31 October 2001).

One of the main goals of the Tunisian emigration policy is to provide social security. Tunisia has concluded negotiations with host countries over the entry and living conditions of migrants (e.g.: bilateral agreements with France on 17 December 1975, Germany on June 16 1984, Italy on 7 December 1984, Belgium on 29 January 1975 and the Netherlands on 22 September 1978). Migrants benefit from the transfer of the host country's retirement regime to Tunisia, as well as all the social rights that they had abroad (medical and social security) and the portability of common law (family law), including the transfer of these rights to women and children staying in the country of origin. The portability of social rights abroad is implemented efficiently.

The Tunisian state has a new role in emigration policy as an active party of readmission agreements with EU member states (and more recently with the EU as a whole (2014)). To this end, the Ministry of Foreign Affairs signs readmission agreements with third countries. As recently as 2008, it signed an agreement with France on voluntary return and forced return (readmission). France provides 3000 euros to every undocumented migrant who agrees to return voluntarily to Tunisia. The agreement organises procedures for admitting migrants, which includes services such as a psychological follow-up in order to manage their integration in Tunisia. The institutions responsible for the implementation of these policies are the Ministry of the Interior, which collaborates with the Ministry of Social Affairs and other ministries in order to ensure migrants' successful re-integration. It monitors the readmission procedures (based on the relevant agreements) and coordinates re-integration efforts. The Ministry of Social Affairs supports returnees through funds made available by the readmitting countries. At the same time, the Ministry of Employment helps to implement exchange programmes in the field of employment to support the readmission of Tunisians.

On 3 March 2014, the government entered an EU-Tunisia Mobility Partnership. The EU intends to 'support the Tunisian authorities in their efforts in the field of asylum, with a view to establishing a system for protecting refugees and asylum seekers'. It also commits to 'opening negotiations on a readmission agreement of irregular migrants', inverting priorities to the detriment of the right of freedom of movement guaranteed by international norms. But Tunisian and international organisations coordinated by the NGO "MIGREUROP" declared that although the Partnership ostensibly aims at 'promoting mobility', it provides few concrete opportunities for mobility and access in the territory of EU. It offers only half-hearted commitments to promoting legal avenues to access the European territory, which are mainly the facilitation of short-term visas for the most privileged and/or qualified persons. There is no reference to the issue of family reunification, despite its relevance to families on both sides of the Mediterranean.⁶

State Diaspora Policy

With respect to the diaspora, the Tunisian government chose to pursue four main goals: tightening cultural ties with migrants and their descendants (by establishing cultural programmes, teaching Arabic language and providing imams for religious celebrations); promoting investment and transferring remittances; gathering knowledge and savoir-faire abroad; and developing information systems for expatriate citizens.

The state is also committed to maintaining links between migrants and Tunisia in order to strengthen Tunisian identity. For instance, it implements an Arabic-tuition

⁶See the collective communiqué released on 17 March 2014: <http://www.migreurop.org/article2492.html>

programme abroad through official Tunisian representations in Europe (even if users have not been satisfied with this service). Also, residents abroad are now permitted to be both voters and candidates for elections in Tunisia.

Political and Civic Rights of Emigrants

The Tunisian electoral system is currently being overhauled due to the 2011 political changes, i.e. when the dictatorship in Tunisia ended and a democracy was established. Up until then, Tunisian citizens were not involved in elections or in political life in general. They were allowed to vote only in presidential elections. Even if they were allowed to vote from abroad in a Presidential election, the election before revolution was in reality a farce; the president was elected with 98% of the vote for more than 20 years. This was the main bone of contention between diaspora and the regime.

The requirements for voting from abroad have remained the same as before 2011: the voter must be 18 years old; have a clean criminal record; be registered in a Tunisian consulate abroad; and initiate the registration process. There is also a time limit before each election, after which voters are excluded. Emigrants receive a convocation notice; they then need to go to the consulate nearest to their residence to vote in person with their election card and a form of ID.

Since 2011, elections have been administered and controlled by an independent commission called “Instance Supérieure Indépendante pour les Elections” (The Independent High Authority for elections (ISI)). The president of the commission for the 2014 elections, Chafik Sarsar, was elected by Parliament. This independent commission was created after the fall of the former regime in order to break state control over the democratic process. It is totally independent of the state. The commission manages elections and votes, and supervises the process at every stage in Tunisia, as well as overseas through agencies abroad.

The political involvement of Tunisian citizens abroad was limited before the Jasmine revolution. Since then, Tunisian migrants have fought to obtain rights that are equal to those held by the rest of the country’s citizens, and to be part of the political scene in new Tunisia. Citizens from abroad still vote in presidential elections and have obtained, thanks to a kind of “emigrant lobbying” (Lafleur 2013, 6), the right to vote in parliamentary elections from overseas. Thanks to this, migrants elected their own representatives to the constituent assembly for the first time (in the first election after the revolution, on 21 October 2011). Eighteen representatives represented six constituencies abroad: France (2), Italy (1), Germany (1), the Arab countries (1) and “America and rest of the world” (1). The new Tunisian Constitution institutionalises this right in Article 55: a citizen possessing two nationalities is allowed to be elected as a representative (Agreement of 2007). Furthermore, at the end of a long polemic, Article 74, which allows a Tunisian citizen with two

nationalities to become president, was amended⁷ to include the condition that every candidate for the presidential election, when introducing his candidacy, must undertake to renounce any other nationality from the moment he is declared elected.

As a key symbol of the country's democratic turn, the new Tunisian Constitution passed in January 2014 continues to acknowledge the role of Tunisians living abroad. Two articles of the Constitution clearly address this group: Article 55 guarantees the right to vote and to be represented at the Assembly; and Article 74 grants bi-national citizens the right to run for the position of President of the Republic (under the condition that they pledge to give up their second nationality if elected). The establishment of a democratic electoral process from abroad, by challenging the boundaries of nation and citizenship appears as one of the possible expressions of "transnational citizenship" (Brand 2014).

The first elected Assembly is a clear contrast with the parliaments of the former regime. Seven MPs representing Tunisians living abroad were former exiles, two were children of former exiles and eight were individuals who had studied or worked abroad. Two were born and lived exclusively abroad. Seven deputies had two nationalities by birth or acquisition.

Today, the new Assembly that was elected on 26 October 2014 seeks to restore the former regime. 'Nida Tounès' (Call for Tunisia), the party that won the majority of seats, is the direct product of the past two dictatorships of Bourguiba and Ben Ali. This restorationist tendency also appears among MPs from the diaspora. Of the 18 seats reserved for representatives of the diaspora, seven went to Nida Tounes. Some of these seven deputies have been directly involved in the old regime (RCD), and never participated in the long struggle against the authoritarian regimes in Tunisia. In general, they have professional skills that are disconnected from the field of politics, law or social issues. They have studied marketing, cardiology, biochemistry, etc. and they migrated in order to study, not for political reasons. These new professional profiles illustrate the technocratic turn of the new Assembly's politics.

The predominance of Nida Tounès party members in the Assembly easily explains the decline in the number of representatives who are former exiles and essentially belong to the Islamist party Ennahdha, one of the main opponents to the Bouguibist and Benalidist authoritarian regimes. But at the same time, there has been an increasing number of children of exiles in the Assembly, who are MPs representing Tunisian abroad for the electoral district of France and Italy where they grew up, following the forced exile of their parents. Thus, it is through the children of exiles that a "new generation" of Tunisians born abroad has entered Tunisia's legislative branch. Between 28 and 31 years old, they are a generation that is intrinsically linked to another country: they have dual citizenship and command of at least two languages. Most importantly, they approach domestic issues, whether in Europe or in Tunisia, from the specific perspective that comes from belonging to two countries. They are in two worlds at the same time. As such, their contributions redefine

⁷See the new Tunisian Constitution adopted in January 2014, translated into English by Jasmine Foundation: http://www.jasmine-foundation.org/doc/unofficial_english_translation_of_tunisian_constitution_final_ed.pdf

the relationship between Europe and Tunisia from below, and transform the cultural and territorial definition of the nation (Pouessel 2014).

Nationality, Citizenship, and Military Duty

Persons born abroad automatically have the nationality of their parents' country of origin. Persons in this category must be declared at a consulate abroad or in Tunisia before reaching 18 years of age. Dual or multiple nationalities have been allowed since 1975. According to the agreement of 4 January 2007 with France, "the law 2007–10", a male citizen who possesses two nationalities and resides in Tunisia must declare before the age of 20 whether he intends to perform his service in France or in Tunisia. In both cases, army service is mandatory.

By Tunisian law, a Tunisian citizen who possesses two nationalities from Tunisia and France and resides in France has the choice of performing national service in France ("La Journée Défense et Citoyenneté") or national service in Tunisia (12 months of national service).

Economic Ties

Since the beginning of the 2000s, policies have increasingly focused on "extracting obligations" from members of the diaspora with the aim of mobilising resources for the country's development. The state diaspora policy supports diaspora remittances from Europe. Investments by Tunisian migrants are facilitated through one-stop shops and further promoted through special incentives such as tax and customs exemptions. Investment promotion is carried out by the Foreign Investment Promotion Agency (FIPA), the Agency for the Promotion of Industry (API) and the Agricultural Investment Promotion Agency (AIPA). API and AIPA promote investments in the industrial sector, as well as in the agricultural and fishery sectors. Additionally, both agencies take part in seminars organised by the OTE to provide information on the rights and privileges in both the country of destination and country of origin. In addition, they have established an information system to gather data and information on the Tunisian diaspora. In order to mobilise resources of the diaspora, seminars and conferences have been carried out promoting investments in the home country (Katterbach 2010).

The state promotes economic returns to Tunisia but not definitive returns, as the economic link to the EU is essential to pursuing investment. The EU supports foreign investment by Tunisian migrants through promotional agencies of foreign investment.

To support migrant engagement in the economy of the home country, double taxation is avoided thanks to a number of tax agreements with key countries of destination. Tax code incentives to encourage Tunisians abroad to invest in Tunisia facilitate investment on legal, administrative and regional levels. As a result, Tunisians abroad enjoy tax benefits all over Tunisia. In addition, in regions that are

classified as areas of investment, any investment operation (whether owned by foreigners or by Tunisians) receives 10 years of tax exemption. In agricultural regions, the Agency for the promotion of agriculture investment (APA) provides incentives. Furthermore, migrants abroad who are business people have the right to import goods related to their core business activities (industrial, commercial or agricultural) without paying customs duties.

The institutions responsible for the creation and implementation of these policies are as follows: the Ministry of Finance, through customs, is responsible for providing tax exemptions to Tunisians abroad; the Ministry of Training and Employment is responsible for encouraging the recruitment of Tunisians abroad; the Ministry of international cooperation deals with the implementation of technical and labour cooperation agreements with countries that are signatories to the relevant conventions and with countries that are recruiting Tunisian workers (Qatar, the UAE, Saudi Arabia); the Ministry of Social Affairs implements the social rights of Tunisians abroad through agreements within the National Social Security Foundation.

Cultural Rights of Emigrants

The Tunisian state has been quite active with regard to the cultural rights of its diaspora and heritage building. While there are no national schools teaching the Tunisian state curriculum in Europe, there are many in Gulf countries (Qatar, Saudi Arabia, etc.). The Ministry of Social Affairs (via the OTE) is in charge of Arabic language teaching abroad in the framework of the ‘maisons de la Tunisie’. All consulates abroad must also offer Arabic language lessons to members of the diaspora. However, so far, there have been no Tunisian school curricula (in Arabic or any other language) funded by the Tunisian government. Programmes covering parts of the curriculum are offered to Tunisians abroad by Tunisian associations. For example, ATUGE (the Tunisian Association of High Schools) was created in 1990 to host Tunisian students in preparatory classes and schools in France and to support their studies and integration (especially with regard to economic aspects). Over the years, ATUGE’s function has broadened: it has become known for the diversity and quality of its events – for example, recruitment forums, conferences, and cultural and sporting activities, which are generally open to everyone.

For decades, one of the main channels of communication between Tunisia and its diaspora was the media: namely, newspapers and more recently, television. The media has often been perceived as an instrument of the regime’s propaganda. Therefore, members of the diaspora have often created their own media outlets (primarily local newspapers).

Currently, all Tunisian television media is in the Arabic language (with some Tunisian Arabic mixed in) and available abroad. It is very closely followed by the Tunisian diaspora in Europe and the Gulf region. Thanks to the revolution and the emergence of freedom of expression in the society, media became free and ceased to be a propaganda tool of the regime. Some examples include the programme “Hawzat-wasel” (“the Link”), which was broadcast on the channel formerly known

as TV7 (the government channel) and was created to help migrants maintain ties with Tunisia. The programme featured Tunisian elites and skilled Tunisians abroad.

Nessma TV, a private channel created in 2007 by a Tunisian-Italian cooperation, aims to gather an audience from all Maghreb countries as well as from other countries abroad where Maghreb people live. Some specific programmes target one country and others are created for audiences from all Maghreb countries and the diaspora. “Nessma’s” goal is to shape a “Maghreb” identity that includes the diaspora.

Engagement of Non-state Actors in Diaspora and Emigration Policies

The Tunisian diaspora had long remained silent for fear of reprisals by the regime. Today, young emigrants participate en masse in politics, wanting to make their voices heard from their country of residence. After the revolution, the Tunisian diaspora became involved in rebuilding the country. There have been many relevant actions, initiatives and activities involving migrant associations, professionals and student networks abroad.

Three years after the revolution, dozens of NGOs were created in France, creating a dynamic group of associations that were involved in the democratic transition in Tunisia. The OTE announced that 154 Tunisian associations were created abroad in 2011 (including 64 in France). The revolution offered opportunities for former opponents of the Islamist party to invest in official associations.

Leaders of the independent migrants’ NGO want to represent the voice of Tunisians abroad in the new Parliament. Supported by other organisations, the Association of Tunisians in France (ATF) presented a letter on 25 February 2011 to the President of the High Commission for Political Reforms, requesting inclusion in a future electoral law that gives the “right to vote and eligibility to be elected in parliamentary elections and the right to choose among representatives to Tunisians living abroad”. Thus, three representatives of civil society - which included an emblematic figure exiled from Tunisia for over 20 years (Kamel Jendoubi) – were involved in part of the national commission for political reform, with the main task of preparing the election of the Constituent Assembly to draft the new constitution of Tunisia.

Tunisian associations tend to be well organised and grouped according to geography or politics (especially after 2011). For example, Coordination des assises de l’immigration tunisienne, (CAIT), created in 2014, acts as an umbrella organisation for all Tunisian associations on the European level. Most associations are involved in the promotion and support of the rights of Tunisian migrants abroad (for instance, Association tunisienne de défense des Tunisiens à l’étranger, ATDE). Their focus is either on the host country (through active lobbying) or host societies (through support for migrants and awareness rising activities). They take a clear interest in the plight of undocumented migrants from Tunisia and fight for their human rights. In addition, they fight discrimination against vulnerable migrants (for example, the

Fédération des Tunisiens pour une citoyenneté des Deux Rives, FRCR). La Ligue tunisienne de défense des Droits de l'Homme (the Tunisian League for Human Rights, LTDH) supports the perception of illegal migration from a human point of view and not only from a security point of view.

At the same time, these organisations are quite active towards the Tunisian state. For example, CAIT (as well as FRCR) work to protect political rights for Tunisians abroad. They push for the creation of formal political structures that can link emigrants with the country of origin (e.g. a High Council of Tunisians abroad (proposed by CAIT), or simply promote reflection – for instance, on the meaning of dual citizenship. Uni-T (Union for Tunisia) was created in the aftermath of the Jasmine revolution. It aims to encourage the emergence of a democratic state in Tunisia. Similar goals have also been declared by several other newly established associations, such as Jasmine Tunisia Freedom and Democracy, created in Toulouse (France) in 2011, Jeunes Tunisiens de France (Youth Tunisians from France, JTF), or Association des Tunisiens pour la Démocratie et le Développement (the Association of Tunisians for Democracy and Development, AT2D).

Youth Exchange Programmes

The United States is the most active provider of youth exchange programmes. Exchange programmes with Tunisia are sponsored by the Department of State and administered by the American Center at the US Embassy in Tunis, the Regional Office of the Middle East Partnership Initiative (MEPI), and by AMIDEAST. The Institute of International Education and its affiliate, the Center for the International Exchange of Scholars, administer many of the programmes in the United States.

The Thomas Jefferson Scholarship Programme with Tunisia, launched in 2013, is comprised of two scholarships: the Tunisia Undergraduate Scholarship Programme (Tunisia UGRAD) and the Tunisia Community College Scholarship Programme (TCCSP). Since these programmes were launched in 2013, nearly 150 Tunisians have gone to the United States for a fully funded year of study. Currently, there are 103 students from 19 Tunisian governorates studying at 58 different educational institutions throughout the United States. This programme aims to promote economic development in Tunisia by providing talented Tunisian students with marketable skills to compete in the global economy.

Conclusion

During the second part of the 1900s, while Tunisia was becoming a country of emigration, the state progressively took charge of the migration issue by trying to protect its residents abroad through agreements with European countries on Tunisian emigration. The state aimed to promote labour, student migration and the return of

investment. At the same time, it aimed to strengthen the national, cultural and identity ties of migrants with Tunisia.

There were several main drivers of emigration and diaspora policy in Tunisia before 2011: first, the need to relieve the pressure on the domestic labour market, which faced a constant oversupply of labour (hence emigration policies focusing on temporary migration were put in place); second, the need to secure the social rights of circulating (or migrating) Tunisians, following pressure from migrants themselves; third, the need to build ties with a diaspora (through cultural activities) to link it to the home country (and possibly infiltrate it); and fourth, to engage the diaspora in the economic development of Tunisia, an idea promoted by international organisations worldwide.

With 10% of its citizens living abroad, Tunisia has put migration issues at the heart of its political agenda. In the aftermath of the 2011 democratic revolution especially, the Tunisians-abroad issue has been raised as a real social and political concern. In the recent political campaigns for elections (2011 and 2014), no political party could avoid this issue or avoid proposing improvements to the State's emigration policy.

In general, relations between the state and its communities abroad became more open after the revolution. National authorities (2012) have declared that they are open to dialogue and Tunisians abroad seem eager to contribute to the development of post-revolution Tunisia. Moreover, the fact that overseas Tunisians from abroad now have representation within the National Assembly will further galvanise others to vote in elections and participate in Tunisian political life from abroad.

Today, migration profiles no longer fit with former frames of analysis. New generations are predominantly born abroad with two nationalities and develop an allegiance to the culture of another country. For this reason, they can no longer be considered "migrants". Their recognition as full and equal citizens despite their other national and cultural belonging is one of the challenges that Tunisia faces today.

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Chapter 14

Turkey's Ever-Evolving Attitude-Shift Towards Engagement with Its Diaspora

Bahar Baser

Wherever we have a citizen, kin or relative, there we are.

The motto of the Presidency for Turks Abroad and Related Communities.

Introduction

During the last couple of decades, academics have been trying to understand and interpret the mechanisms behind sending-states' policies on outreach to their citizens abroad. A growing body of literature has been dedicated to this newly emerging phenomenon of diaspora-building policies cultivated by political actors in the homeland (Bauböck 2003; Gamlen 2006; Brand 2006; De Haas 2007; Fitzgerald 2009; Varadarajan 2010; Mügge 2013). Home states have been establishing institutions and other state-initiated mechanisms which motivate and control emigrants' social, political and economic contributions to national interests. Turkey has been one of those sending countries and has been engaging with its citizens abroad since the 1960s. This engagement has evolved through time and experienced various policy-shifts during the last 50 years. Borrowing from Gamlen's (2006) terminology, it can be said that Turkey has been involved in diaspora building by binding these communities to the homeland. Since the Justice and Development Party (Adalet ve Kalkınma Partisi – AKP) came to power in Turkey in 2002, Turkey has been revising its policy towards its citizens abroad via both discursive references and policy changes. Currently, it is on its way to establishing a coherent and systematic emigration and diaspora engagement policy which emphasises cultural,

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political and socio-economic ties all together. It manages to achieve these goals by extending extraterritorial cultural and citizenship rights for Turkish migrants and their descendants in various countries of residence.

Turkey has in fact maintained relations with its citizens abroad since the beginning of the 'guest worker' programmes in 1960s; however, academics and other experts have detected an attitude shift in the state's engagement with these populations throughout the last decade. This is reflected in AKP politicians' speeches as well as in newly emerging policies that directly address the diaspora communities abroad. There are both diaspora building and diaspora engagement policies at stake when we try to interpret these newly emerging developments, as they include mechanisms of reviving and emphasising cultural heritage, the shared past and values, as well as creating dedicated institutions to monitor these tasks. This novel approach can be dealt with within the framework of current neo-liberal trends that the other countries from the Global South are experiencing; however, there is also a strong domestic dimension that should be taken into account. According to Aydın (2014), this sudden shift has three main motivations: the emergence of a solid diaspora community abroad along with their transnational networks; the establishment of a new state elite and their new discourse stressing Muslim national identity in Turkey and abroad; and lastly, the re-orientation of Turkish foreign policy due to shifts of power in Turkish society. Mügge (2011:21) interprets the evolution of Turkish state policies over time from the perspective of migrants' length of stay and the political climate in both the home and host countries. She argues that the policy change over time occurred due to the following reasons: a) political developments in Turkey, b) shifting state goals which made migrants relevant for foreign policy and c) changes within the migrant community itself (Mügge 2011:28). In official documents, the explanation for this onset is given as Turkey's new "outward looking foreign policy" above all else (Yurtnaç 2012). The current dynamics that are observed with regard to Turkey's engagement with its diaspora clearly show signs of both international and national indicators, and therefore both domestic and international policy drivers should be taken into account.

What makes the recent developments all the more important is the fact that it is the first time the state is actually claiming its diaspora and recognizing its agency. Rather than telling diaspora groups how to behave and what to do, the newly emerging approach aims to help diaspora group actors function on their own by supporting the creation of opportunities in both the home and host countries. This chapter analyses the reasons behind Turkey's development of emigration and diaspora engagement policies since the beginning of its first mass migration flows in 1960s. It seeks to understand the drivers of policy changes throughout the last 50 years. It also questions whether Turkey is simultaneously developing an emigration policy which covers not only long-term residents abroad but also its citizens who are mobile (or temporarily mobile). The findings of this chapter are based on secondary resources, and academic articles and reports that have dealt with Turkey's diaspora policy. Politicians' speeches, legal documents and newspaper articles are also taken into account to help interpret the recent shifts in policies.

Turkey's Emigration Policy Since the 1960s

Emigration Policies in the 1960s

In Turkey, the policy framework concerning emigration has evolved through time, reflecting different state policies under different governments as well as diverging host-state approaches to the Turkish migrant population abroad. In the 1960s, in order to decrease unemployment and benefit from remittances as tools of development, the Turkish state promoted emigration through bilateral labour agreements. This was also due to the need to prevent possible socio-economic tensions that might have arisen due to the pressure on its own labour market (Østergaard-Nielsen 2003; Mügge 2011; Ünver 2013; Aydın 2014; Aksel 2014; Baser 2015). At the same time, there was a need for labour migration to European countries due to industrialisation and the lack of a local labour supply to correspond to this demand. Turkey's emigration policy was linked to the First Five-year Development Plan (1962–1967), which manifests the “export of surplus labour power” as a crucial tool for development (İçduygu 2009). Aiming for unemployment reduction and an inflow of remittances, Turkey signed bilateral labour recruitment agreements with the Federal Republic of Germany (1961); Austria, the Netherlands and Belgium (1964); France (1965); and Sweden and Australia (1967). These agreements were based on temporary contracts and there was no assumption that the workers would stay in Europe longer than the terms of the bilateral agreements (İçduygu 2009, Ünver 2013, Aksel 2014, Baser 2015). During this first wave of migration flows to Europe in the 1960s, the overall state emigration policy in Turkey was based on facilitating remittance flows and the easy return of labour migrants. Ünver defines this period as the “state of ambivalence” (Ünver 2013:183). During this period, large numbers of Turks (including other groups with Turkish citizenship, such as Kurds and Assyrians) migrated to Western Europe as temporary labour migrants. Mass migration then continued with family reunifications (Kirişçi 2003). There was an expectation that the temporary migrants would return to Turkey after a short time and would contribute to their homeland with the skills that they acquired abroad (Ünver 2013, Aydın 2014). The temporary migration scheme did not actually work, however, as many Turkish immigrants opted to stay in their host countries, leading to a large Turkish migrant community abroad which today is estimated at around 5 million (with 4 million residing in Europe).¹

¹ See Turkish Foreign Ministry Official Webpage: <http://www.mfa.gov.tr/the-expatriate-turkish-citizens.en.mfa>

Emigration Policies in the 1970s

The Turkish state's perception of emigration has evolved throughout the years. In the early stages of mass migration, the Turkish state adopted an economic mentality focusing on remittances and expecting migrants to return to Turkey; the main idea was to decrease the unemployment rate in the homeland, and to benefit from the economic and social capital that a migrant community abroad would offer. The State Planning Organisation (DPT) and Turkish Employment Service (IIBK) were responsible for administrating the emigration process and regulations. Up until the 1970s, the diaspora policy was non-existent and engagement with these communities was based solely on maintaining people's attachments to their homeland while at the same time providing them with practical information regarding their migration status (Aksel 2014, Aydın 2014). A transformation in mentality began during the second decade when the state aimed to prevent cultural assimilation, as the migration phenomenon was now perceived to be more durable than expected with some unintended consequences. Until the 1980s, the Turkish state focused on providing guidance on pensions and took care of practical matters through social attaches who were responsible for ameliorating the situations of Turkish migrants abroad (Aydın 2014). Relevant authorities also advised citizens on educational and legal issues (Ünver 2013:184). There was an expectation that the migrants would send remittances back home and use their savings to invest in their home country, and therefore the state started putting policies in place to facilitate such matters.

With the first signs of permanent Turkish settlement in Europe, the Turkish state also started taking measures to encourage migrants to return to Turkey. During the 1970s, a voluntary return programme was implemented together with the *United Nations Development Programme*. To facilitate the integration process of returning migrant workers, the Turkish state established schools teaching German as a foreign language for migrant children returning from Germany, and introduced programmes to reduce taxes on returning workers' real estate and entrepreneurial purchases (İçduygu 2006). However, the influence of these state attempts remained limited. Various programmes were initiated in this period to try to channel workers' remittances into employment-generating investments. However, these initiatives did not live up to the expectations of balanced development across the country (İçduygu 2006).

During the mass migration period of the 1960s, the Turkish government initiated three development programmes to engage emigrants in Turkish economy. The first project that aimed to reintegrate returning migrants' savings into the local economies was the creation of the Village Development Cooperatives, established in 1962 with the aim of supporting development in rural areas. Between 1965 and 1973, there were approximately 1400 cooperatives. However, most cooperatives aimed to secure jobs for their members and ultimately facilitated migration rather than realizing productive investments in the villages through remittances. The second programme, which started in the 1960s, included support for "workers' joint stock companies", established to invest in the less developed regions of the country. Workers' joint stock companies are an expanded form of village development coop-

eratives in that they seek the promotion of industrialisation on a country basis. The aim was to create job opportunities for returning migrants and to open a channel for the economic use of their savings (İçduygu 2006). In order to be qualified as a joint stock company, the company had to be founded by individuals who were working abroad or who had returned to Turkey, with 50% of the initial capital financed by migrants. In 1975, there were more than 100 joint stock companies, but many of them faced financial problems and did not succeed (Köksal 2006). A third programme supporting emigrants' engagement in the economy was the establishment of the State Industry and Workers' Investment Bank in 1975. The bank advocated for mixed enterprises organised by the state and for private capital, including workers' remittances. However, this effort was not successful either for enterprises overall or for channelling investment resources into the country's less developed regions (İçduygu 2006).

On the cultural and religious front, the formal religious institution in Turkey called *Diyanet* started a plan in the 1970s to send *imams* abroad to facilitate the religious education and religious practices of Turkish migrants. Initially *Diyanet* was solely in charge of the administration of mosques and the appointment of imams and muezzins. Since the 1980s, however, *Diyanet*'s role in managing religion has expanded with a larger budget and an increased number of personnel. For instance, *Diyanet* works abroad through the *Turkish Islamic Association of Religious Affairs [DITIB]*, which was established in 1984 to coordinate religious associations in Germany. In the Netherlands it was called the Turkish Islamic Cultural Federation (TIKF) (Mügge 2011:28). As Aydın (2014) states, "in this way, Ankara extended its portfolio of services towards Turks living in Germany by attending to the maintenance of religious practices". Today more than 1000 mosques and related associations are affiliated with DITIB in Germany alone, which makes it the largest diaspora organisation abroad (Ünver 2013:185).

In terms of access to media outlets, Turkish migrants benefited from state-initiated as well as private media and broadcasting abroad. Turkish organisations published their own magazines and newspapers. There are also TV stations which solely target migrant populations as well as others that have headquarters in Turkey but have expanded their satellites to Europe. Their programmes are sometimes synchronised with Turkish channels and other times show programmes specifically dedicated to the Turkish population abroad. Turkey's one state-television channel, the Turkish Radio and Television Corporation (TRT), broadcasts abroad through the *TRT-Türk*.² Private Turkish TV channels have also established European channels such as *Show Türk*, *Türkmax*, *Euro D*, *Kanal 7 Avrupa* and *ATV Europe*, all of which broadcast abroad in Turkish. At the end of the 1960s, Turkish newspapers also started publishing in Germany and established their own press houses there. The leading daily newspapers published abroad are *Hürriyet*,³ *Milliyet*, *Sabah* and *Zaman*, which are European editions of newspapers published in Turkey.

²For information on TRT Türk: <http://www.trtturk.com.tr/>

³Hürriyet has 25,000 locations in Europe. For information on Hürriyet: <http://www.hurriyetkuruslari.com/Default.aspx?pageid=nS935PUEAsU=&kutuid=a00B4P2A/Qw=>

Towards a More Politicised Engagement

Up until the 1980s, one can observe an emerging emigration policy that is dedicated to tapping the economic potential of migrants but no signs that the state began to see the migrant community as an asset that could help to facilitate foreign policy aims or transnational politics in general. However, after the 1980s one can observe a security-oriented approach aimed at monitoring the activism of migrant groups. The political instability in Turkey had a significant impact on the profile of migrants who came to Germany at the end of the 1970s and early 1980s. The military coup d'état in 1980 and the policies that ensued forced many activists (Kurdish and leftist) to live in exile in various European countries (Baser 2015). It was becoming clear that there was a new flow of emigrants making their permanent residence abroad. Therefore it is no coincidence that the government's first attempts to form diasporic ethnic and religious organisations began at the end of the 1970s and continued into the early 1980s. Due to the political turmoil in Turkey, many labour migrants also became politicised. These are the years when political matters in Turkey were slowly imported to Europe via state-linked and non-state domestic actors as well as by migrants themselves. What we see after the 1980s is a Turkish state closely monitoring the activities of migrants in Europe, especially in Germany. The establishment of migrant organisations became extremely politicised. Some movements which were banned, oppressed or stigmatised in Turkey diffused their activities to Europe and founded NGOs, civil society organisations or underground groups operating under the title of migrant organisation. The Turkish state's response to such activities was to tighten monitoring activities, but at the same time encourage segmented integration without assimilation into the host countries (Mügge 2011, Baser 2015, 2014). During this time, although a new political agenda was formulated, the economic priorities on the agenda were never forgotten (Ünver 2013:184).

By the 1980s the authorities were becoming more and more convinced that migrants' temporary statuses were turning into permanent ones. Consequently, the dual citizenship law was accepted in the beginning of 1980s. The situation of Turkish citizens abroad was also mentioned in the constitution prepared after the coup d'état in 1980 (Aydın 2014; Aksel 2014; Ünver 2013). Article 62 of the 1982 Constitution noted: "the Government takes measures to ensure the family unity of Turkish citizens working in foreign countries, to educate their children, to meet their cultural needs and to provide social security, to protect their link to the motherland and to facilitate their coming back". For those who stayed abroad, the state also systematised sending teachers and imams to several countries to teach the Turkish curriculum and the Turkish interpretation of Islam under different arrangements through the Ministry of Education and the Directorate of Religious Affairs. They also began investing in other institutions such as the "Higher Coordination Council for Workers, consisting of Social Affairs and Economic Affairs Committees" (Aksel 2014). The economic mentality of the state emigration policy was slowly replaced with social, cultural and political measures for integration abroad. Parliamentary debates from the 1960s to the 1980s demonstrate this gradual change

in the state perception of emigrants: first as “distant workers”, then “migrant workers”, followed by “Turkish citizens abroad” and finally “minorities in Europe”. In this period, the Turkish state increased its engagement with Turkish emigrants in the host countries and created legal and official incentives in order to secure links with emigrants, and to closely monitor and improve their conditions in Europe (Ünver 2013; Aksel 2014).

A Multifaceted Approach to Emigration in the 1990s

In the 1990s, particular attention was paid to strengthening the social and political ties of Turks abroad, which was a clear indication that the Turkish state was moving towards formulating a diaspora-building and diaspora engagement policy without giving it a name. The establishment of the Pink Card⁴ is arguably an example of this new approach (Blue Card from 2009 onwards). The Turkish state ceased to see Turks abroad solely as financial contributors to the Turkish economy and instead began to widen its horizons and encourage migrants to organise in order to bring about political change in their country of residence. We can see that the Turkish Consulate and Embassy supported activities against discrimination or xenophobia in European countries beginning in the 1990s. Aksel (2014) defines this new understanding as an institutionalisation process abroad. For instance, she states that the Advisory Committee for Turkish Citizens Living Abroad and the High Committee for Turkish Citizens Living Abroad were founded at the end of the 1990s and that these two institutions work under the purview of the Prime Ministry. The Foreign Relations and Workers Abroad Services General Directorate was founded under the Ministry of Labour and Social Security and is responsible for employment opportunities, the preparation of workforce agreements and the organisation of inspections on the institutions established abroad. They also prepare reports annually and monitor the situation of Turks abroad.

During the 1990s, Turkey's application to accede to the European Union was also a very hot topic. Progress reports on the matter were given great attention, and Turkish politicians constantly prioritised the membership issue in their speeches and tried to prove that Turkey belonged to Europe. At that time, the Turkish State began to perceive Turkish migrants in Europe as representatives of the Turkish population, which planted the first seeds of its diaspora-building efforts. Turkish authorities believed that the successful integration of Turkish immigrants into host societies could promote a positive image of Turkey (Mügge 2013) and enhance public diplomacy (Ozdora-Aksak and Molleda 2014; Aydın 2014). To this end, Turkish policy makers began to engage more actively with Turkish immigrants, for example paying attention to their integration and discrimination problems. According to Aydın (2014), two main motives dominated the state's engagement with citizens abroad

⁴This card was given to individuals who had to lose their Turkish citizenship in order to naturalise in their countries of residence

during the 1990s: wanting to facilitate the integration of Turkish citizens in their countries of residence and wanting to support them in their demands for cultural rights. However, at the same time, the state continued to have security concerns which led it to monitor organisations for dissidents who opposed Turkish state policies, and to manipulate and use other organisations that were voluntarily supporting “Turkish interests” within the host countries. In the 1990s one can also observe a shift in the agendas of migrant organisations towards both homeland and hostland-related matters. This was also a clear sign that members of the diaspora were starting to establish their own voice in the debates about their situations in both the home and host countries (Østergaard-Nielsen 2001; Mügge 2013; Baser 2014).

At the end of the 1990s, two institutional steps were taken to strengthen the link between Turkish emigrants and the home country. In 1998, the Advisory Committee for Turkish Citizens Living Abroad (*Yurtdışında Yaşayan Vatandaşlar Danışma Kurulu*) and the High Committee for Turkish Citizens Living Abroad (*Yurtdışında Yaşayan Vatandaşlar Üst Kurulu*) were established under the Prime Ministry to monitor the problems faced by Turkish citizens abroad and report on them in the Turkish parliament. Since 1998, the numbers of representatives in these two committees have increased, and the geography of the number of countries represented has expanded (Aksel 2014; Desiderio and Weinar 2014).

Evaluating the emigration policy up until today, we can observe that socio-economic ties have been strengthened as a result of Turkey’s diaspora-engagement project. Turkey has signed bilateral agreements to prevent the double taxation of income with 80 countries (including all EU countries except Malta).⁵ Furthermore, real estate income is taxed in the country where the real estate is located.⁶ Turkey has also signed bilateral social security agreements with 23 countries allowing the portability of social rights.⁷ These social security agreements allow health benefits for emigrants visiting Turkey and for retired emigrants who have returned to Turkey. This means that more Turkish citizens and dual citizens living abroad may choose to retire in Turkey in order to benefit from the retirement rights there.⁹

In terms of return migration, it is estimated that around 2 million Turkish migrants have returned to Turkey since the 1960s, however there are no reliable data or statistics about this.¹⁰ It has primarily been the host governments who have encouraged return, and currently it is the host country institutions that tend to help Turkish

⁵Handbook for Turkish Citizens living abroad: [http://www.ytb.gov.tr/Files/Document/REHBER\(2\).pdf](http://www.ytb.gov.tr/Files/Document/REHBER(2).pdf),

For the list of countries: <http://www.gib.gov.tr/index.php?id=1055>

⁶For detailed information on the double taxation agreements: http://www.gib.gov.tr/fileadmin/mevzuat/uluslararasi_mevzuat/ciftever_karsilikli94.pdf

⁷For information on the portability of social rights:

[http://www.ytb.gov.tr/Files/Document/REHBER\(2\).pdf](http://www.ytb.gov.tr/Files/Document/REHBER(2).pdf), http://www.mfa.gov.tr/yurtdisinda-yasayan-turkler_.tr.mfa

⁸According to the Ministry of Foreign Affairs website, however, this number is 28 http://www.mfa.gov.tr/yurtdisinda-yasayan-turkler_.tr.mfa

⁹Law 3201, 22 May 1985

¹⁰http://ha-ber.net/index.php?option=com_content&task=view&id=1778

citizens return to Turkey under certain conditions.¹¹ İçduygu also confirms the lack of data for further interpretations regarding return migration. He also adds that the migration is mostly circular; the first generation in particular now alternates between being home and being abroad, i.e. spending 6 months in Turkey and 6 months in Europe, followed by 6 months in Turkey, etc. In this way, immigrants can keep their assets in both countries as well as their rights to both health systems and pension schemes (İçduygu 2012).

A Vigorous Transition Towards a Complex and Comprehensive Diaspora Policy

This volume makes a distinction between emigration policies and diaspora engagement policies: emigration policies include all policies that regulate outward migration, mobility across countries and potential return. They focus on more practical matters compared to diaspora engagement policies which have a more political dimension that includes strengthening ties and building a sense of belonging with the homeland. In the Turkish case, we see that the migration policies started with a clear emigration policy dimension, however over time evolved into diaspora engagement policies. Currently, there has been a strong attitude shift towards formulating diaspora policies, however they go hand in hand with emigration policies as there is a considerable overlap between the two. The policy drivers behind both kinds of policies are very much intertwined as shown above.

Today, it is all the more important to scrutinise diaspora-building policies not only for a deeper understanding of how states engage with their citizens abroad but also because it is a basis for broader theoretical discussions about who the diaspora members are versus who the mobile citizens are, the difference between mobility and migration, and more importantly who is considered part of the diaspora by the home state authorities within their own understandings of nation, citizen and duty. In the section below, I analyse the current diaspora policy that has been formulated by the governing party in Turkey, shedding light on the Turkish diaspora-building and engagement policy but also showing that these policies are very politically and strategically motivated. In sum, these policies cannot be scrutinised without taking external and internal dynamics into account.

¹¹ For example, the Netherlands has the following conditions and institutions: http://www.svb.nl/int/tr/remigratie/hulp_remigratie/de_remigratieregeling/.

The AKP Period and Diaspora Engagement Policies: Emigration and Diaspora Policy Drivers

In the AKP era, we observe that the formation of emigration policies continued and that there was an institutional turn when it came to forming policies related to diaspora building and engagement. It is important to mention that the Turks living abroad were never referred to as “diaspora” until the AKP came to power (Ünver 2013:183). Prior to that, the Turkish state had been only selectively intervening in matters related to its diaspora (Mügge 2011: 20). After 2002 one can observe a clear trend of efforts to mobilise the diaspora with a holistic approach that simultaneously included social, economic and political agendas. This new approach has a clear political and economic orientation that fits perfectly into mechanisms of diaspora-building strategies throughout the world, and are categorised by scholars such as Gamlen (2008) and Ragazzi (2014).

Main Policy Drivers for the Turkish Diaspora Policy Formulated by the AKP: Historical Ties, Foreign Policy and the Economy

In 2003, a parliamentary commission was installed to study the problems of Turks living abroad. Led by the former head of Diyanet and a parliamentary member of the AKP (Mügge 2011:27), it recommended the establishment of a special unit to deal with Turkish citizens abroad and their problems. The idea was to have closer ties with the Turks abroad and to tap the potential of already existing loyalties in political and economic realms. Against this backdrop, the Turkish state began to formulate policies that would enable it to govern the diaspora but at the same time would give diaspora groups enough space and agency in order to develop their own voice. Borrowing the term from Levitt and Glick-Schiller (2004), Mügge (2013) describes this situation as strategically and selectively managing the migrants.

In the introduction to this volume, Weinar argues that international factors also impact how a state sees its trans-border role, as the state will only embark on international venture seeking cooperation with another state (the host state) if it perceives emigration as part of its foreign policy strategy. Politically, AKP’s domestic and international policy had a huge impact on its interpretation of the identity of migrants residing all around the world. Its commitment to revive historical ties with previously Ottoman territories as well as to strengthen relationships with Muslim communities abroad shaped the formation of the diaspora policy. The neo-Ottoman ideology that the political party pursued affected how they defined the “citizen” who lives abroad and individuals who are “kin” to ethnic Turks. Their discourse on the citizens and relatives abroad who are part of the great Turkish nation also translated into their diaspora-building and engagement mechanisms. In addition, there was a clear reference to a Muslim nationalist/Muslim Sunni identity which isolated other Turkish citizens from different ethnic origins, such as Armenian, Assyrian and

Kurdish groups. The newly emerging policy also distanced itself from the Alevite communities (Aydın 2014; Baser 2015). The international dimension of the policy drivers was also evident. Following current Prime Minister Davutoğlu's concept of "strategic depth", the AKP began to perceive Turkey's role in global politics differently than previous governments. Their idea was that Turkey has an important geo-strategic location and historical depth, which makes it a country that should have a greater say in world politics (Walker 2007; Aydın 2014). Their perception of Turkey as a global economic and political power also shaped Turkey's policies of embracing the diaspora: firstly, by considering Turkish citizens, relatives and kin groups to be part of the Turkish nation, the Turkish government effectively broadened the constituency of its diaspora to include Azerbaijani, Kyrgyz, Kazakh, Uzbek and Turkmen groups as external members. This attitude can be described as being externally inclusive as it did not set official citizenship as a requirement for being part of the diaspora. In official accounts, the number of diaspora members are said to be around 6 million Turkish citizens and around 200 million kin and related communities (Yurtnaç 2012), which together constitute an extremely large diaspora in the world. Secondly, the government's shift in perspective compelled policy makers to pursue the further mobilisation of diaspora groups, as they saw them as an opportunity to maximise their own power in global politics. This attitude was evidently reflected on the institutional level as well. The Prime Ministry Presidency for Turks Abroad and Relative Communities (YTB) was established in 2010.¹² It is organised into eight departments which include: overseas citizens; cultural and social relations; institutional relations and communications; international students; strategy development; legal advisory services, human resources and education; support services; and information technology (Yurtnaç 2012). There are also three separate boards: the Overseas Citizens Advisory Board, the Evaluation Board for the Coordination of Cultural and Social Relations and the International Students Evaluation Board. YTB also works closely with other institutions such as the Ministry of Foreign Affairs, the Directorate of Religious Affairs, the Turkish International Cooperation and Coordination Agency (TIKA), the Council of Higher Education (YÖK), the Yunus Emre Institute and the Public Diplomacy Office, among others (Yurtnaç 2012). Ünver (2013:186) explains its role as follows: "[YTB] has strategic commitments to establish reliable and reputable Turkish Diaspora with common reflexes with the ability to determine socio-economic, cultural, and political fields in the host countries and on the global level to build an institutional structure hitherto". Following Davutoğlu's doctrine of being influential in the Middle East, Central Asia, the Balkans and Europe at the same time (Walker 2007), the YTB also embraced kin and relative groups all around the world in addition to the diaspora due to its "historic responsibility" (Yurtnaç 2012), and began formulating similar policies to address all of them at the same time. In an officially published document in which the former chairman of YTB, Kemal Yurtnaç, presents the aims of the YTB, he argues that the Turkish diaspora can be Turkey's "public diplomacy" and "soft power" in international politics (Yurtnaç 2012).

¹² For more information on YTB see the official website: <http://www.ytb.gov.tr/kurumsal.php>

New Alliances and the Discourse of Public Diplomacy

There is an emerging desire to create, organise and activate a diaspora, and the new directorate has been working vigorously to this end. Workshops are being organised all around Europe, and attempts are being made to merge Turkish and Azeri Diaspora organisations under certain umbrella federations.¹³ There are also more official visits by the Turkish government to European countries and more Turkish associations being founded in different countries. As suggested by Gamlen (2008), the congresses organised by state-sponsored NGOs or diaspora organisations are a crucial sign that the Turkish state is actually involved in forming its own diaspora abroad. In a recent symposium about the Turkish Diaspora, DEİK (the Foreign Economic Relations Board) President M. Rifat Hisarcıklıoğlu stated that Turks abroad would be one of the three most influential diasporas in the world by the centennial anniversary of the Republic, and that “in two years, we plan to have reached approximately 2,000 representatives organised in over 100 countries”.¹⁴ Other conferences were organised for the anniversary of the 50th year of migration to countries such as Germany, the Netherlands and Sweden. The YTB has also published a quarterly journal in Turkish titled “*Artı 90*” since January 2012. The journal references the Ottoman past and calls the Turkish emigrants “co-ethnics” and “ex-Ottoman citizens” in order to reconnect them with the Turkish state (Aksel 2014).¹⁵

Besides institutional efforts, during the last decade there has been an increase in politicians visiting Europe to address large communities of diaspora members. Consular units have also been expanded in line with the new approach and special arrangements have been made in institutional frameworks. An advisory board/ consultative expatriate council has been formed under the auspices of YTB which consists of diaspora members from all around the world.¹⁶ The state is also encouraging the emergence of new civil society organisations that would lobby for Turkish interests in the diaspora’s countries of residence. Public diplomacy (Ünver 2013) is a novel duty that has been given to selected diaspora groups. However, it should be kept in mind that these developments solely benefit the diaspora groups that can be defined as pro-government. While the centre-right conservative diaspora organisations are flourishing with the opportunities that are being provided to them, other organisations who are in the opposition do not benefit from this wave of attention, least of all in a positive manner (Baser 2015).

¹³ See for example: <http://www.armeniandiaspora.com/showthread.php?198876-BAKU-Council-of-Azerbaijani-Turkish-Diaspora-Organisations-jt-meet>

¹⁴ See: <http://www.tobb.org.tr/Sayfalar/Eng/Detay.php?rid=1587&lst=MansetListesi>

¹⁵ For information on the *Artı90* Journal: <http://www.arti90dergi.com/>

¹⁶ See the members via YTB official website: <http://www.ytb.gov.tr/ulkeler.php>

External Voting as a Mechanism of Transnational Polity Building

In terms of strengthening political ties, the issue of external voting carries great importance. Turkish citizens abroad have had the right to vote at customs since 1987. However, the recent amendment to the law in 2012 facilitated external voting for Turkish citizens residing abroad as it allowed them to vote at certain places arranged by the Turkish Embassies in their countries of residence. This caused a grand debate as the migrants constitute more than 1 million potential votes. Many argue that there are more migrants with right wing tendencies than social democrat or leftist tendencies, which would result in a pro-government result coming out of the ballot box.¹⁷ Some parties asked for quotas for external voting while others asked for different regulations. The turnout rates for the presidential election as well as the legislative elections were quite low despite expectations for high turnout rates (Abadan-Unat et al., 2014). External voting proved to be one of the most effective mechanisms to strengthen political ties within the diaspora-building project as it caused the transnationalisation of political party programmes. For instance, there have been election campaigns that were specifically tailored for the diaspora: political parties included diaspora candidates in their lists and each party addressed the diaspora's needs and expectations in their party programmes, at least via lip service.

Strengthening Economic Ties

In terms of economic ties, the new strategy has received tremendous support from business associations. In 2009, the Foreign Economic Relations Board of Turkey (DEİK) established the World Turkish Business Council, which brings Turkish companies operating abroad together with diaspora entrepreneurs. In these conventions, the term 'Turkish diaspora' appears to be pronounced very frequently and in a positive manner. Business associations also emphasise that they are pleased to be helping to turn diaspora policies into national policies, as it will benefit Turkey economically.¹⁸ It has also been observed that diaspora organisations which are established as business associations have been mushrooming during the last decade. The Swedish-Turkish Business Network which was founded in 2011 is just an example.¹⁹

¹⁷<http://www.dunyabulteni.net/?aType=haber&ArticleID=274770>

¹⁸<http://www.hurriyetdailynews.com/council-mobilizing-the-turkish-diaspora.aspx?pageID=238&nID=30022&NewsCatID=464>

¹⁹<http://www.haberler.com/isvec-teki-turk-isadamlari-dernek-kurdu-2751076-haberi/>

Strengthening Cultural and Linguistic Ties with the Transnational Polity

On the cultural and linguistic front, Yunus Emre Institutes were established all around Europe with cultural diplomacy as their objective. As a part of diaspora policies to strengthen cultural ties, the Turkish state accelerated efforts to provide education in its national language and to sponsor the teaching of its national language abroad. Turkish language is currently taught abroad under the “Turkish and Turkish Culture Programme”²⁰ which gives Turkish children abroad access to elective Turkish classes in their schools. Turkish language is also taught at the Yunus Emre Institutes which promote Turkish culture and language in more than forty centres around the world.²¹

The need to develop the national curriculum in line with the educational needs of Turkish children in Europe is still on the agenda of the Prime Ministry Presidency for Turks Abroad and Relative Communities (*Yurtdışı Türkler ve Akraba Toplulukları Başkanlığı*). The Presidency organised a “Workshop on Curriculum Design for Turkish Children Living in Western Europe” together with the Yunus Emre Institutes with the aim of designing a curriculum for age groups of 5–6, 7–11 and 12–15.²² Turkey sends Turkish Language and Culture teachers to host countries based on a decision made by the Inter-Ministerial Common Culture Association (*Bakanlıklararası Ortak Kültür Komisyonu*) to prioritise the teaching of Turkish language.²³ Teachers and instructors sent abroad serve in Turkish Culture Centres that are linked to Turkish Embassies, the Turkology Departments of Universities or function as Turkish teachers in European schools.²⁴ It is said that there are around 1618 teachers and 112 teachers who are responsible for teaching the Turkish curriculum abroad.²⁵ While there is no official list of countries where Turkish teachers are sent, the Turkish Ministry of Education has representation offices in Austria, Belgium, Denmark, Germany, France, the Netherlands, Sweden, Switzerland and the United Kingdom.

The Current Situation and Beyond

The official webpage of the Turkish Foreign Ministry openly declares that they support the political participation of diaspora members in their country of residence.²⁶ YTB also encourages immigrants to actively participate in public life in their coun-

²⁰ 3 August 2009, Decision no 112.

²¹ For information on Yunus Emre Institutes: <http://yee.org.tr/turkiye/en/homepage>

²² For information on the workshop: <http://ytb.gov.tr/index.php/yurtdisi-vatandaslar/944-2013070701.html>

²³ 5 June 2003 Decision no 5753, Official Gazette 25,157

²⁴ See <http://abdigm.meb.gov.tr/www/yurt-disi-teskilati/icerik/31>

²⁵ http://www.mfa.gov.tr/yurtdisinda-yasayan-turkler_.tr.mfa

²⁶ See: http://www.mfa.gov.tr/yurtdisinda-yasayan-turkler_.tr.mfa

tries of residence while also preserving their own culture (Yurtnaç 2012). The official webpage of the Ministry of Foreign affairs also affirms this approach.²⁷ An overview of the Turkish diaspora policy over time demonstrates a move from a policy promoting return migration, to keeping economic and social ties with emigrants, to continuing with institutionalisation for monitoring and controlling the overseas populations, and finally, to increasing the state's active involvement with domestic institutions and representatives of Turks abroad. The main aims of the new strategy can be listed as the following:

- Strengthen political, cultural and economic ties with the Turks abroad;
- Use various mechanisms to extend the Turkish culture abroad;
- Protect Turkish citizens abroad against xenophobia and islamophobia;
- Establish and develop relations with kin and relative communities abroad such as Azeris, Uyghur Turks, Iraqis, Turkmens, etc.
- Provide support and funding for culture-related activities of Turkish organisations in Europe
- Attract Turkish diaspora entrepreneurs back to Turkey and encourage them to invest in Turkey
- Enhance activities to encourage economic development in Turkey and make it one of the world's biggest economies.

The national and transnational agenda has not yet been embedded into local initiatives that relate to diaspora groups. Local governments' approaches towards emigrants generally centre around the non-migrants living in their hometowns rather than around emigrants themselves. The local governments in our discussion here are the municipalities of districts in provinces. Some district municipalities in migrant-sending areas (for example Emirdağ in Afyon and the non-governmental organisation EYAD, established in Belgium) assist migrant association campaigns that target a hometown and provide assistance such as financial help for low-income families; wheelchairs for the disabled, medical tools for public hospitals, or funding to build school libraries, mosques and fountains in the migrant-sending district in Turkey. There is also another example, the Kulu district in the city of Konya which has sent 70% of the Turkish immigrants residing in Sweden. Swedish is the second language spoken in that district and there are even monuments that have been built for Swedish politicians, etc. The town is full of returnees and circular migrants, and the municipality's websites usually include news about Sweden and Swedish politics. However, these cases are very specific and it is not possible to generalise diaspora policies at the local level. There has been no research to date on local governments' emigrant-centred policies, and no official data is available on emigrant-centred policies that have been created and implemented by local governments.

In a nutshell, one can clearly see the policy drivers mentioned by Arrighi et al. (2013), and the international and domestic dimensions of diaspora engagement policies. In terms of factors related to international relations, we see that Turkey has formulated a new understanding of its foreign policy, which positions it as a global

²⁷ http://www.mfa.gov.tr/yurtdisinda-yasayan-turkler_.tr.mfa

economic and political power. This perception has had an immense effect on the way the state began to engage with its diaspora during the last decades. With regard to domestic factors, the Turkish state has aimed to support identity formation within the diaspora, linking its historical heritage with the populations that are considered to be diaspora, while also strengthening community values. The polity-building approach has been externally inclusive in terms of granting external voting rights. However, engagement levels and the ability to build bonds with the diaspora were affected by the governing parties' ideology. Opposition groups were also excluded from home-state support politically, socially and economically.

Conclusions

To conclude, it can be said that Turkey has slowly but surely developed emigration policies throughout the years, having been an emigration country for half a century. However, diaspora policy, as we know it, has been emerging over the last decade with the rise of the governing party on the political scene. The emigration policy has developed largely from practical issues that fit into the conventional understanding of attracting remittances, arranging logistical matters for returning emigrants, signing bilateral agreements that guarantee pensions and facilitating bureaucratic matters related to citizenship such as the Pink Card. The diaspora policy, on the other hand, is largely related to Turkey's newly emerging self-perception as a global economic and political power and its imagination of its own transnational polity, which is primarily related to its understanding of who constitutes the Turkish nation. Therefore, the policy formations regarding mobile citizens and the diaspora come from a general global trend, as a result of increased migration and consequently migration management, but they have also been influenced by the ideological motives of the new ruling elite in Turkey.

As shown, Turkey has selectively formulated policies in order to establish links with its citizens abroad. During the 1960s, the interactions between the state and migrants primarily dealt with practical and legal matters, and immigrants were seen as a community that would bring economic benefits to the homeland via remittances or acquired skills. The 1970s witnessed a more systematic engagement plan which reflected the evolution of an emigration policy which focused on visa policies, mobility management and rights recognition. In the 1980s, due to the political climate in Turkey, state policies were based on security concerns; Turkish authorities tried to monitor diaspora activism and keep opposition groups under control. In the 1990s, one can observe the first signs of diaspora-building and engagement policies when the state began to formulate integration-support mechanisms and promote Turks abroad as representatives of the homeland. Since the beginning of 2000s, with the AKP in government, state-formulated policies have changed due to the government's shift in attitude toward the diaspora. Firstly, the policies became much more systematic and comprehensive, covering all political, social and economic areas. Secondly, diaspora organisations were strengthened to formulate their own presence

in the global scene with their own voice – as long as they did not go against government policies. This is a huge step in the sense that the Turkish state recognised and claimed its diaspora, and acknowledged its agency in transnational matters. Thirdly, the fact that the policy drivers of this new *strategy* are both domestic and international makes it all the more assertive and important.

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Chapter 15

Vietnam and Its Diaspora: An Evolving Relationship

Tien Nguyen

Introduction

Vietnam's growing integration into the world economy is renewing an interest in the country's migration policies (MOFA 2011). More than 4 million Vietnamese residing in 103 countries and more than 500,000 migrant workers in more than 40 countries sent home USD 12 billion in 2014, making Vietnam the 9th largest recipient developing country in terms of remittances (World Bank 2015). The Government of Vietnam recognises overseas Vietnamese as an important factor for the country's development. To this end, it has developed a comprehensive legal framework and practical programmes to cater to both emigrants and the diaspora.

This chapter adopts the analytical framework of the volume (see Weiner, Introduction) which distinguishes emigration and diaspora policies. Emigration policies aim at facilitating or restraining movement: for example, bilateral agreements on temporary work, skill recognition or support for international migration before departure, during a migrant's stay in a foreign country, after returning home, etc. Meanwhile, diaspora policies aim at strengthening the linkages between migrants and their homeland, for example by protecting migrants' political, socio-economic or cultural rights, or supporting their integration into the host economy.

This chapter provides an overview and analysis of Vietnamese emigrant and diaspora policies. In particular, it discusses how these policies have developed over time to cater to the needs of emigration and diasporas and to maximise the potential impact on the Vietnam's development. The second part of the chapter analyses emigration policies, including how they have been driven by the country's internal factors as well as by the globalisation process. It also examines the emigration policies that have been put in place by the government regarding migration for work, education and family reasons as well as for irregular migration situations. The third part

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discusses important threads embedded in the country's diaspora policies and examines the policies implemented by the government to support the political, socio-economic and cultural rights of diasporas.

Emigration Policies

Vietnam has developed a wide range of emigration policies. This process is driven by both internal and international factors. On one hand, more open trade and economic relations with the global economy make it easier to pursue better economic and educational opportunities overseas. On the other hand, policies have been put in place to support people pushed by poverty and high unemployment risks to migrate overseas. The Government of Vietnam has developed a legal framework and practical programmes to support labour migration before, during and after migration, supporting students to seek educational opportunities, countering the brain drain, regulating child adoption and commercially brokered marriage and protecting victims of irregular migration.

Emigration Policy Drivers

Since the *doi-moi* (open door) policy was launched in 1986, Vietnam has been integrating into the global economy. In 1995, the country joined the Association of South East Asian Countries (ASEAN), and in 2007 it acceded to the World Trade Organisation (WTO). Together with this economic development and integration, the Vietnamese people's demand for emigration for work, tourism, education and economic purposes has increased. Improved information technology and air transportation have made it much easier for a person to migrate overseas. Moreover, the development gap between Vietnam and developed countries have led many Vietnamese to migrate overseas in search of a better life. Indeed, emigration in Vietnam in the past 25 years has increased in terms of both quantity and reasons for migration (MOFA 2011, p.10). Today, Vietnamese are migrating overseas in search of employment, education, health care and economic opportunities but also for family reunion, marriage, child adoption, etc.

The development of labour emigration in Vietnam can be summarised into three stages. Vietnam started to send workers overseas for employment in the 1980s, to collect foreign currency assets on one hand, and to ease the pressure on the labour market, on the other. In the period from 1980 to 1990, Vietnamese workers were sent mostly to countries in the former Soviet bloc. During that time, workers were sent overseas only by the Government of Vietnam and under bilateral agreements.

In 1986, the *doi moi* reform initiated by the Communist Party of Vietnam aimed at transforming a centrally planned economy to a market-oriented one. Labour emigration policy in Vietnam also evolved in line with that transition, focusing on

changing the character of labour mobility from government-driven to private-sector-driven. After the political change in the European socialist countries, the Government allowed private recruitment companies to send Vietnamese workers overseas under private contracts for the first time (Decree 370-HDBT of the Council of Ministers, 9 November 1991). During that period, the main destination countries for Vietnamese workers shifted to the Middle East and to East Asian countries. Since the 2000s, labour emigration has become part of the country's socio-economic development strategy. Today, more than 500,000 Vietnamese workers are working in more than 40 countries, sending home US 1.6 billion every year (Dang 2008; Ishizuka 2013).

At the national level, the Government of Vietnam has been promoting international labour migration as a policy for poverty reduction (ILO 2014). The development impact of remittances, especially to poor communities, is significant. On 27 December 2008, the Government adopted Resolution No. 30a/2008/NQ-CP on the rapid and sustainable reduction of poverty in 61 of the country's poorest districts with household poverty incidence of more than 50%. Under this Resolution, a number of programmes have been developed and implemented. For example, Decision No. 71 waives and/or reduces fees for vocational training and employment services and provides financial assistance for language training, health checks and other services for potential migrant workers from these impoverished districts.

Besides poverty reduction, labour emigration is also considered to be a policy response to high unemployment and under-employment rates. As of 2015, Vietnam remains a developing country with a population of 92 million people, ranking 14th in the world and 3rd in South East Asia in terms of population. The total fertility rate is decreasing, however, and in 2015 was approximately 1.7%. Roughly 75% of the workforce are unskilled workers, working in low-paid, unproductive, rural and agricultural sectors. It is estimated that every year, around 1.5 million young people enter the labour force. The young labour force is a driving force for economic growth but also a developmental challenge in terms of employment creation. Every year, the Government sets a target for employment creation, 5–8% of which is met by creating fixed-term employment overseas. The 5-year National Target Programme on Employment and Vocational Training also includes a component on promoting overseas employment.

Emigration Policies in Place

Vietnam has a comprehensive legal framework on emigration, in particular with regard to labour migration. Vietnam's first legal document on labour emigration dates back to 9 November 1991, when Decree No. 370-HDBT of the Council of Ministers on Overseas Vietnamese workers was created. This Decree introduced a license for recruitment companies to hire Vietnamese workers abroad under private labour supply contracts and send them abroad. Decree No. 370-HDBT was amended in 1995 by Decree No. 07/CP. On 29 November 2006, the National Assembly adopted the Law on Overseas Vietnamese workers No. 72/2006/QH11. Since then,

many legal documents have been promulgated to elaborate the law,¹ constituting a general framework for Vietnam's labour emigration policies. Besides promoting labour emigration, the emigration policy framework in Vietnam also addresses other issues such as human trafficking, inter-country marriage, adoption, etc.

Promoting Mobility and Rights of Labour Migrants

Vietnam has not signed or ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*; however, to date, it has signed bilateral agreements with 22 receiving countries on labour migration.² The agreements aim at establishing official labour cooperation programmes under the auspices of the government. Under these agreements, licensed companies submit labour supply contracts with their partner companies in the host country to the government for approval, provide pre-departure training for workers and send workers overseas for employment. For example, the Vietnam-Korea Employment Permit System (introduced by the Memorandum of Understanding (MOU) between the Ministry of Labour, War Invalids and Social Affairs of Vietnam (MOLISA) and the Ministry of Labour and Employment of Korea) currently allows approximately 46 thousand Vietnamese workers to have regular employment for 3–5 years in various South Korean industries, such as electronics, mechanics, fishing, carpentry, electrical fields, etc.

Other notable programmes include: the MOLISA-JITCO (Japan International Training Cooperation Organisation) programme on Vietnamese workers as trainees in Japan; the MOLISA-IM Japan (International Manpower Development Organisation) programme; the MOLISA-Department of Labour of Malaysia MOU on Vietnamese guest workers in Malaysia; the MOLISA-Ministry of Manpower - Sultanate of Oman on Manpower supply; the MOU between the Government of Vietnam and the Government of UAE on Manpower supply; the MOLISA-BMWi (German Federal Ministry of Economics and Energy) on Vietnamese caregivers in Germany.

A Worker-Management Board, in charge of protecting these workers, has been established in Vietnamese embassies in the destination countries with the largest numbers of Vietnamese workers, including Japan, Korea, Taiwan, Malaysia, the Czech Republic, the UAE, Saudi Arabia, and (until recently) Libya. The role of these labour-management boards is to protect the rights of migrant workers in the host country, verifying contracts between recruitment companies in Vietnam and their partners at the host country and protecting migrant workers in vulnerable situations.

International labour migration – or commonly termed “*labour export*” in Vietnam – attracts considerable attention from the public. News and bulletin articles focus on how to maximise the benefits of international migration for both the country and workers. Protecting migrant workers is also an important issue. Many articles have illustrated the vulnerability of migrant workers to illegal practices such

¹A list of legal documents is provided in the Annex

²A list of agreements is available in Vietnamese in <http://dolab.gov.vn/New/View2.aspx?Key=933> [Assessed date: 11 November 2013]

as high recruitment fees, false promises, human trafficking, forced labour, etc. (US DOS 2015; Dang 2008).

The Trafficking in Persons Report 2015 (US DOS 2015) claims that in many cases migrant workers from poor households are charged with high fees to work abroad and given false promises about the working conditions abroad, forcing them to work in substandard conditions to repay their debts. Recruitment companies sometimes do not respond to workers' requests. Meanwhile, the worker's recourse to grievance or dispute handling is not effective.

Under the Law on Overseas Vietnamese workers No. 72/2006/QH11 and Decree 126/2007/ND-CP, recruitment companies have to obtain a license to bring Vietnamese workers overseas for employment. Conditions for operation include possession of statutory capital, a bank deposit, pre-departure training curriculum, etc. As of 28 October 2015, 281 companies have been granted a license to bring Vietnamese workers overseas for fixed-term employment. These licensed companies include both public and private companies in numerous sectors, including service, trading, construction, etc.³

The government has also tightened its regulations, for example, on standardised pre-departure training (Decision 18/2007/QD-BLDTBXH dated 18 July 2007); maximum recruitment fees (Circular 16/2007/TTLT-BLDTBXH-BTC dated 4 September 2007); use of bank deposits by recruitment companies and workers (Circular 17/2007/TTLT-BLDTBXH-NHNNVN dated 4 August 2007); standardised employment contracts (Circular 22/2013/TT-BLDTBXH, dated 15 October 2013); maximum bank deposits for workers (Circular 21/2013/TT-BLDTBXH dated 10 October 2013), etc. Under these regulations, the government has suspended and withdrawn licenses, or imposed fines to more than 40 recruitment companies for charging excessive fees, withholding payments to workers or failing to meet the requirements of pre-departure training.

The government has also cooperated with the International Labour Organisation and the International Migration Organisation to set up Migrant Resource Centres (MRC). The first MRC was established in 2012 to provide accurate information to potential migrant workers and returned workers, advising them on migrant rights and lodging disputes to competent authorities. As of 2015, 6 MRCs have been established in 6 major provinces where migrant workers in Vietnam originate (ILO 2013).

The Vietnam Manpower Supply Association (VAMAS), a local association of licensed companies, was set up in 2004. With the technical support of the ILO, VAMAS developed a voluntary code of conduct (COC) for recruitment companies, in response to allegations from the public that companies were mistreating migrant workers. This Code provides comprehensive standards for recruitment companies which pertain to their entire employment process: advertising, recruitment, contracting, pre-departure training, the period of overseas employment, grievance mechanisms and the period after their return home. By October 2015, the COC had been implemented in 70 out of 242 recruitment companies.

³A list of licensed companies is provided on the DOLAB website: http://dolab.gov.vn/BU/Index.aspx?LIST_ID=1371&type=hdbmmtmn&MENU_ID=246&DOC_ID=1561 [Access date: 28 October 2015]

Support for Mobility for Education

The number of Vietnamese young people migrating overseas in search of a better education and employment prospects has been increasing. In 2013, there were about 125 thousand Vietnamese students in more than 50 countries.⁴ Major destination countries included: Australia, China, the US, Singapore, the UK, France, Russia and Japan. In particular, the number of students travelling to the US to pursue study opportunities has increased 8 times, from 222 in the 2000–2001 academic year to more than 16,500 in 2013–2014, making Vietnam the 8th leading place of origin for foreign students in the US (IIE 2014). The steady growth of Vietnamese students overseas is partly attributable to the high demand for tertiary education in Vietnam's growing economy, but also partly to a "quality crisis" in the Vietnamese education system (Clark 2014; Vally & Wilkinson 2014).

The majority of funding for overseas education comes from personal sources. The government runs a limited number of scholarship programmes: for example, the programme on training scientific and technology experts overseas funded by the State Budget under the Prime Minister's Decision No. 322/2000/QĐ-TTg, dated 19 April 2000; the programme for university lecturers to obtain PhD degrees abroad funded by the state budget under the Prime Minister's Decision No. 911/QĐ-TTg, dated 17 June 2010; and the Communist Party Central Committee's programme on training for young government leaders (Programme no. 165). There are other students who obtain scholarships from foreign governments, universities or development funds. However, the majority of other students use their own funds (or their family's funds) to pursue their education (MOFA 2011; Clark 2014). Some estimates predict that the total amount of money that Vietnam remits overseas for education every year will reach USD 1–1.5 billion,⁵ which is around 10% of the total remittances that overseas Vietnamese send back home.

There have been concerns from the public about brain drain: overseas students not returning home, and skilled workers and academics migrating and not coming back despite the incentive policies for salary and housing offered by a number of local authorities. (MOFA 2011, p. 45). Some claim that the selective immigration schemes in developed countries such as the US, Canada, the UK and Australia as well as in the EU contribute to the increasing loss of much-needed skilled workers for Vietnam's rapid development (Girish Sawlani 2009; Chi 2014; Yehuda et al. 2007).

Much of the policy to address brain drain is offered by local governments. The central government does have a tax-funded scholarship programme, which requires students to come back after their studies and serve for the government. The government of Da Nang, Hanoi and Ho Chi Minh City, for example, have scholarship and incentive programmes for students to come back to work for the local government. Under this programme, academic degree holders have higher salary coefficients and the best students from overseas universities can work for local governments without

⁴ See: <http://monitor.icef.com/2014/11/number-vietnamese-students-abroad-15-2013/>

⁵ See: <http://english.vietnamnet.vn/fms/education/56154/billions-of-dollars-outflows-to-fund-vietnamese-students--studies-overseas.html> [Access date: 4 February 2016]

having to sit for the entrance examination. Ho Chi Minh City also offers a tax-funded “red-carpet” programme for overseas Vietnamese who have doctoral or master’s degrees to support its newly established science and technology parks.⁶

Regulating Family Emigration

Another common form of emigration in Vietnam is international child adoption. Vietnamese children have been adopted by families in many countries, but mainly to 10 countries that have signed bilateral agreements on international adoption with Vietnam.⁷ From 2005 to 2010, on average, 1000 Vietnamese children were adopted by foreign families (MOFA 2011). International child adoption is strictly regulated under Vietnamese law, including by the Law on Child Adoption, Decree No. 19/2011/ND-CP dated 21 March 2011, and Vietnam’s ratification of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. These regulations were established to ensure that the adoption process is transparent, free from fraud and in the best interest of the child, and that a suitable family for the child was sought in Vietnam prior to allowing international adoption.

The Government of Vietnam has made efforts recently through policies and practical programmes to protect adopted children against abuses and to maintain their ties with their homeland. By law, the adopted child continues to have Vietnamese nationality after adoption and enjoys citizen-protection by Vietnamese authorities in case of abuse or exploitation. (Law on Vietnamese Nationality, Article 37). Every 6 months in the first 3 years after the adoption, the adoptive parents have to report on the situation of the adopted child to the Vietnamese Embassy in the host country (Law on Child Adoption, Article 39). Due to limited resources, however, there have been difficulties in following up on the child’s development in the host country. A joint Circular on monitoring the development of adopted children and on child protection in urgent situations has been drafted by the Ministry of Justice, the Ministry of Labour, War Invalids and Social Affairs and the Ministry of Foreign Affairs, and aims at defining responsibilities and strengthening coordination between government agencies to protect children after adoption.⁸ Moreover, in November 2015, the Ministry of Justice approved a Plan to help internationally adopted children return to their homeland. This plan aims to create favourable conditions for the adopted children to visit their homeland, explore Vietnamese culture and maintain their ties with Vietnam.⁹

⁶ See: <http://www.thanhniennews.com/education-youth/vietnam-hub-offers-84k-salaries-to-reverse-brain-drain-37140.html> [Access date: 28 October 2015]

⁷ For a list of bilateral agreements, see MOFA:2011,

⁸ See the draft Circular: <http://moj.gov.vn/dtvbpl/Lists/Danh%20sch%20d%20tho/Attachments/230/D%E1%BB%B0%20TH%E1%BA%A2O%20T%E1%BB%9C%20TR%C3%8CNH%20L%E1%BA%A4Y%20%C3%9D%20KI%E1%BA%BEN.doc> [Access date: 4 February 2016]

⁹ See the Plan at: <http://qlvb.moj.gov.vn/uploadiframe!openFileForPortal.do?attachId=646304> [Access date: 4 February 2016]

Vietnamese women migrating to neighbouring countries for the purpose of marriage has been a rising trend since the late 1990s. The most popular destination countries include Taiwan, South Korea, Singapore and China. The number of commercially arranged transnational marriage cases has increased significantly. From 2005 to 2010, 133,000 Vietnamese women migrated overseas to marry a foreigner. The percentage of commercially brokered cases is high. Most Vietnamese women are young, poor and have low levels of education. In some cases, they end up in vulnerable situations and become victims of domestic violence, servitude or forced prostitution (Xoan and Hugo 2005; Kim 2012; MOFA 2011; US DOS 2015).

The Government of Vietnam has developed a number of legal documents and practical programmes to address the needs of women who have been forced into prostitution or servitude through marriage with a foreigner. The Decree no. 68/2002/ND-CP dated 10 July 2002 and Decree no. 69/2006/ND-CP dated 21 July 2006 on marriage involving foreigners aims at regulating marriage with foreigners, simplifying administrative procedures, providing support in terms of marriage certification, registering the nationality of the children, etc. In addition, the Vietnam Women's Union has been operating the Centre to Support International Marriage since 2003, in order to provide information and advice to women in international marriages.

Regulating Irregular Emigration

Irregular migration and trafficking in persons have been pertinent issues in diplomatic relations between Vietnam and a number of countries. For example, Vietnam is in the top 5 countries with the largest number of irregular migrants to the UK. These individuals are brought to the UK to participate in illegal activities such as cannabis cultivation,¹⁰ prostitution, etc. (US DOS 2015). To date, the Government of Vietnam has signed 16 bilateral agreements on the readmission of Vietnamese citizens who are not accepted as residents in destination countries, including with the Netherlands (1994), Germany (1995), Poland (2005), the UK (2004), Slovakia (2006), Switzerland (2006), Norway (2007), the Czech Republic (2008), Sweden (2008), Belgium (2009) and France (2011).¹¹

Vietnamese workers who migrate under government programmes (bilateral agreements on seasonal work) are normally required to return to Vietnam after their contract expires. However, in some countries (South Korea, Taiwan, Malaysia), many workers overstay their visas and become irregular migrant workers. In fact, the rates of Vietnamese workers overstaying their visas or running away from their employers in Japan and Korea are the highest among labour-sending countries (Ishizuka: 2013). Some major reasons for Vietnamese migrant workers' high desertion rates are high pre-departure costs, high risks of unemployment upon their return

¹⁰ See <http://www.theguardian.com/global-development/2015/may/23/vietnam-children-trafficking-nail-bar-cannabis> [Access date: 28 October 2015]

¹¹ See <http://lanhsuvietnam.gov.vn/Lists/BaiViet/B%C3%A0i%20vi%E1%BA%BF/DispForm.aspx?List=dc7c7d75-6a32-4215-afeb-47d4bee70eee&ID=138> [Access date: 28 October 2015]

to Vietnam and the weak regulation of recruitment agencies (Ibid.). There have been concerns that these workers are vulnerable to exploitation due to their irregular status and their likelihood of being fined by both the Vietnamese government and the host country (US DOS 2015).

The Government provides different types of incentives and support for workers to reintegrate into the labour market, including soft loans, business start-up training and employment services. The Government also runs a number of programmes, for example exempting workers from fines or facilitating re-emigration to encourage overstaying workers to voluntarily return home.

The Government of Vietnam has also cooperated closely with destination countries and international organisations to protect and rescue overseas workers who are at risk; it safely rescued 17,000 workers from Iraq when the Gulf war started in 1990–1991, and 10,000 workers from Libya when the civil war started in 2011.

Governance of Emigration and Mobility

State administration functions regarding emigration are shared across a range of Government agencies. In each major destination country, the Ministry of Labour, War Invalids and Social Affairs of Vietnam (MOLISA) has established an Overseas Worker Management Board which is affiliated with the Embassy of Vietnam in the destination country. The role of these labour management boards is to protect the rights of migrant workers in the host country by verifying contracts between recruitment companies in Vietnam and their partners in the host country. The Department of Overseas Labour works with the Ministry of Foreign Affairs and with Vietnamese Embassies in destination countries regarding the affairs of overseas workers.

In terms of education, the Ministry of Education and Training works with the Ministry of Foreign Affairs to manage overseas students and academic staff. In the Vietnamese embassy in countries that are major migration destinations for educational purposes, there are dedicated staff (education attachés) who are officers of the Ministry of Education and Training. In terms of cross-country marriages and family affairs, the Ministry of Justice is the responsible agency; and for human trafficking, the Ministry of Public Security.

4-5

2 notes:



Diaspora Policies



Due to historical reasons, Vietnam has large communities of overseas Vietnamese in developed countries. These overseas Vietnamese include those who have or have not forfeited their Vietnamese nationality, and their descendants, who either have Vietnamese nationality or the nationality of the host country. While a number of overseas Vietnamese have opposition viewpoints on the ruling Communist Party and government of Vietnam, the majority of others are recognised as important resources for the country's development. To this end, the government has put in

place policies to promote solidarity and linkages between diaspora members and the homeland, and to support their political, socio-economic and cultural rights.

Diaspora Policy Drivers

The diaspora policy in Vietnam has been driven by two factors; the need to promote solidarity between diaspora members and populations at home; and the migration and development agenda. Both are firmly rooted in domestic policy objectives.

Promoting Solidarity

Currently, there are more than 4 million overseas Vietnamese, most of whom reside in developed countries such as the US, France, Canada, and Australia (MOFA 2011). These people include the first and the second generation of those who left Vietnam during the “Indochina refugee crisis”. From 1975–1990, it is estimated that 2 million Vietnamese fled the country through South East Asia during the aftermath of the Vietnam-American war, primarily by boat, and resettled in developed countries (Rkasnuam and Batalova 2014). The biggest destination countries for Vietnamese migrants are the US (1.38 million), Australia (226000), Canada (185,000), France (128000) and Germany (106000).¹²

Together with the country’s development and “open door” policy, the distance between the “boat people” generation and their homeland has been reduced. However, Vietnamese authorities recognise that a number of overseas Vietnamese still have opposition viewpoints regarding the ruling government (MOFA 2011). Therefore, one of the important themes in Vietnamese diaspora policies is to promote solidarity among overseas Vietnamese and people in the homeland.

Role of Overseas Vietnamese for Development

Overseas Vietnamese are regarded as an important factor for the country’s development, in terms of remittances as well as investment and intellectual resources. In line with the country’s development and the opening up of the economy since 1986, the economic and social linkages between overseas Vietnamese and their homeland have been enhanced. According to the National Committee for Overseas Vietnamese, the number of overseas Vietnamese coming back to Vietnam for short business trips, tourism or to visit relatives has increased from 8000 a year in 1987 to 97,000 in 1992 and more than 500,000 in 2011 (MOFA 2011, p.39).

¹²Data from the UN Population Division, mid-2013 estimates. See: <http://www.migrationpolicy.org/programs/data-hub/charts/international-migrant-population-country-origin-and-destination> [Access date: 28 October 2015]

In line with this trend, remittances to Vietnam have seen significant and stable growth since 2000s. Total remittances increased almost 9-fold, from USD 1.34 billion in 2000 to over USD 12 billion in 2014. Of the USD 12 billion in 2014, remittances from the US (USD 6.8 billion) are more than from the rest of the world combined. Other large remittances to Vietnam come from countries in the EU (USD 1.94 billion), Australia (USD 1 billion), Canada (USD 840 million) and Korea (USD 525 million). In 2013, total remittances were 2.7 times more than total official development aid (ODA – see Fig. 15.1). Overseas Vietnamese also funds more investment projects than the ODA. As of 2011, there have been 3200 investment projects in Vietnam which are owned by overseas Vietnamese and worth a total of USD 5.7 billion (*Ibid.*, pp. 40).

Current Diaspora Policies

Overseas Vietnamese are to a certain extent, and particularly in some regions, considered a “sensitive issue”.¹³ It is recognised that a number of overseas Vietnamese still have opposition viewpoints regarding the ruling government (MOFA 2011). However, Vietnam has nevertheless pursued a consistent policy agenda concerning overseas Vietnamese.

In 1993, the Politburo – the top executive committee of the Communist Party – issued Resolution No. 08-NQ/TW, followed by Resolution No. 36-NQ/TW in March 2004 and Instruction No. 45-CT/TW dated 19 May 2015 – which shaped the Government’s diasporas policy. These Resolutions and the subsequent Instruction

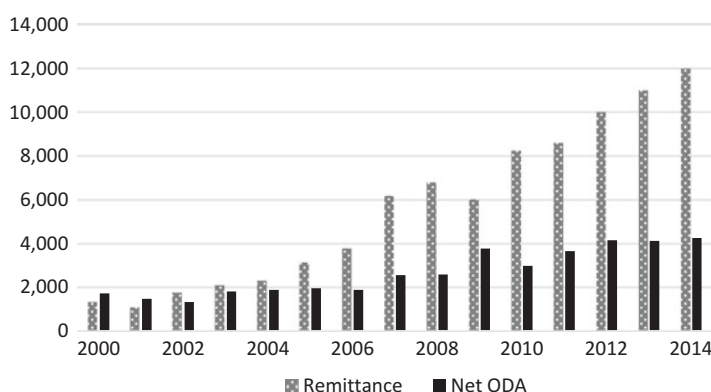


Fig. 15.1 Remittances and ODA in Vietnam

¹³ See the list of documents which are classified as secret and top secret, including reports on overseas Vietnamese with opposition viewpoints: [http://congbao.chinhphu.vn/tai-ve-van-ban-so-17_2014_Q%C4%90-TTg-\(6630\)?cbid=6626](http://congbao.chinhphu.vn/tai-ve-van-ban-so-17_2014_Q%C4%90-TTg-(6630)?cbid=6626) [Access date: 4 February 2016]

clearly state that “Overseas Vietnamese are an integral part of Vietnam” and that “the Government of Vietnam protects the legitimate rights and interests of overseas Vietnamese based on the laws of the host country, Vietnam and international law” (Resolution No. 36-NQ-TW, p.1, Instruction No. 45-CT/TW, p.2) These Resolutions aim to assist expatriates, promote national solidarity and strengthen the linkages between overseas Vietnamese and their homeland.

Based on these Resolutions, the Government has issued its Programme of Action, under Decision No. 110/2004/QĐ-TTg of the Prime Minister, dated 23 June 2004. The Government also issued Instruction No. 19/2008/CT-TTg, dated 6 June 2008 upon the implementation of the Government Action Plan. The Action Programme addresses 11 important aspects of overseas Vietnamese affairs, including communication work; supporting the integration of overseas Vietnamese into their host community; leveraging the intellectual and financial capital of overseas Vietnamese; maintaining linkages between overseas Vietnamese and their homeland by enhancing information, culture and language training activities to serve overseas Vietnamese and policies on commending and rewarding overseas Vietnamese for their contributions to the homeland.

These policies have been streamlined across different ministries and governmental bodies, and coordinated by the National Committee for Overseas Vietnamese under the Ministry of Foreign Affairs.

In general, the Government Action Programme has been implemented through different projects that have been initiated by related ministries and government agencies. Most notably, some new policies have been promulgated to support the political and economic rights of the diaspora: for example, exempting visas for overseas Vietnamese for entry and exit from Vietnam (September 2007); allowing diaspora members to bring their assets with them when re-settling in Vietnam and exempting them from import tax (December 2010), allowing diaspora members to buy and own real estate in Vietnam (June 2009), allowing overseas Vietnamese to keep Vietnamese nationality while acquiring another nationality (November 2008); and developing online newspapers and other forums for diaspora communities.

In addition, many social and cultural events have been organised on a regular basis: for example, visits by distinguished overseas Vietnamese to Vietnam on the occasion of National Day and Hung King Commemorative Day; summer camps for foreign born children and students; the Homeland Spring event; Vietnamese cultural days; and meetings of overseas Vietnamese to discuss territorial sovereignty issues.¹⁴ From 2003 to 2008, more than 80 projects have been implemented with total budget of VND 15 billion (USD 705,000) to teach Vietnamese and provide summer camps to young overseas Vietnamese pupils.¹⁵

¹⁴ See [http://dvhnn.org.vn/bai-viet-Cong-tac-doi-voi-nguoi-Viet-Nam-o-nuoc-ngoai-%E2%80%93-soi-day-lien-ket-suc-manh-dai-doan-ket-va-hoa-hop-dan-toc-\(Phan-2\)--57-7796.html#](http://dvhnn.org.vn/bai-viet-Cong-tac-doi-voi-nguoi-Viet-Nam-o-nuoc-ngoai-%E2%80%93-soi-day-lien-ket-suc-manh-dai-doan-ket-va-hoa-hop-dan-toc-(Phan-2)--57-7796.html#) [Access date: 28 October 2015]

¹⁵ See <http://english.vov.vn/Overseas-Vietnamese/Helping-overseas-Vietnamese-learn-mother-tongue/103321.vov> [Access date: 28 October 2015]

<http://quehuongonline.vn/video/khai-mac-trai-he-thanh-nien-sinh-vien-kieu-bao-nam-2015-110.htm> [Access date: 28 October 2015]

Despite these efforts, it has been recognised that the government has difficulties maintaining Vietnamese language and identity among its foreign-born citizens. The demand for cultural exchange events and Vietnamese culture events among overseas Vietnamese is high and has not been adequately met (MOFA 2011, pp. 38). This is partly due to the limited amount of resources for overseas Vietnamese affairs, as well as to ineffective measures to reach out to these communities.

Policies on the Political Rights of the Emigrants

The policies developed in the area of political rights have addressed citizenship and the right to vote abroad.

By law, emigrants who still retain their Vietnamese citizenship can vote and stand for election as National Assembly deputies and Provincial People's Council members. This right is guaranteed under the Law on Election of National Assembly deputies and the Law on Election of People's Council members, dated 25 June 2015. In practice, the actual elections are organised in Vietnam. Overseas Vietnamese cannot vote by mail, at Vietnamese embassies or consulates or at special polling stations in foreign countries; they have to come back to Vietnam to exercise their voting rights. Article 29 of the law states that emigrants who come back to Vietnam 24 h before the election can register at the local authority to vote. To stand for election as a local People's Council member, the candidate must reside in Vietnam. In the case of the National Assembly deputy position, the candidate must follow certain procedures to present his candidature. Emigrants who wish to do so must come back to Vietnam to complete this procedure. To sum up, emigrants' rights to vote and to stand for election are respected by law. In practice, however, emigrants have to return home to exercise these rights.

Citizenship Rights

Of the 4 million Vietnamese who reside abroad, 3.2 million have obtained permanent residence status in their host country. In North America, Australia and Western European countries, around 80% have obtained the host country's nationality, but most have not dropped Vietnamese nationality (MOFA 2011). This situation of a growing pool of dual nationals has required adjustments to Vietnamese citizenship laws. The underlying premise of the laws is an acceptance of dual nationality among Vietnamese nationals. Accordingly, the government's main actions have focused on regulating the way Vietnamese nationality can be retained.

As regards dual citizenship, the Law on Vietnamese Nationality no. 24/2008/QH12 dated 13 November 2008 specifies which Vietnamese citizens can have dual nationality: those who have been granted permission from the President of the Socialist Republic of Vietnam, overseas Vietnamese who have permanent residence and foreign nationality but wish to keep Vietnamese nationality and adopted children. Moreover, the Law does not require Vietnamese to forfeit Vietnamese nationality before acquiring the nationality of their host country.

On 13 November 2008, the National Assembly adopted the Law on Vietnamese Nationality, which required overseas Vietnamese to register before July 2014 at a Vietnamese diplomatic representative agency in their host country if they wanted to keep their Vietnamese nationality. This policy provided an opportunity for overseas Vietnamese to retain their Vietnamese nationality, travel back to Vietnam without having to obtain a visa, and enjoy citizenship protection by the Government of Vietnam (Article 13, clause 2 of the Law). However, by June 2014, the Government reported that only about 6000 Vietnamese out of more than 4 million overseas Vietnamese had registered to keep Vietnamese nationality.¹⁶ On 24 June 2015, the National Assembly adopted the revised Law on Vietnamese Nationality, which abolished this registration deadline for keeping Vietnamese nationality.

Children who are born abroad to either a Vietnamese father or a Vietnamese mother or both can register at birth with the Embassy of Vietnam in the host country. The parent can choose to register the nationality of the child as Vietnamese or the foreign nationality (Article 16 of the Law on Vietnamese Nationality).

Double Taxation Agreements and Portability of Social Insurance Rights

Vietnam has signed agreements on the avoidance of double taxation with more than 40 countries including Finland, Norway, Italy, Romania, Belgium, Hungary, Bulgaria, the Netherlands, Denmark and Sweden.¹⁷ Under these agreements, overseas Vietnamese only pay income tax and corporate tax once. These agreements also establish a formal channel of cooperation between tax authorities to deal with tax evasion.

Most of the workers migrating under government programmes (under bilateral MOUs/agreements) participate in short-term social insurance schemes (employment-related injury, sickness) in the host country and long-term social insurance schemes in Vietnam (old-age, survivorship schemes). To date, there are no bilateral agreements on the portability of social insurance for other types of migrants.

Programmes Supporting Emigrants' Engagement in the Home Economy

In the past, Vietnam used to have a preferential policy for overseas Vietnamese making investments in Vietnam (Decree No. 29/ND dated 27 May 1993 of the Prime Minister and Circular No. 497/TTLB of the Committee for Overseas Vietnamese). When Vietnam began to engage in international economic integration, it had to abolish the provision. The Investment Law No. 59/2005/QH11 (Article 4) abolished

¹⁶ See Report of the National Assembly: http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=952&LanID=953&TabIndex=1 [Access date: 28 October 2015]

¹⁷ The English versions of these agreements are available on this website: http://www.gdt.gov.vn/wps/portal/ut/p/b1/04_Sj9CPykssy0xPLMnMz0vMAfGjzOINTCw9fSzCgv2DQo3MDDxDvYK9vBzNjTxdjPTD9aPASpzdHT1MzH0MDCxM3A0MPE2c_P08nAMNDTyNoQoMcABHA30_j_zcVP2C7Ow0R0dFRQCFu8y/dl4/d5/L2dBISEvZ0FBIS9nQSEh/ [Access date: 28 October 2015]

preferential treatment for investments by overseas Vietnamese as compared to investments by foreigners. However, there are regulations which encourage overseas Vietnamese to transfer money back home (Decision 78/2002/QĐ-TTg of the Prime Minister dated 17 June 2002 amending and supplementing Decision No. 170/1999/QĐ-TTg of 19 August 1999 on encouraging overseas Vietnamese to transfer money back home).

Policies on the Cultural Rights of Emigrants

As regards Vietnamese education abroad, the main area of activity is language training. To date, there are no Vietnamese public schools abroad. There may be private schools owned by overseas Vietnamese in foreign countries, but these schools are not considered to be part of the national education system. Therefore, they do not have to teach according to the Vietnamese national curriculum.

The National Committee for Overseas Vietnamese (NCOV), in collaboration with the Ministry of Education and Training, regularly organises training courses for foreign teachers to teach Vietnamese abroad. For example, in August 2015, a training course for 40 Vietnamese language trainers was organised in Hanoi by the NCOV in collaboration with the Ministry of Education and Training. This course gathered Vietnamese language teachers in Asia, Europe, Canada and the US. The NCOV also adopted different types of textbooks to teach Vietnamese, including different versions for self-learners, parents and professional teachers. In 2015, the Ministry of Education and Training allocated VND 1.6 billion (USD 75,000) to develop and publish textbooks on Vietnamese language. Vietnamese language courses are also available free of charge on the radio (Voice of Vietnam), television (VTV4) and internet (e.g. <http://www.tiengvietonline.com.vn>), all of which are available overseas for diaspora communities. In addition to the efforts of the Vietnamese government, some private institutions in host countries have offered bilingual education programmes (Vietnamese-English) for descendants of Vietnamese diasporas, for example, in the US (California, Washington, Seattle) and Australia (Melbourne).

Apart from educational activities, there are a number of government-owned television and radio channels which are broadcast to serve overseas Vietnamese communities. These channels are free to the public. VTV4 channel, for example, was established in 1998 and is broadcast globally 24/7 via satellite and internet. This channel offers news, films, documentaries, music, entertainment TV shows in Vietnamese language and news bulletins in English, French, Russian, and Chinese, which helps to maintain the relationship between overseas Vietnamese and their homeland. On 31 October 2014, the Prime Minister approved a plan to develop television and radio channels broadcast on the Internet for overseas Vietnamese for the period 2015–2020. The plan aims to provide 10 television and 4 radio channels during 2015–2017, and 20 television and 4 radio channels during 2018–2020 for overseas Vietnamese.

Conclusion

In conclusion, Vietnam has developed both emigration and diaspora policies. In terms of emigration policies, the most important legal framework pertains to labour migration. Since the 1980s, labour migration has evolved through three stages of development, with a transition of the Government's role from a player (directly recruiting and sending Vietnamese workers abroad) to the role of a facilitator (setting up bilateral labour migration agreements with foreign countries) and the role of a regulator (developing strong regulations for labour migration entities). The policy agenda for labour emigration in Vietnam is set by both the need for poverty reduction and development, but also as a response to increasing concerns about violations of migrants' rights. On the other hand, due to historical reasons, there are large communities of overseas Vietnamese in developed countries. Overseas Vietnamese policies have traditionally been featured in the Government's foreign policy as well as in its internal polity-building agenda. In the recent decade, a wide range of policies have been put in place to leverage the much needed resources of overseas Vietnamese for the country's development.

Emigration and diaspora policies are both important for the country's development and are featured equally in the country's domestic and international policy. On one hand, government funding and information helps millions of workers find employment opportunities overseas. In turn, these 500,000 workers are sending home 1.6 USD billion every year. After a period of fixed-term employment abroad, workers receive support to return home and contribute to the country's development. On the other hand, the government has actively reached out to overseas communities, to communicate with them about the country's development and economic opportunities at home. With more than USD 10 billion in remittances to Vietnam every year, overseas Vietnamese are seen as an impetus for economic development in Vietnam.

Labour emigration on a fixed-term basis has been an important part of the country's socio-economic development strategy. The Government has made considerable efforts to ensure a safe and orderly migration: by setting up both a comprehensive legal framework and labour emigration programme; signing bilateral labour supply agreements; providing pre-departure training; regulating recruitment companies; establishing Worker-Management Boards and migrant resource centres in foreign countries and providing support for returnees. The Government has also responded to the demands of outwardly mobile citizens, taken action to minimise brain drain, and protected its citizens during the emigration process.

At the same time, the Government has recognised the important contribution of the diaspora community to the country's development, given the large number of Vietnamese who fled from home and resided in developed countries after the war. To this end, it has developed a wide range of policies to ensure political, socio-economic and cultural rights for the diaspora, such as maintaining Vietnamese nationality, abolishing travel requirements, voting rights and dual citizenship, supporting returnees, providing language training and fostering the relationship

between the diasporas and their home economy. However, it has been widely recognised that the implementation of these policies has yet to meet the demand of diasporas.

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Chapter 16

Emerging Patterns, Diverse Solutions

Agnieszka Weinar

This volume set out to investigate one overarching question: how do states deal with their permanent emigrants and mobile citizens abroad.

As shown, states have different ways of building up their diaspora and emigration policies. Their motives and rationales vary, depending on external and internal factors. In this volume we offered an overview of the policies put in place by various countries around the globe to deal with their emigrated populations, both settled and mobile. The contributions showed interesting patterns that are often path-dependant.

First, the states differ according to their historical experiences with emigration. In most cases the strong institutional standing of emigration/diaspora policy is linked to a long history of somewhat-managed emigration or at the very least, managed links with the diasporas. The most developed institutions are thus based in countries with historically high levels of emigration, mostly European states. And yet, there is an outlier: Denmark. It is a country with a long history of emigration but also a very distinct national identity built on collectivity, which perceives emigration as a zero-sum game. Emigrants who leave the country are no longer contributors to the community and thus are no longer a part of the common polity/nation – where a nation is defined as a community of taxpayers. On the other extreme of the spectrum lies France, with its history of managing colonial bureaucracy and the mobility of its administrative staff. While all other countries presented in this volume pay little or no attention to international movers, over the centuries France has developed a distinct set of instruments that continue to serve mobile French citizens today.

The states which are relatively young and are only now experiencing significant emigration flows do not have a solid institutional framework; they are only begin-

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ning to develop it. Their policy development is driven more by international concerns which are then translated into domestic policies (e.g. “migration for development” agendas promoted by international organisations), as in the case of Vietnam and Tunisia.

Second, stemming from the above, state policies are influenced by their regional contexts. In the case of Latin American countries, the context of Mercosur and regional rivalries have shaped the emigration and diaspora policies of Ecuador and Argentina. Cooperation in South America is based on values that force the governments into a competition over who will become a regional leader in the fight for the human rights of migrants (this is especially clear in the case of Ecuador). This occurs in a context of considerable mobility and emigration, which happens regionally between the neighbours.

The European Union is another regional context, which has a different dimension and impact. Emigration and mobility within the EU, the emblematic feature of the common market, had never been discussed from the point of view of sending EU countries until the aftermath of the financial crisis that hit the Southern and Eastern European member states particularly hard. Until then, EU mobility was seen as being relevant only to immigration policies. All policies facilitating mobility ceased to be linked to diaspora or emigration policies; they were instead streamlined into the general flow of European integration policy agenda. For example, bilateral social security agreements protecting mobile workers became a part of the EU-level regulation. Interestingly enough, the same policies are still perceived as part of diaspora policies when they concern communities outside of the European Union (as in the case of emigrants from Poland, Spain and Portugal).

Third, the volume and characteristics of outflows determine how the policy is conceived. The difference is quite remarkable between more developed, wealthy European states and other parts of the world. The following factors play a role: the ethnic composition of the outflows; the intensity of the outflows; the socio-economic standing of the migrants at destination; and the duration of emigration. The countries where the majority of the outflows are comprised of citizens of immigrant backgrounds or another ethnicity (e.g. ethnic minorities) usually define their diaspora or mobility policies to meet the needs of this majority. Denmark or Belgium largely disregard emigration because a significant proportion of their emigrants have immigrant backgrounds, and thus are not seen as being a legitimate part of the nation. Turkey has built an active diaspora policy but it focuses solely on ethnic Turks. The same can be said of Russia, which focuses on white Russian speakers as the target of its diaspora policies (and not on Russian citizens of the Caucasus republics).

Socio-economic standing also seems to play a role: diaspora-building efforts are focused on the lower and middle strata of the socio-economic spectrum at destination, while high-achievers are either snubbed (as in the case of many European countries) or approached prudently (in the case of the countries pursuing migration to support their development agendas). In the case of the developed countries, where emigration is usually short-term, circular and a privilege of highly-skilled workers, the state is seen as redundant: special policies are not needed for “those people”. On the other hand, poorer countries experiencing outflows of largely undocumented or

low-skilled workers focus their attention on emigrants, hence the policies dealing with the return of deportees or offering integration support for undocumented migrants at destination (e.g. policies in Ecuador and Tunisia). These states are also interested in engaging the highly-skilled, but in their policies they recognise that their relationships with emigrants need to be built differently.

Fourth, diaspora and emigration policies stem from a particular tradition. They are the result of a socially constructed image of the state, nation, and people. There are global and domestic drivers involved in this construction. States that see themselves as global actors, where part of their national identity is global power (both economically and politically), will treat their diasporas and migrants as a part of their global outreach, a pretext to extend their power well beyond their borders. In this volume, the only clear example of such an approach was France. The power of French companies abroad is linked to the state policies that are directed at French citizens abroad: mobile workers, specialists and emigrants. Mobility from France is thus facilitated by economic global links and higher levels of organised international mobility. Moreover, French communities abroad have an atomic structure, revolving around a set of French institutions abroad perpetuated by the policies: namely, the French school, the French company/embassy/consulate/chamber of commerce and the French institute of culture.

Yet, such a global view of diaspora and mobility policies is rare. More often a country will see itself as a regional player and focus its policies within a specific region. And regions can be defined very differently. In the case of Spain, its attachment to hispanidad has resulted in the growth of links with Latin America, including emigration and diaspora links. In fact, from a historical perspective, emigration from Spain to Latin America is now an important lens through which immigration from this region to Spain is perceived: Latin American immigrants are not necessarily viewed as new immigrants, as being a part of the “Other”. Regional ambitions are also related to the past in the case of Poland, which is always looking back to Eastern Europe and hoping to become the third major regional player (after Russia and Germany). In both cases, regional diaspora members are treated as a part of “Us” and are thus often granted facilitated access to citizenship and political rights. Regional ambitions are also present in Vietnam, which is attempting to set the tone of the migration and development agenda in the region, in competition with the Philippines.

However, when taking a closer look, it becomes clear that a majority of the states create their policies in the specific context of constellations. Constellations are complex links between two countries: links of migration, for example. Both the sending and host country, when acknowledging the presence of a large expatriate group outside of the home territory often engage in reciprocal policy-making. On the sending side the policies often attempt to remedy the effects of harsher policies at destination, e.g. Turkey’s semi-legal solutions to the more restrictive citizenship law that impedes young Turkish diaspora members from obtaining German citizenship. The same might go for the receiving country; e.g. South Korea seems to be in a perfect constellation with North Korea, as it has a special programme in place to receive refugees from there.

The accounts gathered in this volume show interesting patterns. Clearly, the countries discussed in the volume are difficult to cluster in any intuitive way. There is no visible pattern as regards old and new countries of emigration, highly developed countries or low-income. The discourses that surround emigration are in fact what shape the policies. And these discourses stem from specific historical experiences but also from the perception of those who leave. Domestic policy drivers are thus the most important element. Global/regional contexts come next and define the final scope and ambition of the policy: after all, the state's power outside its borders ends where the power of the other state begins.

The volume's accounts bring to light the undisputable imbalance between diaspora and emigration policies. Several countries do not have policies that have been explicitly put in place to support mobility elsewhere (such as Vietnam's temporary workers scheme). And countries that do have such policies often have not defined them in this way. Instead, they tend to be comprised of a number of policy initiatives which are streamlined (e.g. in the regional context, such as EU intra-mobility or Mercosure arrangements) and which can influence mobility. Indeed, mobility as such seems to be a non-topic for policy makers, who instead focus on permanent residents abroad. Denmark is again an interesting outlier: far from being a beacon of diaspora policy, it pays attention to facilitating the mobility of its citizens within the region (intra-Scandinavian mobility and within the EU). Russia is also quite active as regards the facilitation of mobility for its citizens in a regional context: it supports various degree of openness within the post-Soviet space (the common market with Belarus, Kazakhstan and Armenia; visa-free travel and ease of employment within the Commonwealth of Independent States) and within the EU (e.g. the Russia-EU visa-liberalisation dialogue, although it has been stalled since 2014). Senegal is another example of country that facilitates mobility regionally (through ECOWAS), but also facilitates specific labour agreements with some European countries.

The core result of our analysis is however a bit disheartening: in an era of fluid identities, multiple citizenships and massive international mobility, states cling to the old fashioned notions of diaspora policies and, in consequence, to politics. As a result, individuals who are not a part of the more permanent group abroad may or may not enjoy certain rights and their status is likely to be more ephemeral. In general, they are treated more like sojourners. Rarely are they treated as migrants.

Emigration and Diaspora Policies in the Age of Mobility

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Vietnam and Its Diaspora: An Evolving Relationship

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Diaspora Policies

Due to historical reasons, Vietnam has large communities of overseas Vietnamese in developed countries. T

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