

Facing 2020: developing a new European agenda for immigration and asylum policy

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EXECUTIVE SUMMARY

In a Europe beset by crisis—fiscal uncertainty, public service cutbacks, and soaring youth unemployment—few governments are willing to have a serious conversation about immigration. The jobs crisis, in particular, has stolen the attention of most governments. Yet this is precisely the moment for strategic, long-term planning on immigration that both absorbs the changed position of Europe in the world demographically, politically, and economically, and considers emerging needs. Failure to lay the groundwork for a smart 2020 action plan will have grave negative effects on greying Europe's future. European leaders must seize this moment to redefine their immigration, integration, and asylum policies if they wish to maintain Europe's economic competitiveness and social standards in the decade ahead.

This policy brief—which launches a flagship series for Migration Policy Institute (MPI) Europe—offers a first analysis of the changed empirical and policy environment in which the European Union (EU) finds itself. The European Union still has an important role to play with respect to immigration policy, but the central policy tool upon which it has based policy development has become limiting: the successive five-year plans that have been the centrepiece of the Union's migration strategy since 1999 are no longer up to the challenge. Second, the EU is battling deep Euroscepticism even as public confidence in governments' ability to manage migration is at an all-time low; there is little appetite for developing new immigration policy at a time when the personal outlook for so many Europeans is both precarious and unpromising.

Separately, European governments will need to articulate a new vision for immigration that speaks to a rapidly changing global environment, not least in demographic and economic terms. Just as regional disparities in economic growth and population decline become starker across Europe, the attractiveness of other continents is increasing, evidenced by renewed emigration from the EU to Latin America, Australia, and other, healthier economies. Policymakers have yet to fully absorb the changes both within and outside Europe, instead fixating on annual arrival numbers.

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The European Union will need to help national policymakers shape their policies to this new landscape. As the European Commission begins to look ahead to the next strategic programme for immigration (as part of the Justice and Home Affairs agenda), this brief sets out the baseline for future immigration scenarios and recommends a more cross-cutting and inclusive vision for the next decade.

I. THE CHALLENGES

In 2011, close to 10 per cent (48.9 million) of the population resident in the EU-27 was born in another country. Of these, one-third (16.5 million), were born within the EU, whilst the remaining 32.4 million were born elsewhere around the world.¹ And while fewer immigrants have arrived in Europe since the onset of the recession, fewer than expected have returned home. Meanwhile, the labour market outcomes of native and immigrant populations have diverged in most European countries with the foreign born facing higher unemployment, leading to serious integration challenges. Slower economic growth across the continent will mean slack labour demand for years to come,² even while accelerating demographic decline looms overhead.

But membership in a globalised international community demands a certain level of mobility, including the emigration of EU citizens to other parts of the world. In addition, while workforce development strategies focus rightly on indigenous skills, immigrants will remain a core element of future labour demand, whether through new arrivals or the several generations of immigrants (and their offspring) who already reside within Europe. European policymakers will have to consider immigration as an integral, yet complex, element of future strategy, irrespective of the size of new immigration flows, as they grapple with fast-changing skills needs and fluctuating labour demand.

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In addition to embracing proactive and forward-looking immigration strategies, both national and EU policymakers need to grapple with increasing complexity; in order to respond effectively, policymakers need to understand the changing nature of the immigrant population in Europe, and avoid approaching the topic in a one-dimensional manner.

First, immigrant populations have become more diverse in terms of country of origin, region of destination, length of stay, and the motivation for migration. Increasingly, immigrants have multiple reasons for embarking on their journeys, from a desire to improve their expertise and finances, expand their horizons, or form new relationships with family and friends. When policymakers treat foreign-born students, spouses, refugees, and dependent children as ‘non-economic’ migrants, or fail to consider the personal life trajectories of migrants with time-limited work permits, they misunderstand both the potential and moti-

vation of a large swathe of the immigrant population. Outcomes may vary hugely also. Many immigrants become extraordinary entrepreneurs and epitomise European success; others quickly fall behind in terms of employment, and risk falling into poverty.

For policymakers, the ever-shifting nature of immigrant settlement further compounds the complexity of the policy challenge. Many immigrants stay for just a few years, returning home or on to new destinations, while others choose to settle long term and may acquire citizenship. Free movement of EU citizens has made such mobility and settlement decision-making all the more dynamic. Second, the growing population of so-called ‘second-generation’ immigrants, the vast majority of whom are EU citizens, has also become part of the broader policy debate. In some countries these children of immigrants are explicitly part of the ‘target’ population for policies designed to foster social inclusion. Finally, immigrants are moving beyond traditional cities of destination into towns and cities less familiar with diversity, in urban centres and increasingly suburbs; a far greater proportion of local authorities and officials are now managing the economic, societal, and other effects of more mobile, diverse communities.

II. THE OPPORTUNITIES

Understandably, given the context above, the EU immigration agenda has stalled. The Stockholm Programme, conceived in 2009 in the shadow of burgeoning economic and euro crisis, reflected the cautiousness Member States were feeling towards additional policy expansion, and few new policy ideas were set down.³ Since that point, political energy has been mostly diverted towards preventing policy backsliding, not least in the area of Schengen cooperation. Aside from the current asylum negotiations, the legislative proposals on the table are marginal in nature, and sometimes questionable in value. And even these minor policy advances are struggling in a Council composed of 27 very different Member States.

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Looking ahead to 2014—which will mark the development of a new five-year policy agenda for Justice and Home Affairs, the fourth since 1999—the outlook is not inspiring. The traditional approaches towards developing common policy in the area of immigration and asylum—

not least legislative harmonisation—seem to have reached a plateau. EU institutions are currently more focused, rightly, on ensuring coherent and complete implementation of previously agreed-upon policies, than finding ways to further mesh 27 national immigration and asylum systems.

But for the reasons outlined above, this status quo is unsustainable. In order for Europe to meet current and looming challenges, EU policymakers will need to develop a more nuanced mandate for the immigration portfolio, and think through how to work more effectively and collaboratively with Member States. But there is also an opportunity for the EU to lead on migration and asylum issues; by defining the challenges and offering means to meet them, Brussels policymakers can help European governments and their residents adapt to the profound demographic and economic change that will occur over the next several decades.

A. *A new policy platform*

In order to develop more broad-ranging policy ideas, EU institutions will have to absorb more fully the backdrop to the immigration landscape, not least a much more honest and full-scope assessment of the future of European mobility and some of the, perhaps unforeseen, challenges. Some of these are detailed below. But, it is also necessary to ask whether the current policy platform for immigration policy—the five-year operational programme for Justice and Home Affairs—is still appropriate. To date, these have been useful vehicles for stabilising a fragile and sensitive policy area at EU level, namely Justice and Home Affairs. However, immigration has now outgrown this instrument. The Stockholm Programme has demonstrated that such plans are no longer sufficient to overcome the sclerotic ambivalence that has dominated EU immigration debates over the past decade, while the increasingly cross-cutting nature of migration policy means that any significant proposals will need to incorporate a range of policy portfolios, not just JHA.

By adopting a longer-term strategy rooted in, but reaching beyond, Justice and Home Affairs, the EU can develop a vision that doesn't just incorporate the needs (and limits) of its individual Member States, but encapsulates their hopes, fears, and aspirations.

1. Whole of government policymaking

Managing human mobility has become a whole-of-government concern. Whilst Interior ministries administrate

immigrant entry and stay through border controls and visa issuance, there are a multitude of other policies to consider that deal with the international and local effects of immigration, from employment and education policies through to trade policy and foreign affairs. For example, the pending EU-US free trade negotiations may become the starting point for a deeper, long-overdue conversation on transatlantic labour mobility.

The role of EU Commissioner for Home Affairs (and that of ministers responsible for immigration) is becoming that of a coordinator and collaborator as much as that of policy initiator, making sure that the policies pursued within one portfolio cohere with the goals articulated by another. This is no easy task, particularly when a broad range of political considerations need be taken into account. For example, there are clear political advantages to offering easier entry to the citizens of Neighbourhood countries to anchor a strong bilateral relationship; however, visa facilitation and freedom must be in keeping with security policies as well as reflect a common understanding of fundamental rights and freedoms, not least in the area of asylum.

In addition, national policymakers no longer have the luxury of broad policy development. Whilst border management remains sacred in budgetary terms, other policy areas are feeling the fiscal squeeze, not least migrant integration policy. The age of creative policy innovation and testing ideas has fallen by the wayside. Instead, those responsible for the well-being of immigrants and the communities in which they reside are having to redesign their approaches, adapting mainstream policies such as education, employment, health, and social support to better serve a diverse population, whether native born or immigrant. How the European Union chooses to support countries in this endeavour, particularly at the local level, will be critical to the next generation's success.

In this reshaped policy landscape, where the traditional jurisdictional areas and distinctions are becoming ever less relevant, the European Union needs to set a forward-looking agenda capable of incorporating this change and address new challenges that support Member States in their own pursuance of policy success, not least how to mainstream immigration policy priorities across the whole portfolio.

2. Connecting with the public

National policymakers struggle with increasing public scepticism towards their policy choices in the area of immigration. According to a 2011 poll, a majority of citizens in some of the major receiving countries across Europe

(e.g. France, Germany, Spain, and the United Kingdom), felt that immigration had had a negative effect in their countries.⁴ Whether positively disposed towards immigrants or not, a significant proportion of voters across Europe believes their governments have lost control of the immigration portfolio, and are no longer able to manage immigration flows effectively.⁵ This perception, in turn, has damaged the ability of numerous governments to attempt real reform of immigration systems, rather than merely tightening rules of access.

However, some polls also highlight a more nuanced public understanding of immigration, which frequently belies policymaker assumptions. For example, while governments focus on keeping migration temporary, citizens in six European countries expressed a clear preference towards permanent migration.⁶ Similarly, even as governments prioritise border management, citizens highlight that other policies to manage irregular migration—such as closer scrutiny of employer practices—should also be considered.⁷

The EU's position in this debate is complicated by negative public opinion towards the role of the European Union itself (including immigration policy), which is fuelled, in turn, by Eurosceptic narratives. Within many national discourses such as those occurring in the United Kingdom and Italy, the EU is blamed for an unwanted increase in immigration to, and within, the European Union, from asylum seekers to mobile EU workers. In fact, with the exception of free movement rights, EU cooperation has actually contributed most concretely to a more rigorous system of border surveillance; indeed, a raft of critics claims this has gone too far in blocking access to the region. With respect to fuelling legal immigration from outside the region, the EU has had little or no effect when compared to national policy approaches. It may be convenient for national policymakers to look to Brussels as a scapegoat, but the reality is that Member States maintain strong control in this policy area.

The Stockholm Programme focused on process, not people.

The EU is coy about debunking the myth of its omnipotence in this area, as to do so might also diminish its standing; however, in the long term, it would behove EU institutions to clarify their position and approach, not least with respect to holding Member States to account. The EU has a strong potential role, not always realised, in ensuring fundamental rights are respected through national policy implementation, and that Member States' own commitments to managing borders and asylum systems are upheld.

The EU also has an obvious role to play in communicating Europe's future position with respect to the economy, demography, and global standing. The European institutions are in a unique position as one of the few bodies that draw from data in 27 Member States to highlight potential danger points and opportunities. It is notable, however, that pronouncements at the national level resonate more deeply with the media and publics at large. Why is this? European Commission communications efforts to date have been limited to technical press releases that outline legal changes as well as the occasional op-ed, rather than engaging in broader debates in the capitals about what immigration reforms might mean for EU citizens and immigrants. In addition, there are few, if any, recognisable political figureheads on this topic. Journalists based in Brussels point out that it is difficult to sell procedural development stories to sceptical and overworked editors who can instead print the more political stories available at the national level on a daily basis. Thus, the EU stories that make the national papers are those that involve a human narrative: asylum seekers at Sangatte, boatloads of would-be immigrants in the Mediterranean, Roma camps in France and Italy. These are not stories that communicate the real role of the EU on immigration.

There is a need for the European Union to connect with its citizens in a real sense. The EU should capitalise on its relative detachment from national political constraints to improve the flow of objective information about the demographic and economic realities of Europe, as well as the position of immigrants in European society. This should, however, be closely linked to the actual experience of immigration for Europeans in each country, and bring in new actors such as the private sector and local government. It is one thing to highlight the higher unemployment rates of immigrants in most European countries; it is another to demonstrate what this means for the life course and prospects of each individual and his/her children, whether immigrant or European-born. The many statistics and benchmarks collected by the European Union, in addition to the myriad projects funded through the EU, need to be translated into an accessible human narrative. Where is the immigrant population in Europe, what has been the immigrant experience, and how has this shaped the Europe we have today?

The Stockholm Programme focused on process, not people. The next vision should reverse this trend and seek to actively obtain public consent for future policy development. This may be a daunting task, particularly in the current economic and political context. But to actively avoid doing so is an insufficient response, and one that will be damaging in the long term.

B. The regional dimension of demographic change

The immigration debate sits at the centre of national sensitivity about sovereignty, and Member States remain extremely guarded about their sole right to govern immigration flows. Even where EU standards have been set, Member States are constantly pushing back. However, this rigid position ignores the growing complexity of demographic change and immigration at the regional and local levels. Whilst the drop in total labour force and population in a single country may not appear severe, regional differences in many EU Member States, and across Europe as a whole, are widening, leading to a divergence in policy interest.⁸ For example, whilst the Conservative Party in the UK focuses on lowering net immigration levels, Scotland has invested in programmes to encourage migration to its own region, such as the Fresh Talent Initiative in 2004, while it was proposed that the short-lived UK points system should offer immigrants additional points for relocating to Scotland.⁹ In countries such as Germany, Spain, and across Central Europe the disparities are even more pronounced, and existing research suggests that the young working-age population in regions with low economic prospects is likely to move to more prosperous urban regions, further exacerbating the challenge. The next generation of immigration policies will have to adopt a more nuanced approach to the interwoven dynamics of inter-regional and international mobility.

The economic and demographic future of other regions affects Europe's own expectations regarding migration.

The subnational dimension is also important in another way: governments are increasingly aware that successful integration processes for Europe's non-national population need context to be understood. The scope and history of immigration in a particular community, the size and resources of the community itself, and national and local attitudes towards immigration can all affect the success of community cohesion policies in the long term. Linked to this is the plurality of policy that can affect outcomes, from urban planning, health, education, and social policy; a new generation of local policymakers, from Antwerp to Copenhagen, is developing integration strategies that incorporate all aspects of urban policy, even down to public transport. National and EU policymakers have been slow to realise the critical role being played by local actors increasingly under pressure to respond to community needs with reduced budgets. The maxim 'integration is local' now needs to be backed by a solid investment, not just in helping cities better serve their individual populations but

in supporting them in learning from each other.

Europe, at all levels of governance, is going to grow at different speeds, and will have vastly different capacities to respond to public need with public money. With respect to immigration dynamics and integration approaches, the one-size-fits-all 'model' is increasingly untenable and attempts to pursue such strategies will become even less effective. Thus, the EU needs to offer regional approaches to issues that can be less well dealt with through national policy.

The EU is not going to be at the helm of the next generation of labour immigration policies; Member States are at saturation point in that regard. However, as each European government slowly and carefully chooses to re-open labour markets, the European Commission has a fundamental role to play in ensuring that new flows of immigrants are in a position to both enjoy and offer strong benefits to Europe. This includes recognition of qualifications, portability of key social rights, and opportunities to build careers and lives for them and their families, wherever they may finally settle.

C. Recalibrating Europe's place in the world

What is noticeable about European public debates on immigration is the implicit, and often explicit, assumption that Europe is both a geopolitical and economic hub. This is coupled with the belief that the dominating flow of immigrants will be towards Europe. This is already on empirically shaky ground. Flows of immigrants have always been strongly inter-regional, and while Europe currently welcomes a significant proportion of immigrants from other continents, it will begin to experience a decline in pre-eminence as economic, cultural, and policy factors draw fewer immigrants to the European Union.

The economic and demographic future of other regions affects Europe's own expectations regarding migration: for example, booming economies in Asia and in countries such as Brazil and Mexico means that not only are emigrants from those countries returning to take up newly created opportunities, but that there is increasing demand for new immigrant workers, particularly high-skilled.¹⁰ Meanwhile, assumptions about the fluidity of labour from Eastern Europe (both within and outside the European Union) may have to shift in light of predicted declines in population, up to 28 million fewer by 2050, and 60 million fewer by 2100.¹¹

Comprehensive understanding of Europe's future in the

mobility hierarchy requires a complex analysis of changing demographics, emerging economies, rural-urban migration, policy agendas adopted elsewhere, and not a little alchemy. To date, only a few academic institutions have attempted this type of analysis,¹² and few policymakers have considered the implications for Europe beyond the demographics of the region and its neighbours.

This is significant with respect to European policymaking. The assumption that the EU is, and will remain, attractive to immigrants across the world, affects the basis upon which the policymakers forge agreements to promote or limit immigration to Europe. This is exemplified by the current status of the General Agreement on Trade in Services (GATS) Mode 4. Countries in Europe are loath to take up the opportunities afforded by this trade agreement to welcome temporary workers in a number of professional categories. Similarly, the EU Global Approach to Migration and Mobility is predicated on the assumption that partner states want greater access to Europe for their citizens.

European governments, supported by the EU institutions, are going to have to rethink their international cooperation agenda. The age of bilateral labour agreements is past. To remain relevant and attractive, the EU is going to have to consider its role in the migration process differently, and adapt policies accordingly. Can the EU become part of a broader market of regional mobility of workers within the Southern neighbourhood and beyond? Can Member States leverage their high-quality educational institutions to encourage and develop a new generation of skilled workers, some of whom will stay in the country? How might the EU draw from its own experience to build cooperation agendas with third countries that stem beyond return policies, and instead facilitate these countries becoming receiving countries in turn? Can advanced skills recognition policies put Europe ahead of its competitors in the United States and Asia in terms of attracting graduates?

III. LOOKING FORWARD

Over the next two years, the European Union will have to articulate a new vision on immigration. Five-year programmes have proved inadequate tools for engaging policymakers and publics in a project that will affect the future success of Europe in the 21st century. Instead, the EU institutions, Member States, and senior political figureheads, will need to set out a clear set of objectives for the next generation of immigration policies, balancing the ambitious with the achievable.

In order to do this, leaders should begin by envision-

ing the European society that they hope to see in a generation—and what will be needed to achieve it—rather than articulating supplemental additions to existing EU policies. They should avoid setting out immigration targets and goals in isolation; and any future agenda should consider the role of immigration alongside other relevant policies, from skills development and education to external affairs. This requires rigorous analysis of available data and projections regarding economic, demographic, and societal development in Europe and its surrounding regions not just at an aggregate level, but broken down into states and regions.

It will also require substantive engagement. The French immigration pact of 2009 may have been disliked by both national and EU policymakers, but it highlighted the effectiveness of touring Europe's capitals to secure agreement from each government. Policymakers should meet with politicians, experts, and representatives of key stakeholders (from trade unions to immigrant groups) in each country to determine key challenges, priorities, and concerns, and identify a baseline for a new immigration agenda.

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Too often, policy development has been constrained by what has gone before, building on shaky foundations rather than acknowledging weaknesses and addressing fundamentals. This is not surprising in a policy area in which competence to formulate policy is so frequently contested. In addition, the experience of negotiating harmonising legislation on immigration and asylum has left Member States and the European Commission exhausted and cynical. The new agenda must be able to pose the questions: does existing policy make sense, and what else might be considered? If leaders are unable to dispel the belief that an established policy should never be questioned, then any future agenda will be doomed to both a narrow vision and repeated mistakes.

This policy brief has highlighted the key shifts in the policymaking environment that the architects of the next generation of European immigration systems will face, rather than outline the policies they will need to adopt. But over the next two years, immigration ministers will have to shrug off the disappointments and fears of the last decade of policymaking and engage in a creative process of idea creation to ensure the next decade of policy proposals can meet the expectations of all of Europe's residents, regardless of their birthplace.

ENDNOTES

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- 12 See for example the International Migration Institute’s project, Global Migration Futures, www.imi.ox.ac.uk/research-projects/global-migration-futures-1.

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