

Roland Hsu / Christoph Reinprecht (eds.)

Migration and Integration

New Models for Mobility and Coexistence

Vienna University Press



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Inhalt

Acknowledgements	7
Roland Hsu (Stanford University)	
Settling Peoples: Lessons from Diasporas and Difference	9
 Part One – Migration: Experiencing New Mobility	
Zhongshan Yue / Shuzhuo Li (Xi'an Jiaotong University) /	
Marcus W. Feldman (Stanford University)	
Social Integration of Rural-Urban Migrants: Policy Challenges for China	29
Raimund Haindorfer / Roland Verwiebe / Christoph Reinprecht /	
Laura Wiesböck (University of Vienna)	
Economic Outcomes and Life Satisfaction of East-West Commuters in the	
Central European Region	49
 Part Two – Integration: Models for Trust	
Nils Holtug (University of Copenhagen)	
Multiculturalism and Social Cohesion	71
David D. Laitin (Stanford University)	
Exodus: Reflections on European Migration Policy	85
Rennie J. Moon (Yonsei University) / Gi-Wook Shin (Stanford University)	
Embracing Diversity in Higher Education: Comparing Discourses in the	
US, Europe, and Asia	95

Part Three – Resettlement: Responding Effectively

Alexander Betts (University of Oxford) / Mariano-Florentino Cuéllar (Stanford University) / Aparna Surendra (Stanford University) Humanitarian Innovation, Integration, and the Architecture of Refugee Protection	111
---	-----

Sieglinde Rosenberger / Carla Küffner (University of Vienna) After the Deportation Gap: Non-Removed Persons and their Pathways to Social Rights	137
---	-----

Part Four – Land and Labor: Indigenous and Immigrant Rights

C. Matthew Snipp / Karina Kloos / Dolly Kikon (Stanford University) Suffering for Territory: Immigrant Claims and Indigenous Rights in the United States and India	153
--	-----

Peter Cirenza (London School of Economics) Geography and Assimilation: A Case Study of Irish Immigrants in Late Nineteenth Century America	173
--	-----

Part Five – Reception and Recognition

Paola Mattei (St Antony's College, University of Oxford) Religious Diversity in French Schools: From the 1989 <i>affaires des</i> <i>foulards</i> to the 2004 Headscarf Ban	203
---	-----

Claire Lévy-Vroelant The “Immigrant” through the Prism of Hospitality “à la française”	215
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Heinz Fassmann (University of Vienna) Rethinking Migration Policy in Austria	229
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List of Contributors	243
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Index	251
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1 The international conference "Migration and Integration: Global and Local Dimensions" (September 19–20, 2013) was hosted at Stanford University, and was sponsored by the Europe Center and the University of Vienna, with co-sponsors the Center for International Security and Cooperation, and the Walter H. Shorenstein Asia-Pacific Research Center at Stanford's Freeman Spogli Institute for International Studies.

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Roland Hsu and Christoph Reinprecht, Stanford and Vienna

Settling Peoples: Lessons from Diasporas and Difference¹

We live in an age of great numbers of unsettled people, displaced by natural resource deprivation, conflict, poverty, and persecution. Most dramatic are the reports of migrants taking extraordinary risks to cross international borders. All major political economies are affected, and the scope of displacement is reflected in the diversity of populations.² North Africans seek passage to Europe, some for economic opportunity, others to flee persecution in the wake of the region's "Arab Spring" (BBC 2014c; Kaunert/Léonard 2014).³ Those without legal documents may fall prey to smugglers and the perils of passage on the high seas or under truck and train transport (Andersson 2014b; Bommers/Fassmann/Sie-

1 This essay benefited from reviews and comments on earlier drafts of sections presented to the Stanford Working Group on Responding to Refugees, winter 2014, and the Conference on "Migration and Integration: Global and Local Dimensions", Stanford University, September 19–20, 2013. Special thanks to James Hathaway for generously sharing his expertise on refugee law and comments on this essay, and to Stephanie Hom for extended discussions during her faculty fellowship at the Stanford Humanities Center.

2 The literature on international migration is rich and growing, notably on three areas of influence: regime change, natural resource deprivation, and asylum protection. Especially strong on detail of migration in the Americas, the Mediterranean basin, and Southeast Asia is: Massey, Arango, Hugo, Kouaouci, Pellegrino, and Taylor 2002. See also: Massey and Taylor 2007. For an analysis of global "cyclical migration" see Saskia Sassen 2010; Sassen 2007; and the large study with historical and contemporary analysis, Castles, de Haas, and Miller 2013.

3 For extended analysis of the influence of the events of the "Arab Spring" and the free movement protocols of the region's economic and political organization, the "Economic Community of West African States" (ECOWAS), on the flow of migrants between African countries and across the Mediterranean basin, see "Regional Conference on Refugee Protection and International Migration in West Africa (Dakar, Senegal, 13–14 November 2008), at: <http://www.unhcr.org/4a27be466.html> (accessed September 11, 2014); and BBC, "'Easier from Libya' – Migrants Return to Tripoli", <http://www.bbc.com/news/world-africa-24521875> (accessed September 15, 2014); and Nick Cumming-Bruce, "Smugglers Rammed Migrants' Boat, Sinking it, Group Says", *New York Times*, September 15, 2014, http://www.nytimes.com/2014/09/16/world/europe/smugglers-rammed-migrants-boat-sinking-it-group-says.html?_r=0 (accessed September 17, 2014). On the EU policy regime for surveillance (EUROSUR) of Europe's southern maritime borders and Europe's North African "pre-frontier" see: European Union, Europa 2008 (accessed September 29), 2014; and Andersson 2012.

vers 2014; BBC 2014a; Berman 2003; Cross 2009; Schain 2013; Trauner/Deimel 2013; Courau 2008).⁴ Undocumented workers, youth, and families from Eurasian republics and the greater Middle East are transiting Europe's eastern borders and are being held in an expanding constellation of immigrant and refugee camps (Albrecht 2002; Rekacewicz 2013; Bermejo 2009; Schwell 2009; Geddes 2008; Samers 2004; Asale 2003).

From East Africa, asylum applicants follow migration and human trafficking routes to Hong Kong, Indonesia, and Australia/Papua New Guinea, and survive without permission to work while the processing of their asylum status outlasts their residency permits.⁵ Refugees from Gaza, Iraq, Iran, Syria (in 2014 more than three million), Central and South-East Asia (Afghanistan, Myanmar, Thailand, Malaysia), and the Great Lakes and Horn of Africa regions (Congo, South Sudan, Somalia, Ethiopia, Eritrea, Kenya, Uganda, Chad), are fleeing military conflict, political persecution, and devastated health, housing, and education infrastructure, and are overwhelming the capacity of neighboring countries to host U.N. refugee camps (Betts/Orchard 2014; Betts 2011/2013). In each of these cases local governments capitalize on political pressure to segregate migrants, constrain asylum courts, and especially to reinforce borders.⁶

4 On the EU policy response see, Kanter 2013. On EU and UN analysis and policy response see, Frontex 2014; and the research publication sponsored by the United Nations High Commissioner for Refugees (UNHCR), focused on immigrant refugees, UNHCR 2014b, which includes the multi-national "10-Point Plan of Action on Refugee Protection and Mixed Migration".

5 Author interview with M. F. Dixon, Organizational Secretary, African Community, Hong Kong, June 5, 2014. See also: Wall Street Journal, "Hong Kong's Asylum System Under Scrutiny", <http://blogs.wsj.com/chinarealtime/2013/06/21/hong-kongs-asylum-system-under-scrutiny/> (accessed September 15, 2014); and Mathews 2011. Also, author interview with Gordon Mathews on June 5, 2014; Sassen 2007; Shah 2008.

6 On the creation of modern procedural migration detention, and the tension between national sovereignty and human rights norms, see Wilsher 2012; Ryan and Mitsilegas 2010; and Good 2007. See also: Boubekur, Amghar, de Wijk, and Malashenko 2006; Amy Taxin, "Overwhelmed Immigration Courts Could Face Further Delays", *Christian Science Monitor*, July 12, 2014, <http://www.csmonitor.com/USA/Latest-News-Wires/2014/0712/Overwhelmed-immigration-courts-could-face-further-delays> (accessed September 15, 2014); United States Government, U. S. Immigration and Customs Enforcement: Review of the use of segregation for ICE detainees" (September 4, 2013) http://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf (accessed September 15, 2014); and The John Marshall Law School International Human Rights Clinic, "U.S. Immigration and Customs Enforcement's New Directive on Segregation: Why we need further protections", (February 2014) <http://www.jmls.edu/clinics/international-human-rights/pdfs/customs-segregation-report.pdf> (accessed September 15, 2014).

Resettling: Looking behind the Experience of Integration

After displacement, what does it mean to migrants to resettle? In this essay and in the chapters that follow we use the term resettle in particular instances to specify the formal procedure for assigning refugee residency; but more often we refer to its informal usage pointing to the experience of situating and settling in a new community. We examine the commonly articulated goal of integrating newcomers, and in this volume we will unpack settlement by differentiating between international and domestic displacement, migration and asylum, and statutory or administrative and qualitative experience. This volume combines the research of twenty leading scholars on this subject, all invited in 2013 to engage these issues at Stanford University.⁷ Each brought perspectives from the areas of migrant settlement in Europe, the United States, North and East Africa, South Asia, and East and South-East Asia. This volume frames a discussion about prevailing models of integration and assimilation. In what follows I describe the way the problem has been framed through four main questions.

First, what is the scale of interior or domestic movement? To understand migration in its full impact we must take account of the staggering scale of domestic or internal displacement and resettling. In this opening essay, taking inspiration from the contributing authors' case studies, I put forward this comparison of scale. In China, the central State Council recently acknowledged what millions experience but few until recently have been able to officially quantify: that massive numbers of its citizens migrate domestically. In 2014, the government put the official number of those who have migrated specifically from rural homes to towns and cities – from agricultural to manufacturing employment, and often to a region with a new language dialect – at 174 million people (cf. Xinhua News Agency 2014). Independent researchers put the number of these rural-to-urban migrants even higher (up to 15 percent of the total population), or up to 202 million people, a total that nearly equals the combined population of neighboring Japan, Taiwan, and South Korea.⁸

In Europe, by comparison, the official Eurostat figures also indicate extra-

7 The conference "Migration and Integration: Global and Local Perspectives" (2013), was developed by this author, with the Europe Center at Stanford's Freeman Spogli Institute for International Studies, and with co-sponsorship at Stanford by the Walter H. Shorenstein Asia-Pacific Research Center, and the Center for International Security and Cooperation, along with the University of Vienna. The conference program is at: http://fsi.stanford.edu/events/migration_and_integration_global_and_local_dimensions).

8 In this volume, the essay by Li Shuzhou, Yue Zhongshan, and Marcus Feldman cites the National Bureau of Statistics of China that puts the number much larger at 261 million domestic migrants (report from 2011 of the year 2010). They note that this number includes urban-to-urban migrants. The number that I cite here represents the official claim to isolate solely the number of rural-to-urban migrants within China.

ordinary movement. While relocating between European countries is technically not domestic migration, Eurostat data treats displacement into and within the EU in analogous terms, and reveals a comparable proportion of displaced and relocated population. Recent figures categorize 84.9 million people, or roughly 16.8 percent of the total EU population, as foreign – that is: non-EU citizen residents, EU citizens residing in a different EU country, foreign (non-EU) born, or born in the EU but residing in a different EU member country (EC, Eurostat 2013/2014). In separate studies this volume examines Asian and European cases, and probes the administrative and social experiences of such large-scale settling.

Second, what are the uncharted experiences of immigrant residency? Those who have crossed borders that necessitate residency permits are compelled to demonstrate their economic productivity and potential contribution to the host economy. In Europe, the case of Germany demonstrates what can be termed “preference migration”. Germany, with its comparatively robust economy, has attracted a record number of more than four hundred thousand migrants. Of these migrants who have been granted residency, more than one-third arrive with a post-baccalaureate degree, compared to twenty percent of the general population (Kuhn/Klingholz 2013; Sievert/Slupina/Klingholz 2012; see also Smale 2014). Those who cross borders that are open by treaty, such as within the European Union, face no technical requirement to demonstrate productivity.

Such policies of mobility, however, also preclude or at the very least complicate the legal protections against being “repatriated” to a homeland. For indigenous peoples, especially in the experience of the Roma of Western Europe, national governments are implementing policy that targets known immigrant communities. Two successive French administrations admit to, and continue to pursue a policy that targets Roma residents for “return” to presumed homelands in Romania and Bulgaria (Radio France International 2014; Costa-Kostritsky 2012). Such policy puts the European Union in the position of internally “repatriating” indigenous peoples. Roma representatives dispute such policy in national courts, the European Court of Human Rights, and the International Court of Justice. However the combination of multiple national defendants, the technicality that these displaced peoples receive monetary compensation, and the overwhelming caseload, means that legal injunctions are long delayed.

Returning to our China-EU comparison, we find in China similar statutory restriction against long-term resettling. In China’s larger cities and centers of employment, the hundreds of millions of rural-to-urban migrant laborers are subject to the official system of *hukou* or household registration that retains the original rural status, and blocks domestic migrants from accessing urban social services and educational institutions. Without equal access to social benefits or full legal status to press grievances, the millions of migrants in China’s major employment centers who come with their rural *hukou* residency registration are

unable to secure minimum standards for housing, labor law protection, education for their children, or health care. Even now that the Chinese Central State Council has announced reforms of the *hukou* system, and promised changes that would loosen the process to apply to change to urban *hukou* registration, and thereby give more equitable access to social services, analysts note that the vast majority of internal migrants would still be excluded from the most attractive residency status in the major cities (cf. Melander/Pelikanova 2013; Chan/Zhang 1999; Zhu 2007; Chan/Buckingham 2008; Marshal 2013; Silk 2014). Focusing on the migrant experience, this volume features an essay that offers a particularly revealing survey of China's rural-to-urban migrants.

Third, what are the experiences of social integration? Migrants are subject to the forces of popular politics of exploiting difference, and to social service programs designed to assimilate. In Europe, over the past fifteen years, new and second-generation migrants have witnessed the political gains of the Far Right in national and European Parliament, and electoral campaigns based on anti-immigrant platforms. Europe's political landscape from North to South, East to West, now includes well-organized parties that attract fifteen to fifty percent of votes in local elections for candidates who scapegoat migrants for the demise of the Eurozone (cf. Alduy 2013; Higgins 2014; The Economist 2014; Liang 2007).

In some cases, the relationship between migrants and local neighbors is determined by conflicts and ideologies far beyond the local setting. By way of example, recently we find notable cases of Europe's Muslim communities in the UK, France, and Germany which originate predominantly in the Asian sub-continent and North Africa, but which also have been compelled by European campaigns to boycott Israeli institutions to take sides on the Israeli-Palestinian conflict, and to associate their Muslim identity with an elusive, quasi pan-Arab position on the divisive issue (Yacobi/Newman 2008; Israeli 2009; Kikeli/Al-louche-Benayoun 2013).⁹ Such contradictory responses can position those of immigrant family origin as divisive influences in their host communities. The essays in this book reveal these processes that create politicized communitarian identities, and thus help us unfold the layers of ideological criticism of assimilation projects.

Fourth, how do we respond to the experience of seeking asylum? The rights of refugees, including those seeking recognition of their protected status, are stipulated in the UN's Refugee Convention¹⁰; their legal hearings, however, are

9 See also Huband 2010; Bakker 2010; Marret 2010; Alonso 2010; and Bjorkman 2010.

10 The right to claim asylum is based on international law. Governments are obliged to provide protection to people who meet the criteria for asylum. Asylum seekers petition for refugee status under the protection of three provisions of international law: the 1951 Geneva Convention Relating to the Status of Refugees (must demonstrate well-founded fear of future persecution), the 1950 European Convention on Human Rights (ECHR) (filing as part of an

subject to the contradictory tension of national sovereignty and international compliance (Acosta 2009; Hathaway 2011/2013).¹¹ Asylum seekers from East Africa (especially Kenya and Ghana) and the Middle East (especially Syria, Iraq, and Afghanistan) follow known transit routes to arrive in Europe, and to reach in far greater numbers Hong Kong, Indonesia, and Australia. There refugees fall into the repeated pattern of submitting their application for asylum, and waiting for processing by asylum courts that elude effective oversight for due process. Their applications linger beyond the period of their entry visa, and they slip into obscurity in semi-clandestine communities where they must seek work as day-laborers, without legal status for long-term employment.¹²

In Europe, absent from the official data are the number of migrants who have entered the EU to apply for asylum, and who sit stranded while they await the resolution of their application. These migrants in limbo populate what have become holding zones and borderland communities. In some frontiers the borderland community has developed a culture rich in hybrid identity with semi-sustainable economy of cyclical transit (Levi/Zilnik 2010; Zaiotti 2011; Anderson/O'Dowd/Wilson 2003; University of Oxford and the European Research Council 2013; Bodomo 2007).¹³ In other zones, the slow asylum processing, and negligent attention to immigrant rights to due process, accommodation, and protection have allowed the emergence of semi-lawless transit camps. For example, near the French North Sea port city of Calais, at the large trucking depots that flank the entry to the underground "Chunnel" crossing to

asylum claim under the above Refugee Convention, or as a stand alone "human rights claim"), and/or in the case of Europe, the European Union Asylum Qualification Directive, which is intended to unify the criteria throughout the EU for identifying people in need of international protection. The UN 1967 Protocol removed the 1951 Convention's temporal and geographic limitation, creating the governing Convention and Protocol Relating to the Status of Refugees: <http://www.unhcr.org/3b66c2aa10.html> (accessed August 18, 2014).

- 11 For the case of Hong Kong, the People's Republic of China has ratified the UN Convention on Refugees, but has not operationalized this in the courts of its Special Administrative Region (Hong Kong). In 2014 with Beijing direction the government of Hong Kong created a "unified screening mechanism" to process claims for asylum. Successful petitioners in Hong Kong's asylum screening courts are granted (infrequently) status as "Protection Claimants" and it is not clear that they possess the full rights of those granted "Asylum" under the UN Refugee Convention. For summary details see: Hong Kong Refugee Advice Centre 2013; and Asylum Access 2014.
- 12 Author interview with M. F. Dixon, Organizational Secretary, African Community, Hong Kong, June 6, 2014. On the conduit of migrants from the greater Middle East (predominantly from Iran and Afghanistan) transiting East Asia, finally through Indonesia, to reach Australia by boat see Luke Mogelson, "The Dream Boat", *New York Times Magazine*, November 15, 2013, <http://www.nytimes.com/2013/11/17/magazine/the-impossible-refugee-boat-lift-to-christmas-island.html?pagewanted=all> (accessed September 17, 2014).
- 13 Cf. also the conference "The New Immigrant Europe: Languages and borderlands" at the European Union Center, University of Illinois at Urbana-Champaign, <http://www.euc.illinois.edu/events/conferences/immigrantillinois/> (accessed September 12, 2014).