

A competitive Immigration in a Small or a Micro State ?

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LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de l'Économie

Observatoire de la compétitivité



L-Università
ta' Malta

STATEC



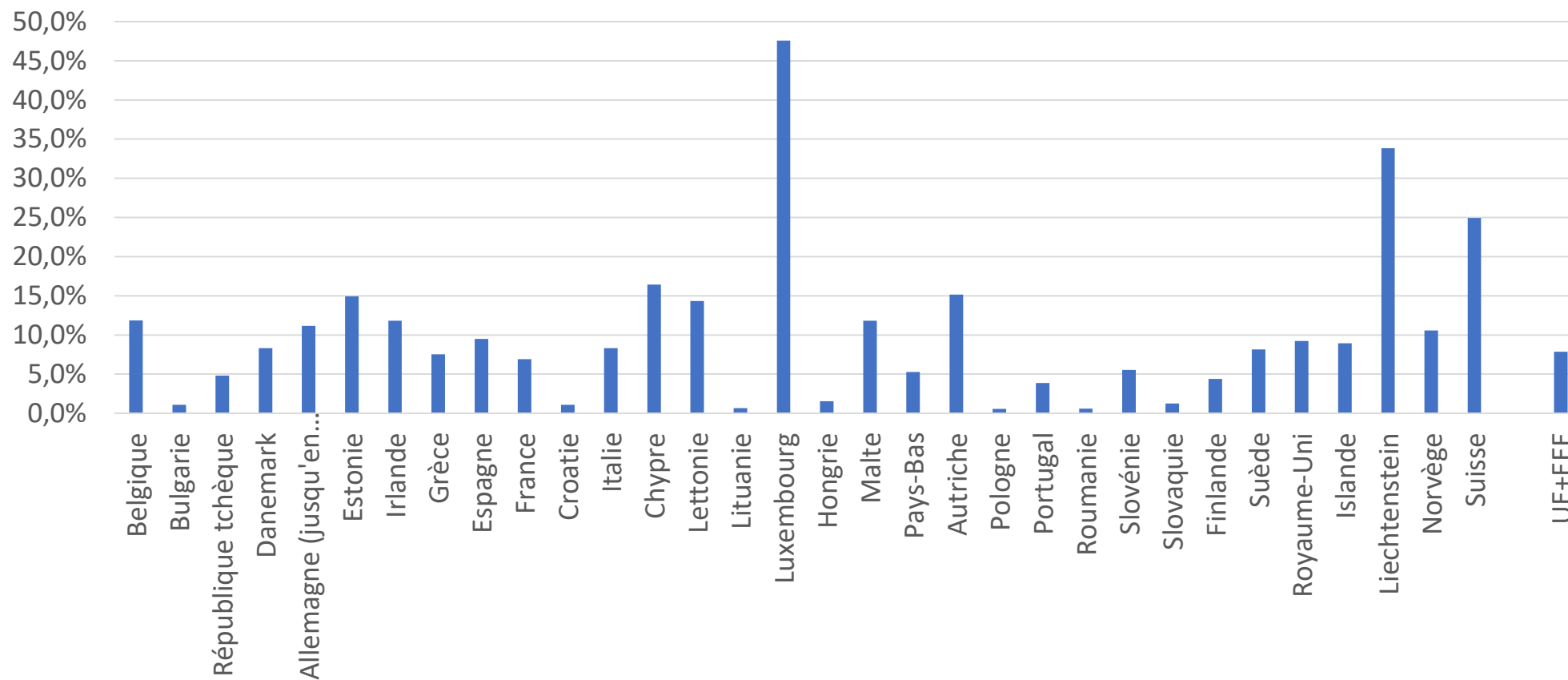
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LET'S MAKE IT HAPPEN

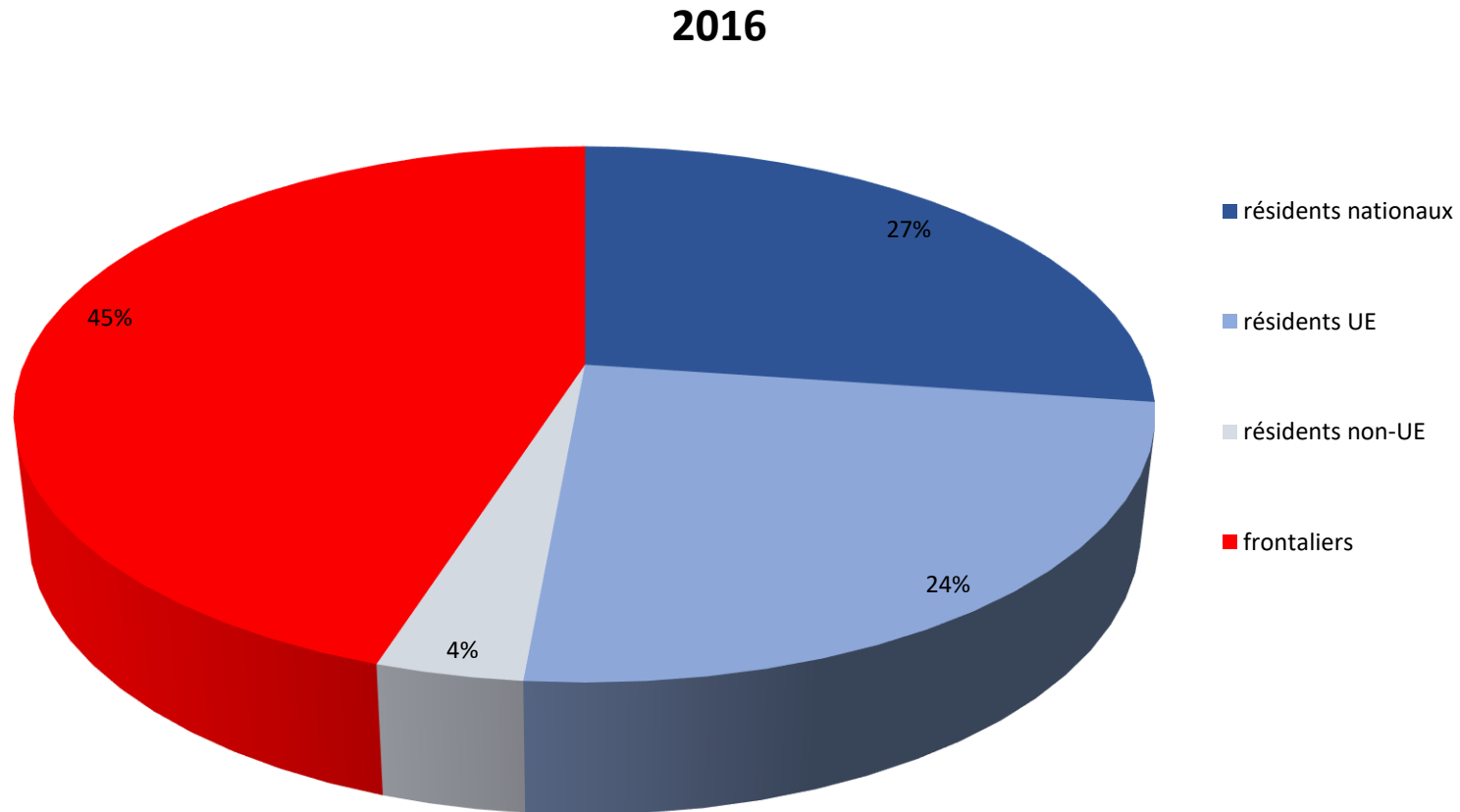
Content

- Data on migrants in Luxembourg:
 - Level of education
 - Migrants within a national or a global elite ?
- Migration policies as
 - Nation-state without a supranational frame: eg. controlling and attracting in the 1920'ies
 - Member State within EU : freedom of movement
 - Member State within EU : common immigration and asylum policy.

Population au 1er janvier 2017 par âge, sexe et grand groupe de nationalité



Residents and Cross Border Commuters (source: STATEC)



Level of education of resident population

(in %; source: STATEC, Population Census 2001)

	Primary and secondary school	Post secondary, non university	BA, MA, PhD	No indication
nationals	71%	3%	13%	
all foreigners	55%	2%	29%	
UE, EEE (with exception)	55%	2%	30%	
TCN	53%	2%	24%	

Level of education of resident population (in %;

source: STATEC, Population Census 2011)

	Primary and secondary school	Post secondary, non university	With BA, MA, PhD	No indication
nationals	67%	3%	18%	12%
all foreigners	51%	1%	37%	23%
UE, EEE	39%	1%	38%	23%
TCN	51%	1%	21%	27%

Composition (nationalities) of the upper 3 per cent of annual wages (source: IGSS)

Year	Luxembourgish citizens	EU-citizens	Third Country Nationals (TCN)
2016	30,4	58,4	11,1
2014	36,5	55,2	8,3
2010	40,6	52,9	6,5
2008	40,2	53,3	6,5
2005	47,5	47,1	5,4
2002	53,2	41,0	5,8

Luxembourg's Migration Policies : 1920'ies

Bills of 1920, 1926, 1929

- **Controlling** those with modest and ordinary wage levels with increasingly stronger control procedures
- **Attracting** those with higher (chronologically increasing) wage levels benefitting of an easier access and no permanent control procedures.

Similar to current EU-policies

Freedom of Mouvement within EU

- Enlarging rights of the worker : 1612/68
- Rights of non-active citizens : directives 1990's
- Directives 38/2004 and 883/2004 enlarging rights of EU mobility.
- Reduction of rights after 2012/13/14 (Luxembourg):
 - Some Northern MS receive numerous Southern MS's migrants
 - Via prejudicial questions and answers by the EUCJ, MS's withdraw residence (= loss of social benefits and social security insurances) in order to avoid abuse of social security.

Luxembourg's Freedom of Movement Policy

- Maximum transposition, no specific limitations like in Liechtenstein
- Quick and easy procedures for EU workers (and for highly qualified TCN).

Controlling economically weak EU-citizens (and - obviously! - TCN)

- a) Since 2012: control of those with no or low wages (< full time contract) receiving social assistance : withdrawal of residence, as they have become « a burden on the social assistance system of the host MS (...) »

(art. 7, 1. (c) directive 38/2004)

Increasing phenomenon of non-standard work!

- b) 1990's: non-active ascendants of Portuguese workers with low pensions

EU-Migration policies for TCN

- EU Common Immigration and Asylum Policy : Tampere 1999 focussing on highly qualified immigrants with
 - Blue Card strategy (directive 2009/50) based on educational achievements
 - Common conditions for long term resident status of TCN (directive 2003/109)
 - Classification of different types of TCN with modest + rigorous conditions for wanted and non-wanted TCN (directive 38/2004), etc.

Luxembourg's Migration Policy

- Freedom of movement: controlling the weak Europeans
 - control and refusal of non-active EU-citizens (=ascendants of active Portuguese workers for family reunion; cf. report of Ombudsman);
 - Withdrawal of residence rights for EU workers with non-standard work contracts.
 - Immigration : attracting the wanted immigrants
 - Attracting highly qualified migrants with a wage condition: legal texts of the 1920's;
 - Attracting highly qualified TCN with an un known wage condition (cf. report of OECD);
 - Blue card strategy : EU law fully transposed and implemented with quick and easy procedures.
- High selectivity without official texts.

Small or Micro State?

Small State:

- Luxembourg transposes EU-law fully.
 - LU's Freedom of movement \neq Liechtenstein's equivalent: LU: no ceiling for Europeans, neither for TCN.
- Wanted TCN = European workers vs.
- Unwanted economically weak TCN = Unwanted economically weak European workers

Small or micro state?

Micro State

- Corporatist administrative practices without texts, thus without explicit conditions : user-friendly?
 - Lacking expertise (administration): compensated by quick policy changes with tailor made decisions (no legal text!): « Management is rather operational, ad-hoc, pragmatic and flexible” (Bossaert)
 - High percentage of migrants; a global, non-national elite (CH ≈ LU).
 - Migrants are better qualified than nationals.
 - A very efficient migration, which runs a globalized economy within a Micro State.
- The smaller the state the more pronounced are these phenomena.