

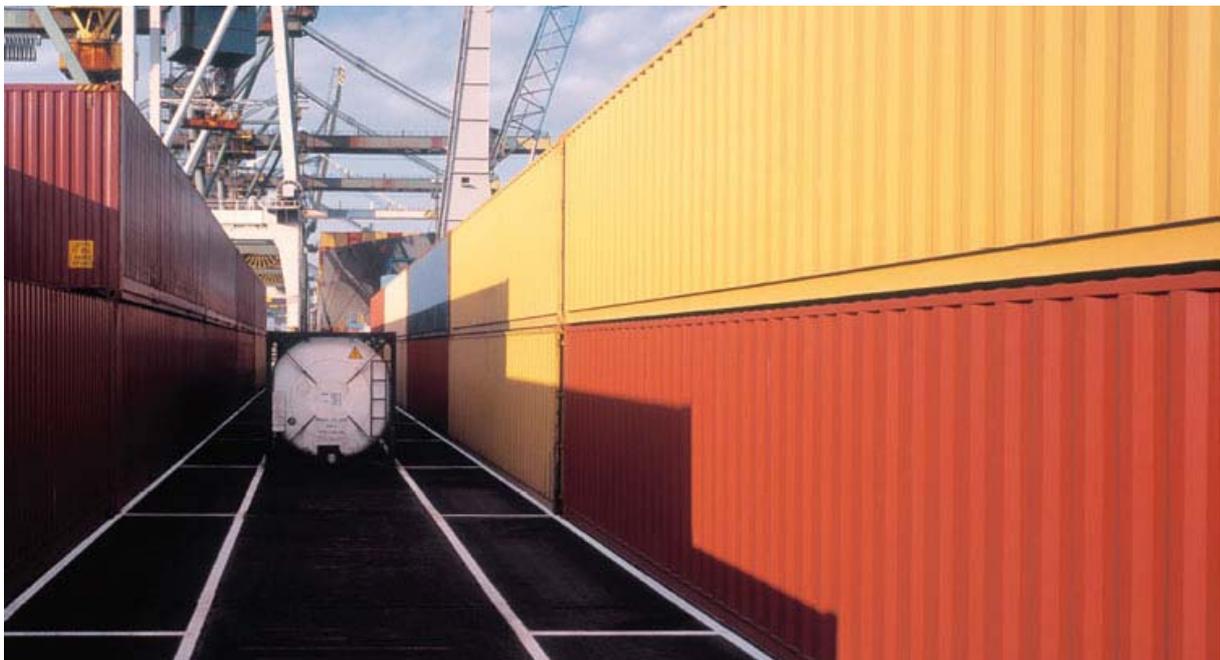
# Changing Realities of Migration and Mobility. A Swiss Perspective.

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2nd Annual Conference of the  
nccr – on the move  
Neuchatel, 23 – 24 June 2016

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## Conference Report



## Immigration in Federal States: Exploring the Link between Multilevel and Multicultural Citizenship

Convener: Jean-Thomas Arrighi, nccr – on the move, University of Neuchatel, jean-thomas.arrighi@unine.ch

Speakers: Esma Baycan (nccr – on the move, University of Geneva), Matteo Gianni (nccr – on the move, University of Geneva), Gianni D'Amato (nccr – on the move, University of Neuchatel), Stefanie Kurt (nccr – on the move, University of Neuchatel), Valentin Zuber (nccr – on the move, University of Neuchatel), Lorenzo Piccoli (European University Institute)

Discussants: Anita Manatschal and Nicole Wichmann, nccr – on the move, University of Neuchatel

### **About the Panel**

Over the past thirty years, issues surrounding the integration of immigrants have been at the forefront of contentious politics, in Switzerland as well as in the rest of Europe. Unlike most of its neighbors, policies and discourses in Switzerland are characterized by profound territorial variations, resulting from the broad autonomy of its cantons and municipalities and mediated by historically rooted religious and linguistic cleavages. In spite of successive efforts to introduce a common federal framework, cantonal differences in regards to crucial aspects of immigrant integration, such as naturalization laws and procedures, the exercise of political rights or the legal accommodation of religious pluralism, have persisted to this date. Notwithstanding Swiss specificities, similar diversity of integration policy regimes co-existing within the same state exist in other regional or multinational democracies, chiefly Belgium, the United Kingdom or Spain.

Against this background, the panel explored and compared the distinctive ways in which federalism influence immigration politics and policies in Switzerland as well as in other multilevel states by gathering nine speakers who presented seven related papers. The panel embraced a resolutely interdisciplinary perspective, with participants covering much of the social science spectrum including sociology (Fibbi, Stunzi and D'Amato), political science (Arrighi, Piccoli and Zuber), law (Kurt) and philosophy (Baycan and Gianni). As such, it contributed to the overall aim of the conference by bringing together scholars from a variety of backgrounds and working in different institutions who, albeit from different perspectives, share the same aim of advancing our understanding of the legal context in which immigrants are embedded in Switzerland and beyond.

I am particularly grateful to Anita Manatschal and Nicole Wichmann, for their remarkably thorough and constructive comments on each individual paper, as well as the unusually large audience who attended the event despite the burning heat of an early Summer afternoon in Neuchatel. The broad diversity of methodological approach and the deliberately broad thematic scope of the panel makes the task of summarizing each individual paper and doing justice to the subtlety of their arguments in a few paragraphs particularly challenging. The present report does not pretend to do so, but rather pursues the more modest aim of giving a

glimpse into the main points of discussion throughout what proved to be a vivid and inspiring workshop, which hopefully laid the ground for a common research agenda.

### **Summary of Papers and Discussion**

Jean-Thomas Arrighi and Matteo Gianni started from the same observation that while the Swiss confederation represents a remarkably successful case of accommodation of (autochthonous) linguistic and religious diversity, the same cannot be said of immigrant minorities, who are confronted to nationality laws and integration policies that are among the most restrictive and assimilationist in Europe. Through a systematic analysis of federal referendums and initiatives on migration-related issues between 1848 and 2016, Arrighi argued that this paradox could at least be partly attributed to Switzerland's instruments of direct democracy, which facilitated the political integration of territorial minorities as much as they impeded upon that of immigrant minorities. On the other hand, Gianni explored how the current framework was particularly detrimental to Muslim populations, increasingly represented in the media as constituting an existential threat to 'Swiss norms and values' despite compelling evidence of steady individual integration. Gianni's contribution also highlighted the merits of combining thorough empirical analysis with normative theorizing, an approach that is particularly suited to the study of citizenship in liberal democracies.

Shifting the focus away from the federal to the cantonal level, Valentin Zuber created an index measuring the degree of inclusion of naturalization laws in the 26 cantons as of 2016, on a 0 to 1 scale. The paper shed light on the persistence of considerable regional differences in the conditions of acquisition of a Swiss passport, with some cantons being far more liberal than others, chiefly in regards to residence, linguistic and economic conditions. Zuber's contribution should also be praised for its unusual effort to translate complex qualitative information dispersed in a broad range of legal sources into indicators which can then be used by more quantitatively-inclined scholars.

Stefanie Kurt and Gianni D'Amato showed how such differences, far from being immutable and independent from one another, were in fact part of an ongoing interaction between the federation and the cantons, in a joint contribution examining the impact of the 2014 overhaul of the Federal Act on the Acquisition and Loss of Swiss Citizenship in 2014 on cantonal legislations. One of the consequences is that certain cantons are obliged to adapt their legislation - especially the residence requirements - because the new Federal Act on naturalization foresees as a new (integration) criterion that applicants must hold a permanent residence permit (C-permit). Through a comparative legal analysis of three cantons, the paper shed light on the mutual interdependence of regulatory frameworks at state and sub-state levels in a federal state, and showed how they influence each other often unexpected ways.

The papers mentioned thus far were primarily concerned with policies and institutions, without examining their implications on immigrants and/or their descendants. This important limitation was addressed by Robin Stunzi and Rosita Fibbi, who analyzed trajectories of political incorporation of children of immigrants in both German and French-speaking Swiss cities. The paper is based on a broad range of semi-structured interviews which offer a unique window into the motivations and perceptions of so-called 'Segundos' and the

circumstances of their civic engagement. Another important shortcoming of earlier contributions has been their relative neglect of political parties. In an original contribution Esma Baycan took the audience on a journey to Flanders, where issues of immigration–induced and national pluralism intersect in less than tidy ways. Baycan showed that minority nationalist parties were not necessarily opposed to immigration, but could instead articulate their own philosophy of integration into the sub-state national community, in terms that are not so different than mainstream parties in established nation-states.

Switzerland's reputation as 'special case' too often discourages scholars from incorporating it into broader international comparisons. In an ambitious paper comparing undocumented migrants' access to healthcare in Italian regions, Spanish Autonomous Communities and Swiss cantons, Lorenzo Piccoli showed dramatic regional inequalities in regards to the social component of citizenship, which he attributed to distinct regional conceptions of citizenship that take their roots far back in the past and have survived to this date. Piccoli was offered to revise his paper based on the comments of Anita Manatschal and submit it in September 2016 for publication in the NCCR Working Papers Series.

## Movements to and through Switzerland: Practicing (Im)Mobility

Conveners: Jana Häberlein, nccr – on the move, University of Neuchatel, [Jana.Haeberlein@unine.ch](mailto:Jana.Haeberlein@unine.ch) and Simon Sontowski, University of Zurich, [Simon.Sontowski@geo.uzh.ch](mailto:Simon.Sontowski@geo.uzh.ch)

Speakers: Anna Wyss (University of Bern), Laura Rezzonico and Christin Achermann (nccr – on the move, University of Neuchatel), David Loher (University of Bern)

Discussant: Gregory Feldman, Simon Fraser University

### Workshop Abstract

As part of the Schengen area, Switzerland is highly entangled in the turbulences of migration and mobility that Europe has faced in recent years. Unprecedented numbers of undocumented migrants and refugees have crossed into the Schengen area, thus fundamentally challenging the European migration and border regime. Meanwhile, practices of detention, deportation and border control are being transformed as well and contribute to an increasingly complex landscape of mobility governance. In order to analyze these transformations and to account for Switzerland's role therein, this workshop together with the workshop "Movements to and through Switzerland: Practicing Border Control" examined various practices of mobility and control and sketched a contemporary map of the current realities of Swiss and European migration politics.

Drawing on multi-sited ethnographies conducted in Switzerland and beyond, the papers traced various cross-border movements to, through and out of Switzerland and examined how they are governed through a contested interplay of control and subversion. Thanks to their ethnographic perspective on practices – rather than on policies or discourses – the papers showed how cross-border mobility is actually achieved and / or prevented, and upon which political and economic rationalities and logics of inclusion and exclusion these practices rest.

Against this background, this first workshop focused both on practices of mobility and practices of immobility. Drawing on case studies from Switzerland, it followed the disrupted journeys of asylum seekers through Europe, but also examined how their movements are interrupted, redirected and contained.

### **Summary of the Papers**

Anna Wyss presented empirical findings of her doctoral research on how the mobility of asylum-seeking migrants within the European Union is prevented and controlled through the Dublin regulation, and on how migrants themselves shift away from these forms of control. In her research she follows migrants' trajectories through Europe who have little chances of receiving legal documents and is interested in their strategies and in the ambivalent interplay of autonomy and powerlessness they encounter. It became clear in her presentation that they need to be highly flexible, that their moves are often spontaneous, and that they cannot follow a prior set plan or route to a clear destination. However, the Dublin regulation is the very cause of these forms of mobility to and through various European countries, as Wyss convincingly demonstrated: de jure it tries to determine the responsible country of the asylum procedure, and thus illegalizes further mobility. But de facto it is not able to prevent onward movements, while the highly unequal reception and living conditions in various European countries even incentivize migrants to move on. Against this background, Wyss discussed that mobility can become a resource for asylum seekers in order to make their living under precarious circumstances. However, she also highlighted various hardships and undesired consequences for migrants' living in permanent temporariness, their hopelessness and loneliness in Europe.

The second presentation by Christin Achermann and Laura Rezzonico focused on immigration detention in Switzerland and firstly presented some thoughts on bringing the concepts of migration inclusion and exclusion together. It portrayed immigration detention as one element within an "architecture of exclusion" (Gibney 2005) and pointed out to the paradoxical situation of immobilizing people in detention centers in order to move them across borders afterwards in the context of deportations. Laura Rezzonico presented first findings from her field research in several Swiss detention centers, where she is interested to learn how people live the imposed immobility in the detention prisons, and how they try to contest the state's control over their bodies and actions. Her empirical findings include that deportation detention is clearly embedded in the penal system, even though it should not. The living conditions are very different among various facilities, but are very similar to those of criminal convicts. Rezzonico discussed detained migrants' experiences in detention prisons as often being confused and not understanding why they were being held in confinement. She also presented little ways of 'resisting deportation', which are, however,

equally detrimental for the migrants themselves, such as hunger strikes and attempted suicides. Trying to regain control over their lives, their freedom of movement but also despair were important features of living in the context of migration detention.

The third envisaged speaker, David Loher, who has worked on governmental programs of assisted voluntary return, unfortunately had to withdraw his presentation a few days ahead of the conference.

### Summary of the Discussion

The discussant, political anthropologist Gregory Feldman (Simon Fraser University) emphasized the economic framing of migrants' movements more strongly than the presenters had done themselves: Moving around between different states as in Anna Wyss' study, migrants serve capital perfectly well. They provide benefits for states because they deport themselves. Feldman argued that critiques of capital relations and of state governance have been in conflict for a long time, but he suggested to think them more closely together, and not as alternatives. For a theorization of the empirical work he suggested to apply Foucault's thinking on labor and security more thoroughly. Feldman additionally pointed to the great swing in Wyss' presentation between the migrants' autonomy and extreme powerlessness and wondered about how the interviewees themselves talk about empowerment or autonomy versus isolation. He suggested to make use of the concept of agency more critically (Feldman 2014, 2015) and expanded this aspect also to Achermann's and Rezzonico's presentation. Concepts like action, resistance and agency should be considered more clearly here, possibly with the help of counter examples. If we think of migrants in detention, then this would refer to the management of life itself (Foucault), not of inmates only, and the multiple techniques to do so.

In general, the papers presented and the discussion in this workshop exemplified the importance of a research focus on practices and the relevance of detailed ethnographic studies, as both shed light on the ambivalent and contested character of governing migration and mobility, and provide insights that often highly diverge from official political representations.

- Feldman, Gregory (2015) *We are All Migrants: Political Action and the Ubiquitous Condition of Migrant-hood*. Stanford University Press.
- Feldman, Gregory (2014), "Understanding Others: Agency and Articulation in a Historical Perspective". Comment on Dace Dzenovska's "Bordering Encounters, Socialty, and Distribution of the Ability to Live a Normal Life". In: *Social Anthropology*, Vol. 22 Nr. 3, pp. 288-292.

## Movements to and through Switzerland: Practicing Border Control

Conveners: Jana Häberlein, nccr – on the move, University of Neuchatel, [Jana.Haeberlein@unine.ch](mailto:Jana.Haeberlein@unine.ch) and Simon Sontowski, University of Zurich, [Simon.Sontowski@geo.uzh.ch](mailto:Simon.Sontowski@geo.uzh.ch)

Speakers: Jana Häberlein (nccr – on the move, University of Neuchatel), Annika Lindberg, (University of Bern), Simon Sontowski (University of Zurich)

Discussant: Bilgin Ayata, University of Basel

### Workshop Abstract

As part of the Schengen area, Switzerland is highly entangled in the turbulences of migration and mobility that Europe has faced in recent years. Unprecedented numbers of undocumented migrants and refugees have crossed into the Schengen area, thus fundamentally challenging the European migration and border regime. Meanwhile, practices of detention, deportation and border control are being transformed as well and contribute to an increasingly complex landscape of mobility governance. In order to analyze these transformations and to account for Switzerland's role therein, this workshop together with the workshop "Movements to and through Switzerland: Practicing Border Control" examined various practices of mobility and control and sketched a contemporary map of the current realities of Swiss and European migration politics.

Drawing on multi-sited ethnographies conducted in Switzerland and beyond, the papers traced various cross-border movements to, through and out of Switzerland and examined how they are governed through a contested interplay of control and subversion. Thanks to their ethnographic perspective on practices – rather than on policies or discourses – the papers showed how cross-border mobility is actually achieved and / or prevented, and upon which political and economic rationalities and logics of inclusion and exclusion these practices rest.

The second workshop shifted the focus to changing practices of border control, highlighting their often incomplete and fragile accomplishment. Both workshops focused in particular on the Swiss case, but situated it more generally into the European context with the help of complementary papers looking at other European countries.

### Summary of the Papers

In her presentation, Jana Häberlein discussed the work of border guards as gendered performances. In order to do so, she first delineated the specific context and institutional setting of border controls in Switzerland before elaborating the concept of borderscape, which she applies to her work in order to make sense of the multidimensionality and processual nature of borders. Jana Häberlein described the daily work of border guards when they control migrants and asylum-seekers who either want to claim asylum in Switzerland, or not and are therefore denied entry. Drawing on work done by Prokkola/Ridanpää (2015) she presented various gender dimensions of border practices and

referred to Raewyn Connell's conceptualization of masculinities and gender (2014). Using the magazine of the Swiss Custom's Union, to which the Swiss Border Guards belong to, she developed some bodily and psychic dimensions of gender performances that are created and maintained within the representations of border guards. Häberlein concluded by linking these gendered dimensions of border control to affective empathy displayed by border guards when pursuing their task of controlling people, and highlighted the paradoxes of persistent gender norms of hegemonic masculinity and possibly new forms of gendered self-understandings and practices of border guards.

Since Annika Lindberg could not participate in person, she had video-recorded her presentation in advance, which served as the basis of our discussion. Drawing on in-depth interviews with police officials who are tasked with controlling immigration in Switzerland, Sweden, and Denmark, Annika Lindberg discussed the officials' understanding of their personal responsibility in controlling immigration. She described the work of immigration officials as being situated between the functioning and dis-functioning of border enforcement in which the personal responsibility and accountability of street level officials play a vital role. Officers often find themselves in dilemmas regarding decision-making, or are faced with the "problem of many hands" that handle one case. Lindberg thus engaged with the question of how bureaucratic organizations actually produce moral dilemmas for those who do the controlling on the street. She presented interview excerpts with border guards in different places, and worked out their personal interpretations of the moral dilemmas they are facing. One Lithuanian border guard, for example, presented his work as if the migrant that was about to be deported and himself shared the same goals and interests of a smooth deportation, and thus drastically downplayed the violence involved in deportations. Different to border guards in other countries, this Lithuanian border guard took care of the migrant in many different aspects and didn't share the responsibility with a colleague. The resulting personal relationship between border guard and migrant then paved the way for this border guard's understanding of a shared interest of the deportation between migrant and officer.

Simon Sontowski presented his work on the European Union's "Smart Border", a new system for biometric border control of third-country nationals (TCN) that is currently prepared and negotiated on the EU level. As the Smart Borders Package is not implemented yet, in his talk, Sontowski traced the political debates and implementation in pilot projects. Security and speed – two important aspects the European Commission wants the borders of the future to adhere to – should be reconciled by the Smart Borders Package. Every TCN who enters or exits the Schengen area is going to be digitally registered in an envisaged Entry-Exit-System, which shall once replace the manual stamping of passports. Although the Smart Borders Package is being discussed on EU-level since 2013, it has already been close to failure several times. Simon Sontowski raised the question whether current research approaches to biometric border control are useful to understand these new technologies. He critically stated that a smooth functioning of biometric border control is often assumed from the outside, but not necessarily working out as planned on the ground. Sontowski then presented findings from his ethnographic fieldwork within different pilot projects of the Smart Borders Package, for instance on facial recognition, iris scans as well as ten, eight or four fingerprint systems and contactless fingerprinting, which all showed several weaknesses: People participating in testing these systems did not, for example, understand how the contactless fingerprinting worked, which resulted in much longer controlling practices than before. In his concluding

remarks Sontowski questioned the effectiveness of a number of these pilot projects within the EU's Smart Borders Package and stressed the importance of an adequate understanding of the contested character of border control, even if it is highly technologically mediated, like in the case of biometric border control.

### **Summary of the Discussion**

The political scientist Bilgin Ayata offered some theoretical and conceptual thoughts to link the three presented papers more closely together, but equally gave individual feedback to each paper. She called attention to the fact that the processes of border controlling are anything than unambiguous or functioning "properly". What is happening in various sites of control is extremely important to investigate, timely and necessary, she argued. Regarding Jana Häberlein's presentation, Ayata pointed to the ways in which border guards talk to each other and how rationales are contested by them. Since there would be very little theory that has focused on border and on gender simultaneously, she deemed it exciting and worthwhile to continue thinking in this direction. Ayata pointed to the gains of affect theory here in that it constitutes a critique and highlights how the self relates to the collective. She linked this presentation to Annika Lindberg's paper when asking how border guards actually negotiate feelings and moral dilemmas in their daily work. Regarding Lindberg's presentation, Ayata recommended to set it more firmly in a broader, historical context of the functioning of various bureaucracies and during different historical periods. Also with regard to Simon Sontowski's work, she pointed out that it might profit from asking how affect comes in into the technical controlling practices of the Smart Borders Package.

## **Attitudes towards Immigrants**

Convener: Didier Ruedin, University of Neuchatel and University of the Witwatersrand, didier.ruedin@unine.ch

Speakers: Tobias Müller (nccr – on the move, University of Geneva), Eva G. T. Green, Emilio Paolo Visintin, and Oriane Sarrasin (nccr – on the move, University of Lausanne), Marco Pecoraro and Didier Ruedin (University of Neuchatel and University of the Witwatersrand)

### **Discussion**

In recent years the number of immigrants to European countries has not only increased, but the profile of immigrants has also become more diverse. The end of traditional guest-worker labor migration and the introduction of free movement of persons within large parts of Europe have changed the reality of migration. For immigrants from the European Union restrictions have been abolished, introducing an era where control over immigration is limited and regulated by the market more than governments. Immigration has been entangled with a

major social transformation, and some individuals have observed these changes with unease and express negative attitudes towards immigrants. Such negative attitudes form the basis for discriminatory behavior in the labor market and beyond, and threaten social cohesion more generally. This workshop was set against the changing realities of migration and mobility, and focused on the drivers behind negative attitudes towards immigrants, paying attention to economic and non-economic explanations. All papers drew on quantitative methods to draw out generalizable patterns to describe and understand the situation in Switzerland as well as in other Western countries affected by similar transformations.

The papers with authors from different academic disciplines – economics, political sciences, social psychology, sociology – were united in their recognition that changes in immigration do not affect all parts of society to the same degree, and that there are different mechanisms shaping negative attitudes. Rather than regarding these different mechanisms as competitors, each paper focused on better understanding one particular area while bearing in mind that other factors also play a role. Two papers focused on different aspects of labor-market competition between natives and immigrants. Tobias Müller and Silvio H. T. Tai highlighted generic fears of competition and fears of tax increases as two complementary mechanisms. Much of the existing literature has looked at the net effects of the two, which is rather small because they work in different directions. As a consequence, many existing contributions wrongly dismiss economic factors as small or even irrelevant.

In a similar vein, Marco Pecoraro and Didier Ruedin highlighted that labor-force competition in specific occupations – rather than in the labor market in general – does indeed lead to negative attitudes. By drawing on panel data, the paper explicitly reflects the changed nature and reality of immigration over time. The workers seem to respond differently to early migrants and to recent migrants. The former are thought to reflect unwanted competition while the latter help overcome labor shortages. Both objective and perceived competition seem to play a role, but sorting on labor quality is an alternative explanation why labor-force competition appears to be associated with negative attitudes.

The paper by Eva G. T. Green, Emilio Paolo, and Oriane Sarrasin focused on ideological climates – contextual effects – rather than the (changing) labor market. By so doing, perceptions of social transformations and how legitimate different reactions are to these transformations are placed at the heart of the analysis. In conservative ideological climates more boundary-making can be observed, but contact with immigrants plays an important role in improving attitudes towards foreigners. In the ensuing debate, the participants of the workshop not only discussed the complimentary role of economic and non-economic factors, but ventured into questions of how to improve inter-group relations in view of the insights.

Part of the discussion referred to the relative impact of economic and non-economic factors on attitudes towards immigrants. The paper by Tobias Müller and Silvio H. T. Tai is in line with the literature by highlighting that non-economic factors appear to be more important. At the same time, knowing the relative ‘importance’ of different mechanisms does little when it comes to trying to improve intergroup relations and improving attitudes towards immigrants more generally. Changes in migration patterns and their uneven impact on the labor market are reflected in the attitudes of individuals, but so are changes in the politicization of immigrants and differences in ideological climates more generally. Put differently,

contemporary social transitions seem to be reflected in how different groups in society see each other – in the present workshop exemplified in the case of the views of natives on immigrants – and have secondary effects on social cohesion more generally.

What came out of this discussion is that current views of reactions to immigrants are often simplistic in the sense that different exposure to contemporary social transformations is highly uneven in society, and ideological contexts vary significantly from one region to another. Just by observing that there is an increase of immigrants in a particular area tells us very little about how the population will react. The reactions depend not only on historical particularities and the foreign population already present, but also on whether the newcomers are competitors or complementary in the labor market, are likely burdens on the social welfare system, or whether the ideological climate is such that differences between groups are highlighted. While the end of restrictions for immigrants from the European Union has been part of a major social transformation, its impact on how the native population react to immigrants has been varied and diverse, and this can be expected to continue in the future.

## The Other Way to Govern Migration: Procedural Law and Its Pressure to Adapt to Changing Migratory Patterns

Convener: Stefan Schlegel, Max Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen, [Schlegel@mmg.mpg.de](mailto:Schlegel@mmg.mpg.de)

Speakers: Anne Kneer (University of St. Gallen), Damian Rosset (University of Neuchâtel), Stefan Schlegel (Max Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen), Barbara von Rütte (nccr – on the move, University of Bern)

Discussant: Christin Achermann, nccr – on the move, University of Neuchâtel

### Discussion

This Workshop aimed at discussing the role of procedural law as a means to govern migration in Switzerland and the growing political pressure on procedural law to adapt to changing migratory patterns by implementing increasingly restrictive legislative changes. Based on the four presentations by three lawyers and a political scientist as well as the constructive comments of the Discussant, Prof. Christin Achermann of the University of Neuchâtel, an inspiring discussion emerged on the duality between procedural and substantive law and the construction of procedural law as a battlefield of migration law and governance.

The workshop started with a presentation by Anne Kneer who is a PhD Candidate at the University of St Gallen as well as a clerk at the Swiss Federal Administrative Court (FAC).

Anne presented a paper on “The ‘Free Floating’ Asylum Procedure: Juridical Observations and Risks of Activism of the Legislator in the AsylA” in which she compares Switzerland's general public administrative procedure under the Administrative Procedure Act (APA)<sup>1</sup> to the specific asylum procedure governed by the Asylum Act (AsylA)<sup>2</sup>. She finds that whereas the APA provides for a very stable and continuous legal base line for all public administrative procedures the asylum procedure has been subject to numerous legislative changes in particular as a result of a highly politicized general debate on asylum. Those frequent and often purely symbolic changes to the AsylA lead the asylum procedure to float away from the general administrative procedure and to become a highly specialized domain. Anne illustrated this increasingly dual system with two examples of recent legislative changes to the AsylA and the corresponding reactions of the FAC. As the speaker convincingly showed there is little room left for legislative changes concerning substantive provisions in the AsylA as these standards are safeguarded by international law. Thus, procedural law becomes the battlefield for a more restrictive migration policy by sharpening the duty to cooperate of the asylum seekers, by speeding up procedures and by reducing costs for the public.

Damian Rosset, PhD Candidate at the Centre for Migration Law at the University of Neuchâtel, subsequently presented his paper “Inside and Out: Country Expertise and the Asylum Procedure” based on his research on the production of country of origin information (COI) in asylum procedures. In his presentation, Damian pointed at an inherent tension in the production of COI: While COI units have to assist asylum decision-making, the authority, legitimacy and credibility of both individual actors and institutions largely depends on them being perceived as independent from the decision making. At the example of Landinfo, the Norwegian COI unit, Damian showed how individual and institutional legitimacy of COI is created through an infrastructure of distancing. He found that the process of distancing takes place on four different levels: on an institutional, a physical, a methodological and a performative level. The COI unit in Norway is institutionally independent from the authority responsible for processing asylum application, and physically located in a different building. Methodologically, the process of distancing in the production of COI attempts not to suggest certain interpretation. Finally, there is a performative level of distancing that takes place both internally within the asylum system, as well as externally vis-à-vis a wider public. Damian concluded that there is a high congruence of interest in adhering to and reproducing the norm of distancing by both individual actors within COI units and the institution itself.

After those two initial presentations which focused more specifically on the asylum procedure, the floor was given to Prof. Christin Achermann for her comments. She pointed in particular at the fact that both presentations revealed a dual system between substantive guarantees and procedural aspects. Even though procedural questions might be at the margin of the general discussion on asylum and its hidden actors, such as e.g. COI units, procedural law is of crucial importance in governing migration. Striking is further the increasing symbolic use of law by introducing clauses with no practical relevance but high political significance that finally create a certain effect, be it only in peoples' minds. The

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<sup>1</sup> Federal Act on Administrative Procedure (Administrative Procedure Act, APA) of 20 December 1968, SR 172.021.

<sup>2</sup> Asylum Act (AsylA) of 26 June 1998, SR 142.31.

subsequent open discussion then mainly turned around the processes of distantiation in the production of COI in the Swiss case.

The two following presentations had a more general focus on procedural aspects of Swiss migration law. Barbara von Rütte, PhD Candidate with the nccr – on the move at the University of Bern, presented a paper written with Stefan Schlegel on the proposed revision of the Law on the Federal Court<sup>3</sup> (which is currently pending) and its effects on Swiss migration law. The proposal which has been presented by the Federal Council in November 2015 would introduce major changes to the procedure before Switzerland's highest court: more issues shall be excluded from review by the Federal Court and exceptions only granted for cases that rise fundamental legal issues or are otherwise particularly important. As Barbara showed, the revision would, if implemented, have significant consequences for both individuals' judicial protection in migration matters as well as for the Federal Court as a pacemaker for developments in Swiss migration law. Individual rights would be weakened and the Courts' competences cut back. The presentation illustrated that the two official goals of the proposal of reducing the workload of the Court and closing gaps in legal protection cannot be reached at the same time. The example of the proposal for a revision of the Law on the Federal Court, so the conclusion, shows how procedural law is increasingly used to weaken the legal status of migrants, to cut back the influence of non-political institutions such as courts and, thus, to control migration.

The last presentation by Stefan Schlegel, postdoc at the Max Planck Institute for the study of Religious and Ethnic Diversity, Department of Ethics, Law and Politics in Göttingen, examined the procedural aspects of migration law from the perspective of the theory of property rights. Under the theory of property rights, the right to decide, whether the migration of a given person to a given place can take place or not, is a right of significant economic value. On scrutiny, this right has to be understood as a whole bundle of rights, containing sticks of different aspects of migration. The procedural aspects of migration law are an important stick within that bundle of rights. They determine how the allocation of the bundle of rights on migration is protected and how its allocation can be challenged. From this perspective, Stefan examined the exceptionalism of procedural law in the domain of migration on the basis of examples in both Swiss domestic legislation as well as under Article 6 of the European Convention on Human Rights. He found that procedural guarantees in the field of migration are weaker compared to other similar domains of public administrative law which also grant access to a certain market. Namely, the example of domestic law shows that the weaker the substantive rights of a person are, the weaker his or her procedural rights are. The perspective of the theory of property rights reveals that migration law, including its procedural aspects, are still governed by the dogma of state sovereignty and not seen as a question of allocation of goods.

In its second half, the discussion focused again on the duality between (procedural) migration law and general public administrative law. As Prof. Christin Achermann pointed out, foreign nationals have a dual special status being both non-nationals and having less access to the judiciary. The efforts of the legislator to cut back the Federal Court can be seen

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<sup>3</sup> Law on the Federal Court of 17 June 2005, SR 173.110.

as a backlash against a jurisprudence which is found to be too liberal and as an attempt of politics to gain back sovereignty in a domain where the limitations imposed by international law are not too strong (but growing). The workshop ended with a short open discussion about the use of the theory of property rights for an analysis of procedural standards. The rich and fruitful discussions showed that procedural law is an important battlefield of migration governance where clashes between individual rights, state sovereignty and international standards become apparent.

## Obstacles to Immigrants' Successful Labor Market Integration: The Manifold Patterns of (Institutional) Discrimination

Convener: Flavia Fossati, University of Lausanne, [flavia.fossati@unil.ch](mailto:flavia.fossati@unil.ch)

Speakers: Carlo Knotz (University of Lund), Didier Ruedin (University of Neuchatel and University of the Witwatersrand), Fabienne Liechi, (University of Lausanne) and Flavia Fossati, Giuliano Bonoli and Daniel Auer (nccr – on the move, University of Lausanne)

Discussant: Tobias Müller, nccr – on the move, University of Geneva

### Abstract

In the last decades virtually all European countries face increasing inflows of immigrants from both war-torn and crisis-ridden countries. Integration in the host country involves, among other things, successful integration into the labor market. However, immigrants, particularly the low-skilled ones, have an above-average likelihood to suffer from unemployment and precarious working conditions (temporary, part-time and low-paid employment). Moreover, oftentimes precarious employment go hand in hand with insufficient welfare and social service coverage and thus contributes to exacerbating disadvantages associated with a foreign nationality.

In this panel we focus on how Switzerland and other western countries deal with the challenge of successfully integrating immigrants in the labor market. In particular, we discuss when and how institutions and policies produce negative outcomes for immigrant workers and job seekers and in which circumstances instead policy schemes actually help alleviating the disadvantages originating from discriminatory practices in the labor market domain. We welcome papers dealing with questions analyzing, for instance, the effect of negative access biases to particular unemployment benefits or services (childcare facilities, vocational training or activation measures). Or contributions studying discriminatory practices exerted by professionals at job centers or by employers when recruiting staff.

The aim of the session is to engage in a discussion about these different sources of disadvantage and their interplay, and to give a more complete picture of the complex mechanisms that affect immigrants' successful labor market integration in Western societies.

## Summary of the Papers

### *How Tight Are the Screws. Conditions and Sanctions for the Unemployed in OECD Countries, 1980–2012*

*Carlo Knotz, University of Lund, carlo\_michael.knotz@svet.lu.se*

Most advanced democracies have increased the conditionality of unemployment benefits since the late 1970s. Job-search and availability conditions have become stricter and the sanctions for non-compliance with these conditions have become harsher. Due to a lack of comparative data, this key dimension of welfare state change has until now remained to a large extent unexplored. This paper addresses this gap. It draws on a novel comparative time-series dataset covering 21 advanced democracies between 1980 and 2012 to show the extent to which the conditionality of unemployment benefits has increased. Two main developments are identified. First, there is indeed a clear trend towards stricter requirements, in particular with respect to occupational mobility and job-search requirements. The second, less well-known, trend is that the rules have also become more precisely defined, which may actually have strengthened the position of claimants vis-à-vis their case workers.

### *Racial Discrimination in Switzerland*

*Didier Ruedin, University of Neuchatel and University of the Witwatersrand, didier.ruedin@unine.ch*

**Objective:** Summarize the extent of and trends in racial discrimination in Switzerland.  
**Methods:** A wide range of different sources are synthesized and contrasted to draw a picture of racial discrimination. Sources include major surveys like the European Social Survey (ESS), specialist surveys like 'Zusammenleben in der Schweiz' (ZidS), data from advice centers, and official data. **Results:** The incidence of racial discrimination has increased in the last two decades, especially on the basis of nationality, but convictions have declined in recent years. The most common forms of racial discrimination are verbal and unfavorable treatment. Men are more likely to be affected than women, and young people more likely than older people. Discrimination is most likely experienced when looking for work and at the workplace. **Conclusion:** Official data on convictions because of racial discrimination are inadequate to enumerate the extent of and changes in racial discrimination.

### *The Matching Hierarchies' Model: Evidence from a Survey Experiment on Employers' Hiring Intent of Immigrant Applicants*

*Fabienne Liechti, Flavia Fossati, Giuliano Bonoli and Daniel Auer, University of Lausanne, flavia.fossati@unil.ch*

Why do immigrants encounter labor market integration difficulties? We propose a model that combines ethnic rankings and occupational rankings to predict who employers are likely to favor for particular occupations (matching hierarchy model). We argue that for jobs that are high on the occupational hierarchy a foreign nationality carries a bad signal due to a high level of social distance. Conversely, at the low end of the occupational hierarchy a Swiss passport conveys a negative signal to employers. We test this model by means of a survey

experiment (conjoint analysis) in the hotel sector in Switzerland in 2015. We found that employers' evaluation of non-nationals follow the patterns suggested by social distance but that a non-native background leads to disadvantage foremost in the higher skilled occupation (receptionist). In the low-skilled occupation, instead having a Portuguese background is actually an advantage. We conclude that to understand disadvantage patterns it is important to be aware of contextual factors (here occupational hierarchies) that may change the nature of nationality-based signals.

### **Summary of the Discussion**

In the lively discussion at the end of the panel we addressed the question how discrimination can be understood and measured in an effective way. Whilst Ruedin's paper addressed this question by means of official statistics and surveys capturing perceived discrimination by victims of discrimination; the paper by Liechti et al approached the question from another angle. The authors asked whether employers, who act as gatekeepers in the labor market, are likely to prefer – and thus hire – specific ethnic groups, thus contributing (voluntary or involuntary) to the adverse outcomes of immigrants on the labor market. Both these approaches offer valuable insights and complement studies that assess the extent of discrimination with experiments, in particular audit and correspondence testing offering explanations for why discrimination may occur.

## **Aging in a Context of Migration. Transnational Families and Care Arrangements along with Migration and Welfare Regimes**

Convener: Mihaela Nedelcu, University of Neuchatel, mihaela.nedelcu@unine.ch

Speakers: Claudio Bolzman (HES-SO University of Applied Sciences and Arts of Western Switzerland, Geneva), Mihaela Nedelcu (University of Neuchatel), Nina Conkova and Kasia Karpinska (Erasmus University Rotterdam) and Tineke Fokkema (Netherlands Interdisciplinary Demographic Institute NIDI)

Discussant: Alistair Hunter, University of Edinburgh

### **Abstract**

The global ageing of western societies is a demographic change with significant impact on migration and mobility processes. New waves of labor migration are driven by the need to compensate for and deal with the ageing of native populations. In the same time, large cohorts of "guestworkers" in the aftermath of WWII are growing old themselves, facing complex forms of vulnerabilities and raising new challenges for national welfare regimes. In addition, elderly populations are increasingly mobile, particularly within the EU. As Eurostat

data suggests, a significant increase in the numbers of foreign-born residents aged 55 and over was registered throughout Europe within the last five years. In Switzerland, according to the Federal Statistical Office, in 2014, one quarter of the resident population of foreign background is aged 55 and over, which represents almost 600'000 persons.

In this context, in the field of migration studies, an emerging body of literature draws attention on various processes related to ageing in a context of migration, focusing on different categories of migrants: ageing in place, elderly left behind, return migrants, lifestyle (or international retirement) migrants, etc. Besides this diversity, the workshop scrutinizes the topic of ageing migrants through the lens of care circulation within transnational families and social fields. It gathers three papers based on research conducted by the authors in Switzerland, Canada and Poland. By studying migrants' social practices and care arrangements at the intersection of micro (lifecycle, gender, and resources), meso (systems of family norms and relationships) and macro (migration policies and care regimes) levels of analysis, these papers highlight various factors influencing elderly's agency. They also stress the emergence of new challenges for welfare and migration regimes in Switzerland and European countries.

### **Summaries of the papers**

#### *Older Migrants, Family Configurations and Intergenerational Relations*

*Claudio Bolzman, Haute école de travail social, HES-SO - University of Applied Sciences of Western Switzerland, Geneva/Switzerland*

In this paper we explore one main question: what is the place of older persons in transnational and intergenerational families when these persons are in different stages of their life course? In order to answer this question, we combine 3 perspectives: life course, transnational, and family configurations. We use data from several researches we have carried out in Switzerland with immigrant families. We propose a typology of different forms of intergenerational and transnational relations from the perspective of older persons.

#### *Grand-Parents to the Test of Migration in the Digital Age: Co-Presence, Mobility and Care Arrangements in the Case of Romanian Migrants in Canada and Switzerland*

*Mihaela Nedelcu, Institute of Sociology, University of Neuchâtel/Switzerland*

Taking transnational families of Romanian migrants in Canada and Switzerland as a case in point, this paper accounts for the emergence of new patterns of 'grandparenting' and 'doing family' that alternate and combine different forms of transnational mobility and co-presence. By underlying the role of grandparents as a central actor of family practices, it argues that intergenerational solidarities in migration contexts are bidirectional and imply novel care arrangements underpinned by individual resources, family norms and obligations, migration and welfare regimes, as well as ICT-enabled co-presence routines. From this perspective, it raises awareness of the challenges that grandparents aging transnationally – the so-called 'zero generation' – represent for nation-state based logics of solidarity and welfare systems, in relation to complex cosmopolitanization processes of the everyday life.

*'The Children Went Abroad': Exploring Support Patterns amongst Elderly Left behind in Poland*

*Nina Conkova and Kasia Karpinska (Erasmus University Rotterdam) and Tineke Fokkema (Netherlands Interdisciplinary Demographic Institute NIDI)*

This work seeks to examine the implications of migration on the configuration of individual's support systems. Migration, by definition, leads to an increased geographic distance and may therefore alter support patterns. Relatives separated by a large geographic distance may do all they can to keep contact, but frequent visits, phone calls and so on cannot fully substitute for geographic proximity, which is required for daily practical support and care. Drawing on the hierarchical-compensatory model, we argue that when kin ties are not present, the next in the hierarchy source of assistance – non-kin ties – will step in to provide care and practical support. To test this premise, this work draws attention to elderly people in Poland who 'lost' their children to migration, and employs data from the Generations and Gender Survey (GGS). In addition to these analyses, the study sets out to explore how those left behind in Poland experience non-kin support. To this end, in-depth interviews in Poland will be conducted.

**Summary of the discussion and directions for further research**

During the discussions, several questions were raised by the discussant – Alistair Hunter, Alwaleed Centre for the Study of Islam in the Contemporary World, University of Edinburgh, as well as the audience.

*Claudio Bolzman's paper*

This paper makes a great contribution by analyzing transnational older people and transnational families from a life course perspective. It is worth repeating that ageing is not just a chronological or biological process, but also a process marked by different transitions in the life course.

Some questions about the typology proposed in the paper were addressed in the discussion: what are the key distinctions between 'older middle age' and 'Young Elders' on the one hand, and 'dependent elderly' on the other. In order to better connect this typology to a life course perspective and conceptualize family configurations and intergenerational relations, it was suggested going further beyond existing a lot of typologies of older migrants (amenity/lifestyle migrants, international retirement migrants, zero generation, retirement return migrants etc.), and develop a typology of transnational grandparenting or transnational intergenerational relationships, possibly along with three dimensions. First, the intensity of the mutual engagement between generations, which varies over time according to the life course stage of respectively the grandparents, grandchildren and adult children. And another axis would be whether the different generations are living apart or together in the same place. And a third dimension to take into account is the direction of care: top-down to grandchildren or bottom-up to grandparents; Or both – in other words with the pressure being on the so-called sandwich generation.

*Mihaela Nedelcu's paper*

The paper draws on great qualitative data and it challenges an ageist/sedentarist view of the left behind, depicting them as dependent and technologically illiterate. There are three points

that focused attention during the discussion. First, the issue of cohort effects. A bit of a pattern emerges in this study's data: the adult children are all in the 25 to 35 age group and their parents are in the 55 to 65 age group. The former can be considered 'digital natives' (see Prensky) while the latter are unlikely to have significant cognitive or sensory impairments yet. And these considerations will surely impact the way they age transnationally and how they negotiate ICT use, co-presence, mobility and childcare as families. If the respondents were 10 or 20 years older the findings may well be different. Second, a related point applies to the qualifications and education of the emigrant adult children respondents. What influence does the high human capital of the children have on the findings? This needs to be acknowledged and perhaps compared with other studies – if they exist – on ICT use among less skilled migrants and their parents left behind. Third, the issue of policy implications of transnational parenting. A suggestion was made to take insight that this is a life course related form of intergenerational solidarity, and then link this insight more explicitly to sociological theory on the role of the welfare state to accompany and minimize social risks during major transitions in the life course.

#### *Nina Conkova's paper*

A quantitative study like this in the field of ageing migrants is to be acknowledged, as most studies of transnational ageing are qualitative. In addition, the study is theoretically driven, building on the hierarchical compensatory model. Also Poland is an interesting case to explore, given the recent outmigration of primarily young people since 2004 when Poland acceded to the European Union. In connection to this last point, it would have been helpful to have some contextual information on the Polish welfare state and the care provision for older people important. How does Poland compare with other European union countries in this regard? What is the welfare regime type, to cite Esping-Anderson's famous typology? In other words, what is the institutional context in which practical support for Polish older people takes place, be that public, private, third sector etc.?

A broader issue that raised attention is the question of what counts as 'family' and what counts as 'the family who normatively are obligated to assist' an elderly relative? This certainly varies according to social cultural and ethnic background. Another sensitive aspect is related to cohort effects.

In addition, as an overall comment, the discussant made a couple of remarks:

→ Perhaps the use of the specific term 'transnational families' is too limiting a concept, at least for certain aspects of our work, because the same dynamics and challenges of 'doing family' at a distance also play out in nationally dispersed families as much as in internationally dispersed families. Indeed, Nina Conkova raises this issue in her paper, namely the influence of physical distance between generations (be this national or cross-border dispersal) versus the influence of (the distance created by) international migration specifically. Of course, there are some specificities for internationally dispersed families, notably in terms of visa regimes and differences in welfare policies and care for the elderly in different country contexts. These specificities should be acknowledged. But there are also commonalities which tie our work on international migration to the work of scholars who study the same issues but in a non-migration context. This is meant as a more general provocation: how can our research on older international migrants or older people affected by

international migration contribute to broader fields of study in sociology and social gerontology about the place of older people in an ever more globalizing world? So this is a plea for us as scholars of older migrants to try to make our work relevant to a wider set of fields and issues, and we can see a lot of scope for that with these papers.

→ A second general point Alistair Hunter made concerns the concept of circulation of care, which both Claudio Bolzman and Mihaela Nedelcu cite. Circulation of care is not only between households and across borders but also varies over time depending on the life course stage of the different generations. So there are 'cycles' of care responsibilities: young grandparents caring for young grandchildren, then, some years later, older grandchildren or their parents caring for frail grandparents. So care circulates between the generations, as much as between households and across borders.

## The Labor Market Effects of Immigration in Switzerland

Conveners: Andrea Ariu and Tobias Müller, nccr – on the move, University of Geneva, [andrea.ariu@unige.ch](mailto:andrea.ariu@unige.ch)

Speakers: Michael Siegenthaler (KOF Economic Institute, ETH Zurich), Andreas Beerli (KOF Economic Institute, ETH Zurich), Tuan Nguyen (nccr – on the move, University of Geneva)

Discussant: Andreas Beerli, KOF Economic Institute, ETH Zurich

### Summary

With the Workshop “The labor market effects of immigration in Switzerland” Prof. Tobias Müller (University of Geneva) and Andrea Ariu (University of Geneva) brought together the most recent papers in the field of economics of migration for Switzerland. The conveners, together with Andreas Beerli (ETH Zurich), Michael Siegenthaler (ETH Zurich) and Tuan Nguyen (University of Geneva) focused on the Swiss economic context to discuss the effects of immigrants on the Swiss economy. The starting point for the motivation of this workshop is that Switzerland represents a perfect case study for migration policies. First, the share of immigrants in the total workforce is high and has been increasing over time. Second, the migration liberalization followed by the Swiss-EU agreement, led to regional and temporal differences across regions that allowed the researchers to exploit a quasi-experimental setting to understand to what extent the liberalization policy affected the Swiss economy and how. Second, this workshop analyzed two actors involved in the process: workers and firms. In this way, we took a bottom-up approach, starting our analysis on the most atomistic components of the economy and aggregating up the evidence taking into account meso and macro actors, like industries, cantons and the whole economy.

Andreas Beerli discussed the features of this liberalization: between 1999 and 2007 Switzerland opened its labor markets to immigrants from the European Union (EU), fully liberalizing access by 2007. However, the timing of this labor market liberalization differed by geography. In particular, cross-border workers, who constituted more than half of EU immigrants, were allowed free-entry into the border region (BR), but not the non-border region (NBR), already in 2004. These differences permitted to estimate the effects of the policy changes on the inflow of new immigrants and on native labor market outcomes such as wages and employment by comparing the BR and NBR. The results are contrary to what the general perception is: the opening of the border to EU immigrants increased their presence in the Swiss economy by 4 percent of employment but this significant increase did not have consequences for the wages and employment of natives. Therefore, the Swiss economy as a whole benefited from the policy without major drawbacks. The only small negative point is that this liberalization increased marginally the displacement of native middle workers (while it increased the employment of native high-skilled). Overall, this policy had a net positive effect on Switzerland and the current pressure to put back the quota restrictions risks to destroy all the benefits gained from this liberalization.

Michael Siegenthaler exploited the same setting but switched focus to firms. In particular, he discussed how the Swiss-EU agreement could influence the firm production, productivity and innovation. The starting point for this work is the observation that more than 30% of Swiss firms previous to this liberalization found difficult to find qualified employees for their vacancies. If this is the case, firms were probably obliged to work at the wrong scale of production, without being able to exploit fully their ideas and their capabilities. In this scenario, the change in policy constituted the perfect scenario to compare the production, productivity and innovation capabilities of border region firms versus the ones far from it. The results show that firms close to the border increased their overall employment and the share of migrants in their workforce (mostly with high-skilled immigrants). Moreover, these firms increased their productivity and their innovation output. Therefore, the liberalization led these firms to become more internationally competitive. Once again, the results of this paper pose serious doubts about the possibility to put back in power the restrictions on immigration. In particular, the risk for Switzerland is to undermine the productivity of their firms, limit their innovation processes and thus hinder the possibility to compete in international markets. Therefore, these possible negative consequences could also impact the native workforce with a vicious spiral.

Finally, Tuan Nguyen discussed to what extent immigrants and natives can be considered as complements or substitutes. It is well known that immigrants tend to specialize in tasks that involve little communication due to the fact their language knowledge is below that of natives. In this way, natives and immigrants specialize in the tasks in which they have a comparative advantage, mutually gaining from this. In the case of Switzerland however, immigrants frequently speak the same language of the natives. Therefore, it is an open question whether this also applies in the Swiss context. Tuan in his work shows that this virtuous mechanism also applies even if the migrants speak the same language as natives. In other words, Swiss natives are pushed from immigrants to specialize in communication tasks while immigrants tend to focus more on manual tasks. How is this possible if immigrants speak the same language? The reason is that natives still have a comparative advantage in communication tasks due to their incumbent nature. For example, natives still

know better all the fiscal rules and the Swiss economic system. At the same time, they can exploit their established network (while migrants have to build one). Following this reasoning, natives have still a comparative advantage in tasks which involve communication and benefit from immigrants specializing in manual and simple tasks or in cognitive tasks which do not rely too much in cognitive activities. These results imply that immigrants do not displace natives and they do not have negative effects on their wages. On the contrary, thanks to their complementarity, they have a positive effect on the salaries of natives.

The workshop attracted the attention of many researchers present, which reacted favorably to the presented papers. In a period in which immigration is considered as a nightmare, this workshop clearly showed the economic importance of having immigrants, both for firms and the whole economy. Swiss workers have comparative advantages in certain occupations and firms enjoy being able to recruit the best brains to be able to compete in the international arena. These advantages overcome by far the small the losses incurred and from an economic point of view it would be much less costly to compensate losers than to protect them and damage the whole economy. Therefore, the possible reintroduction of limitations to immigration risks hindering the Swiss economy and the well-being of Swiss people more than the threat of immigration.

## Workshop International Students Mobility: Shedding Light on Study and Post-Study Trajectories

Conveners: Etienne Piguet and Yvonne Riaño, nccr – on the move, University of Neuchatel, yvonne.riano@unine.ch

Speakers: Pathé Barry (University of Neuchatel), Annique Lombard (nccr – on the move, University of Neuchatel), Jacques Babel (Swiss Federal Office of Statistics), Christina Renggli (University of Bern), Claudio Bolzman and Ibrahima Guissé (HES-SO University of Applied Sciences and Arts Western Switzerland Geneva), Susan Thieme (Freie Universität Berlin)

Discussant: Christoph van Mol, Netherlands Interdisciplinary Demographic Institute (NIDI)

### Discussion

This workshop addressed the issue of the growing global mobility of students and the internationalization of higher education, and immigration policies favoring highly-skilled migrants.

The workshop had the aim of shedding light on international students' study- and post-study trajectories, conceptualized as changes in their individual situation, status or role before, during, and after completing their studies at a Swiss institution of tertiary education. The following questions were addressed: a) What are the main motivations of international students to choose a Swiss institution, and what kinds of strategies do they use to cope with the on-going challenges that they face? b) What are the different types of patterns of student's educational and employment trajectories, and how can differences among them be explained? c) To what extent do international students turn into highly skilled professionals in Switzerland, and how can differences in outcomes be explained? d) What challenges do students face, when returning to their countries of origin, and what are their coping strategies? e) What are methodological challenges when studying international student's trajectories, and what are possible avenues for the future? T

The workshop assembled 20 Master, doctoral students and advanced scholars from different universities and disciplines as well as from the Swiss Federal Office for Statistics.

The conceptual issues and the definition of who is an "international student" were central in the first part of the discussion following the presentations by Pathé Barry, Anniqve Lombard and Jacques Babel (OFS). It was especially fruitful for the debate to have simultaneously in the room the producers of data (OFS), people interested in methodological issues and people using those data and those methods in their research.

The second part of the discussion focused on study-and post-study trajectories, motivations, barriers and strategies developed by students. The papers as well as the discussion gave the opportunity to connect the different stages of the mobility process.

Overall, discussions among workshop participants brought up the following themes that illustrate the connection between international students and new realities of migration:

- New global spaces of knowledge: international students as key agents in transforming and constituting new global spaces of academic knowledge
- The mobility of global talent: implications for brain drain, brain gain and brain circulation?
- Stratification of rights among highly skilled workers: implications of political constructions of international students as highly skilled workers: stratification of rights among highly skilled labor? Justifying migration control while introducing selective migration regimes?
- Selectivity and precariousness: international students are constructed as highly skilled workers but the possibility of economic citizenship (economic rights) is only open to a few, mostly in technical branches, many international students experience precariousness in Switzerland during and after completing their studies
- Switzerland 's attractiveness for international students: a study at the University of Berne shows that human capital theories of economic maximization fall to short as explanatory framework; cultural experience plays a key role in Switzerland's attractiveness as place to study
- Methodological challenges of mobility: how to define international students? How to measure and quantify multiple mobilities?
- Return mobilities: difficulty to use cultural capital obtained abroad because of lacking local social networks

## Methodological Challenges in Research on Highly Skilled Migration

Convener: Metka Hercog, nccr – on the move, University of Basel, metka.hercog@unibas.ch

Speakers: Hanna Janta (University of Basel and University of Surrey), Shabih Zaidi (University of Basel), Laure Sandoz (nccr – on the move, University of Basel)

Discussant: Maja Povrzanovic Frykman, Malmö University

### Workshop Abstract

Highly skilled migration has become an important feature of the Swiss migration and mobility regime. Despite stressing the need for skilled workers, third-country nationals can be admitted as labor migrants only in exceptional cases. Not only should their skills be immediately needed on the Swiss labor market, but their economic activity also has to match interests of a chosen canton. Such strongly demand-driven system defines the category of highly skilled migrants as exclusively those, who are needed at a specific time and place. This political economic context should be critically reflected on when, labelling and classifying diverse migrant categories. The aim of the workshop was to deepen the discussions on methodological challenges of pre-defined analytical categories, such as ethnicity, professional status or education. While migration studies are by itself entangled with a discourse which normalizes differences based on the category of migration (Dahinden, 2016), studying highly-skilled migration reveals “skills”, either in terms of education or occupation, as another important criteria of difference. It is necessary to reflect on the relevance of such categories in explaining social processes and affiliations. This workshop addressed the calls for going beyond the ethnic lens (Amelina & Faist, 2012) and for demigraticization of migration studies (Dahinden, 2016). Specifically, the three presented papers, which all dealt with skilled migration towards Switzerland, touch upon the following issues within their individual areas of research: a) terminologies used across disciplines and how various classifications influence study findings, b) the researcher’s multiple positionalities (being “insider” and “outsider” when researching highly-skilled migrants), and c) relevant variables for explaining the observed social process, in addition to the migration status.

### Summary of the Papers

In the first talk, Hanna Janta (Basel University), discussed different terms in studies on skilled migration and a general shift away from a focus on highly trained professionals to a more heterogeneous graduate migrant group. On the basis of her research on visits home as practiced by highly skilled migrant women, she reflected on her own “multiple positionalities” and specifically on her disciplinary background as well as on her national belonging. She

showed examples on how discipline(s) as well as positionalities of “migrant researcher”, combined with professional, gendered, parental status as well as nationality, shape our research questions, research design as well as how and who we can and cannot access. Within these constraints, she found the starting position of uncertainty, as proposed by Nowicka and Ryan (2015), almost impossible.

The second talk by Shabih Zaidi (Basel University) discussed how terminology, which is used to define and stratify categories, influences sampling early on in the research. Based on her research of globally mobile executives within pharmaceutical industry in Basel, she avoids distortions created by theoretical categorizations by utilizing company’s already stratified grouping of “mobile talent”, “international assignees” and “expatriates” in order to see how they are used by the company and employees themselves. Remuneration is found to be the main indicator of different descriptive labels. “Global mindedness” and “diversity” are an additional part of currency used to negotiate mobility within the career trajectory. Mobility and career progression are closely intertwined: Employees’ value is decisively determined by their willingness and interest to remain internationally mobile.

The last talk by Laure Sandoz (Basel University) looked at the notion of “highly skilled migrants” by investigating their institutional embeddedness in interaction between state and market actors. Power relations are made clear by highlighting the importance of economic actors in constructing the definition of “skills”. Increased role of migration intermediaries enables some migrants to expand their capabilities while others who do not have access to their support, remain excluded. Entering a country through either company, protection, family or study channel determines the enabling and disabling factors for settling in. “Highly skilled migrant” is therefore shown as one who is constructed by the level of individual and external resources offered in establishing oneself.

### **Summary of the Discussion**

The discussant, Maja Povrzanovic Frykman (Malmö University), framed the methodological challenges in three main points: 1) careful treatment of categorizations, 2) critical use of temporal and place perspective, 3) complexities of life domains in transnational context. First, categories might re-emphasize the phenomenon described or might not matter to people who are described by them. Proposed methodological solutions to either observe the use and creation of categories by economic actors improve our understanding of power relations in migration governance and how the use of notion “highly skilled migrant” is far from neutral. Institutional anchor of companies (Zaidi) and related migration intermediaries (Sandoz) define the changing patterns of inclusion and exclusion. Marketization, as one of the major features of the changed migration governance, and decentralization of services benefit certain people and exclude others from entering or accessing opportunities. Motivations for moving (self-initiated, company-driven or as a trailing person) were proposed as a beneficial starting position for research. Especially dividing self-initiated vs. other-initiated can benefit research as it strongly influences access to infrastructure and related advantages. Second, perspectives of time and emplacement should be looked at in how they also define categories. On the basis of recent Brexit discussions about Polish migrants in the United Kingdom, the discussant showed how depending on the time you move a completely different idea of a place may be created. Researcher’s reflections (Janta) about the

interviewing process and complex positionalities show how intersections, other than ethnicity, were relevant for establishing rapport and trust with participants. Micro-positionalities and demarcation lines of “insider” – “outsider” change during the interviewing process. Adopting categories of practice as categories of analysis was proposed as a further methodological solution. Third, there is evidence of different domains of life negotiated and broadened in transnational aspect. Not being somewhere can be detrimental to social relations and emotional resources. Expectation of participating locally is challenged by people having a foot elsewhere in addition to restricted time availability. Critics of praising mobility as something good were widespread in the discussion. People might want to step out of mobility, even if single. The risk of commonly mobile world raises concerns not only for the individuals involved in mobility and those left behind but also for the risks it poses for the local and local engagement. Is local participation falling apart if everyone is geographically mobile? Transnational context necessarily calls for more research focus in the future. An important methodological take from the discussions was a proposal to stop organizing projects based on migrants. Conducting pilot studies to explain reasons for observing migrants to answer specific questions was proposed as a methodological answer to calls for a post-migrant perspective.

## Politics of Asylum and Mental Health: Transforming Conceptualizations and Treatment of Trauma

Convener and Discussant: Laure Kloetzer, University of Neuchatel, [laure.kloetzer@unine.ch](mailto:laure.kloetzer@unine.ch)

Speakers: Betty Goguikian Ratcliff (University of Geneva), Gail Womersley (University of Neuchatel), Renos Papadopoulos (University of Essex)

### Workshop Abstract

Recently, the unprecedented influx of asylum seekers coming into Europe has given rise to the intensification of humanitarian concerns and solidarity movements, including a significant focus on the psycho-social wellbeing of this population. A meta-analysis of epidemiological data across studies reveals an average prevalence rate of Post-Traumatic Stress Disorder (PTSD) among refugees of 30.6% (Steel et al., 2009). This is a significant social, economic and public health concern. PTSD has been a focus of many humanitarian interventions driven by a prevailing discourse that almost everybody affected by war experiences and political oppression is traumatized (R. Papadopoulos, 2002). However, significant criticisms have been levelled against the use of this diagnosis within such a context, being a diagnosis with questionable cross-cultural validity and politically loaded legal implications for asylum seekers (P. Bracken, 2002; P. J. Bracken, 2001; Fisher, 2014; Hinton & Lewis-Fernández, 2011; Janoff-Bulman, 1985; Kirmayer, Kienzler, Afana, & Pedersen, 2010; Marsella, 2010; R.

K. Papadopoulos, 2007; Ratcliff & Rossi, 2015; Staeuble, 2004; Summerfield, 2001; Tummala-Narra, 2007; Wasco, 2003; Watters, 2001; Young, 1995). Furthermore, it has been argued that psychiatric discourse individualizes and medicalizes trauma at the expense of highlighting the political, societal and economic dynamics which underpin it. Relevant research questions therefore need to consider alternative narratives around migration and trauma beyond the scope of western psychiatric discourse in order to develop a more sophisticated and socio-culturally nuanced understanding of trauma - not least of all to determine more culturally sensitive asylum seeking procedures. This workshop therefore aimed to contribute to these debates surrounding the mental health of migrant populations by exploring trauma from a multi-cultural perspective, and through an examination of the need and possibilities for legal, health and social systems to allow for more culturally relevant responses to the mental health needs of migrants. The various socially, culturally and linguistically informed manifestations of trauma and its application to the treatment of refugees was examined. The three presenters all highlighted the importance of considering the impact of current social and political aspects in the mental health of migrant populations.

### **Summary of the Papers**

The discussant, Dr Laure Kloetzer, opened the debate by welcoming the speakers and noting a particularity of this workshop – notably the fact that all three of them are academics as well as clinicians working with refugee and asylum seeking populations.

The first presenter, Dr. Betty Goguikian Ratcliff, outlined a two-phase model for understanding the course of psychological distress among this population, thus underlining its long-standing nature. She argued that getting a long-term residence permit does not automatically lead to health improvement and that changes in legal status reduce psychological distress only if associated with better living conditions and prospects of life: social support, access to labor market, education, acculturation (i.e. language proficiency, understanding of health care system and local institutions, changes in role and identity). Indeed, when refugees face several barriers to integration and experience hostility (including mechanisms of marginalization, discrimination and segregation), the effects of trauma and depression may re-emerge during a second phase, several months after resettlement, and individual vulnerability may be longstanding.

The presenter, Gail Womersley, highlighted the high rate of PTSD and other psychiatric disorders noted among refugees – taking examples of Swiss prevalence rates reported in the literature – yet questioned its validity within the context of migration. She argued that a diagnosis such as PTSD may have politically loaded legal implications for asylum seekers and that mental health problems such as PTSD could have a negative impact on asylum seekers' credibility through affecting the consistency of their verbal accounts of their experiences – thereby creating potential bias against a person genuinely fleeing persecution. She therefore argued that a more informed understanding of social and cultural manifestations of trauma and its consequences therefore should play a critical role in informing public health interventions as well as legal policy.

The third presenter, Dr. Renos Papadopoulos, argued for the usefulness of developing a framework that epistemologically locates a worker (mental health professional) in a position

where it is possible to address the complexity, uniqueness and totality of a person (family/group) that includes not only traumatic experiences and other negative responses to adversity, but also the retaining of existing strengths (resilience) as well as the acquisition of new strengths as a direct result of the exposure to adversity ('Adversity-Activated Development'). Three additional important differentiations were presented and discussed: (i) between events and the experience of events, (ii) between 'offering' psychotherapy' and 'being therapeutic', the latter referring to using therapeutic principles in whatever work context one is involved in with refugee people, and (iii) between a person being a 'victim of circumstances' as opposed to developing a 'victim identity'.

### **Summary of the Discussion**

The discussion centered on the importance of questioning a reductionist narrative whereby asylum seekers and refugees are necessarily considered to be 'traumatized' by single, isolated events in their country of origin. Some relevant questions of debate raised by participants related to the extent to which the current institutional structures responsible for receiving asylum seekers and refugees – including entangled legal regulations, economic drivers, and societal dynamics – impacts on the mental health of this population and what more could or should be done at a systemic level to ensure mental well-being and development. Societal dynamics related to the exclusion and discrimination and the negative impact on the mental health of this population was highlighted as a key concern. By medicalizing trauma on an individual level based on single events of the past, such diagnoses risk rendering us blind to other ongoing aspects of interpersonal, political and social violence on a more global scale, including significant post migration factors such as the asylum seeking process itself, which may be deemed equally traumatic by migrants.

Furthermore, the importance of considering factors of resilience as well as post-migration growth and development (defined by the last speaker as 'Adversity Activated Development') was considered to be particularly relevant to this debate. Questions of the ways in which we assess trauma (more specifically, how we diagnose PTSD), was raised by participants and the limitations of the diagnosis was noted by the speakers. In terms of further outlooks on possible gaps in the literature – the need for more longitudinal studies focused on the life trajectory of asylum seekers and refugees was noted in the conference, as was the need to have more culturally relevant tools to assess trauma – both within clinical and institutional practices.