



Prospects for Integration of Migrants from “Third countries” and their Labour Market Situations: Towards Policies and Action



Nicos Trimikliniotis

Working Paper 2

Mapping and evaluating migration and integration policies – The case of Cyprus

Summary

This report presents the key features of the basis of the Cypriot migration and integration policies. It has to be noted from the outset that mapping and evaluating this area is not an easy task, given that we are dealing with a field of policy and a field of study, which can only be very schematically imagined, given the fact we cannot locate in Cyprus such an explicitly stated *integration policy* with any in history. It is only very recently that the current minister of interior first referred to the making of an integration policy: as this summary report is being written, the policy document is being finalised, which contains the basic parameters of such a policy. The document has been put before the inter-ministerial committee on integration and will be then open to submissions and comments by all stakeholders.

In the case of Cyprus the issue of integration, which is a concept disputed and contested, has for years been a non-starter. According to the initial study conducted prior to change of policy allowing migrant labour in 1989, Cyprus only required temporary ‘foreign labour’ to cover the developmental needs given the shortage of labour; therefore they proposed labour on short-term contracts for the specific sectors of the economy. It was all supposed to be a short-term affair: the economy would eventually adjust and the need for ‘foreign labour’ would cease as the economy would restructure, the employment and training of Cypriots would eventually cover the economic needs and the services of ‘foreign labour’ would no longer be required. Hence, according to the original policy considerations there was no need to debate a ‘migration policy’, never mind an ‘integration policy’. This has no logic if we take account of the experience of the 1990s.

Three inter-related difficulties can be located in this endeavour: Firstly, the literature available on the subject is mostly international, and as such we are forced to erect artificial ‘national’ or ‘state boundaries’ in order to confine the ambit of our work. Secondly, there is an inherent contextual problem relating to the *de facto* division of the Cyprus, which was set up as a bi-communal and bilingual country; this report only covers the area under control of the Republic of Cyprus, i.e. the southern part of the country. The third difficulty relates to the fact that the subject of *integration in general in the context of Cyprus* has never been a subject of study, save for some exceptions. This reflects the absence of public debate on the general subject matter of ‘integration’. Therefore, the report is an attempt to piece together and locate the knowledge derived from disparate sources, which are not all ‘academic’ or strictly speaking ‘scientific’ in form. Nevertheless, the knowledge

derived from various technical reports, such as governmental and non-governmental reports, policy-documents and other publications, is crucial in informing us about the theoretical understanding of local actors, policy-makers and the few researchers in the field, as well as making some conclusions as to the theoretical underpinnings of actual policies and the contestations over policies.

Some attempts to study the integration policies of Cyprus for the period leading up and in the immediate aftermath to the 2004 accession to the EU (i.e. 2000-2006), it was immensely difficult to locate and evaluate something that resembled an 'integration' policy as such. From its inception immigration policy has been highly problematic: the model is based on the same problematic assumptions that labour immigration to Cyprus is a temporary phenomenon to cover labour shortages in specific areas which are unpopular with Cypriot. It follows from this logic that any policy measures to be taken must be a transient and short-term nature, until there is labour retraining, technological innovation and adjustment in the Cypriot labour force. Hence policy-makers persistently defend the sort-term visa model for specific jobs and specific employers a kind of *Gastarbeiter* model based on an "immigration-integration conundrum". Up to 2006-2007, we couldn't even identify any official or Ministry in charge of coordination or development of an integration and integration, as there was *no declared integration policy*; hence, if we were to make any sense of some kind of 'integration policy' we were forced to rely on deducing a 'policy' deriving from praxis, as a 'de-facto policy' derived from the assessment of the practice of policies in a number of fields, even though officials and policy-makers never actually designated or referred to such disparate and uncoordinated policies as such (a) employment policies – promoting for instance equal sights and labour standards for all at the insistence of trade unions; (b) education policies for non-Cypriot students; (c) immigration policies; (c) citizenship and naturalisation policies; (d) general treatment of TCNs by the authorities; (f) civic organizations that allowed civic participation of TCNs.

Within the last decade there have been some important changes. Over the last two years there has certainly been a concerted effort to shape an immigration and integration policy under the coordination of the Ministry of Interior. A useful starting point for analysis of the general situation as it stands before the introduction of the new policy is the overview provided for the purposes of the *Migrant Integration Policy Index*, which locates Cyprus in a generally unfavourable integration position. Of course we needn't rely or accept at face value the analytical and theoretical underpinnings of the particular project, but it does provide a point of departure and comparison across the EU: "Cyprus is one of only five EU Member States where the majority of non-nationals are from other EU countries; 5.7% of the total population is from outside the EU. Asylum seekers and international students make up a large part of the immigration flows. Integration policies have remained underdeveloped in Cyprus, with no lead or coordinating ministry tasked with integration. Legislative action has revolved around the late transposition of the EC Directives on family reunion and long-term residence, as well as a bill to transpose article 8 (1) on the shift in the burden of proof from the EC Directive on Racial Equality." The report analyses the areas in which Cyprus fares well in comparison to other EU countries and where it is 'weak':

Anti-discrimination is the strongest of the six areas of integration policy measured by MIPEX, although it is still a full 40 percentage points away from best practice.

Political participation scores unfavourably, with several critically weak policy dimensions. Even with the late transposition of the EC Directives on **family reunion** and **long-term residence**, Cyprus has the worst score on family reunion out of the 28 MIPEX countries, and the second worst on long-term residence, and the fourth worst on **labour market access**.

All major studies on third country migrant workers point to the same conclusion: that they remain in 'a vulnerable position', in spite of the improvements to the institutional and legal framework. Moreover, studies are recorded which indicate that the category of 'vulnerable groups' may now be

considered to include EU citizen workers, such as Turkish-Cypriots and Roma. With the accession to the EU, apart from the enactment of anti-discrimination legislation in 2004, the introduction of national action plans for social inclusion and employment have created a national point of focus for the development of antidiscrimination policies.

The current regime for the employment of TCNs was the result of the labour shortages which were associated with the dramatic economic growth in the 1980s and 1990s, referred to as 'the economic miracle'. This was the basic reason for radical change of policy in 1990 which allowed migrant workers in Cyprus. The so-called 'economic miracle' of the late 1970s and 1980s structured by a number of 'external' factors, following the devastation which resulted from the Turkish occupation of the north since 1974. Prior to 1990 immigration policy was restrictive hence very few migrants were allowed. Today, the total number of resident non-Cypriots in the Republic of Cyprus is estimated to be between 115,000-200,000. The policy assumption for the employment of migrant workers formulated in the 1990s was that their stay was to be short-term, temporary and restricted to specific sectors. Although the actual developments of the past decade should have reversed such initial presumption, such a review of policy assumptions has not occurred.

Basically the system works as follows: A number of institutional devices, designed with those goals in mind, have resulted in an institutional framework which carries the following characteristics: (a) Work permits are granted to employers on the condition that the migrant worker applied for is attached to a specific employer (the applicant) without the freedom to change jobs unless the original employer consents to such change or there is a labour dispute; (b) Work permits are granted on an annual basis and with a maximum ceiling of five years in order to exclude the possibility of having to grant citizenship to migrants, structurally producing and reproducing a framework of precariousness and exclusion. The regional and international reasons that account for the migratory flows to Cyprus are the following: On the one hand, economic developments such as the worldwide growth in tourism and migration flows resulted in economic growth which increased the demand for labour in Cyprus. On the other hand, political developments such as the collapse of the Soviet Union resulted in the migration of labour from ex-Soviet countries but also to the migration of a large number of Pontians from the Caucasus region who were granted Greek nationality and were thus able to enter Cyprus without too many formalities. In addition, the Gulf war, successive crises in the Gulf region and unrest in Israel/Palestine has caused the inflow into Cyprus of both economic as well as political refugees from the affected countries. Moreover, the process of accession to the EU is thought to have made Cyprus an attractive destination for migrants and asylum-seekers and the response of policy-makers was to keenly transform themselves to 'border-guards of Europe'.

Even though the long-term visa directive was transposed in spring 2007, a decision by the Supreme court in the case of *Motilla* has, however, stalled the process as it excludes the vast majority of third country migrants residing in Cyprus. The Minister of Interior has since noted that there will be an amendment of the legislation as part of the integration policy he is proposing. The law purporting to transpose Directive 2003/109/EC does not include the restrictive criteria originally proposed for granting long-term migrants this special status such as requirements of proficiency in Greek language, history and civilisation but the right to family reunification is not extended to the unmarried partner of the sponsor with whom the sponsor is in a duly attested stable long-term relationship, or to a person who is bound to the sponsor by a registered partnership. The current legal framework essentially excludes homosexual partners of the sponsor, although the question remains whether the right to family reunification may cover the homosexual spouse of the sponsor – lawfully married in accordance with the laws of another jurisdiction remains open – as recognised by the recent Equality Body Report on the subject.

In the case of Cyprus there is no debate on regularisation in Cyprus as the 'Cyprus problem' dominates the political scene and the population issue is one of the contested in the current discussions to resolve this long-lasting ethnic/state/international conflict. In reality the political

debate, which media generated and amplified, depicts ‘the problem’ of ‘too much immigration’ and ‘failure to control the flow of migrants’. In anti-immigrant politicians and media discourses connect migration to asylum-seekers in what is invariably a constantly replayed ‘numbers game’. In any case, the official figures show that there was a reduction of the applications for asylum.

The regime of acquisition of citizenship is based on the discretionary power of the authorities. Moreover, given that there has been a policy that migrant worker permits cannot be extended beyond four years, the chance of acquiring citizenship for these groups is rather slim, unless they are married to a Cypriot or are granted leave to stay on other exceptional grounds. Overall, the implementation of the rules on naturalisation and with the wide margin of discretion provided for by the legislation is an issue of concern regarding the fairness of these policies.

Little concern has been given in the literature on gender in Cyprus: gendered employment has so far failed to examine the migrant women as part of female labour of Cyprus in the same way that the few studies that exist on labour in Cyprus generally do not consider migrant labour as part of the working class, as pointed out in other works. However, more recently literature on migrant labour and migration in Cyprus has increasingly begun to consider the issues relating to the hierarchies in the labour market, discrimination and exploitation of various categories and social groups, geographical factors and gender specificities. The position of women in the labour market, not only migrant women, the legislative framework for gender equality and collective bargaining shows a serious gender gap.

Overall, TCNs had a major impact on the economy and are thought to have contributed up to 50% of the growth since they first arrived in Cyprus. However, there are major gaps in the employments policies as a result of which we can observe patterns of inequality in the labour market that can be located if one examines the kind of jobs migrant from third countries and some other numerically smaller ethnic groups are concentrated in. Third country migrants are by policy design concentrated in the lower echelons of the labour hierarchy, as it is a condition for granting them employment and entry permit that they take up jobs that Cypriots do not wish to do: typically these are low skill, pay and status.

The current policy on the informal economy and undeclared work is crack it down essentially by repressive measures. There are no amnesty or regularisation policies in place as we have noted above. In Cyprus, irregular or undocumented migrants are primarily workers who have entered the country legally but remain after their visa conditions have expired; they are primarily ‘over-stayers’. They are employed in sectors of the economy with extremely harsh working conditions such as construction, agriculture, manufacturing and the entertainment business. Migrant workers without papers are often criminalised and the authorities, particularly the police often embark on various policies of repression to ‘combat illegal migration’.

Education: As far as education, in spite of the general institutional improvement and the increased attention to educating children in human rights with a particular emphasis on non-discrimination and the need to respect difference’, it is reported that these aims contain only general guidelines and that they are only marginally translated into concrete long-term initiatives. Overall, the studies confirm the findings and elaborate the themes that were established in previous research findings. Currently the most important educational reform takes place, which includes as one of its goals the creation of genuinely multicultural education system.

Health and social care: There is very little, if any monitoring at all by any organisation, public or private regarding health and social care affecting TCNs; nor is there any evidence of developments regarding the collection of related data identifying ethnic/national origin and religion or belief. There is little sensitivity about racial discrimination and xenophobic attitudes, with the exception of some NGOs working against racism and for migrants. There is no available original data and

statistics regarding racial/ethnic discrimination and racist or xenophobic incidents in the area of health and social care.

Political and Public Discourses: There is a regular pattern, largely media generated, highlighting the ‘negative’ social consequences from the presence of migrants in Cyprus, the dangers from ‘excessive numbers, the ‘floods’, ‘chords’ or ‘waves’ of migrants who are allegedly just waiting for the opportunity to ‘move in’ and exploit the opportunities that are available to them (work, social welfare, education etc). Studies show that such patterns have repeatedly emerged since 1990 and continue to this day. The recent emergence of anti-immigrant groups has not been addressed. There are no convictions against perpetrators in cases of racist attacks.

Bottom up activities: The current institutional framework hardly provides the space for the civic participation of immigrants. It is, therefore, hard to differentiate between restrictive and encouraging legal conditions. Overall, the situation in Cyprus can be described as rather disappointing on the issue of the civic participation of migrants, however, there are some encouraging signs. Another key issue here is the role of trade unions in protecting migrant rights. There have not been any trade unions as such set up by immigrants, although a small number of organisations or associations of immigrants are gradually beginning to emerge. Trade unions have not been very successful in taking action to support or demonstrate their solidarity to migrant workers. There is a consensus in their reluctance to accept the presence of migrant workers in Cyprus, who are regularly blamed for rising unemployment. During the 1990s, trade unions adopted a defensive approach towards migrant workers, and made regular xenophobic remarks. Over the last ten years, the Left-wing trade union PEO has shifted towards a generally more sympathetic approach towards migrant workers and a number of initiatives were taken to support them.

Conclusion: This work package proposes a comprehensive policy reform to break away from the ineffective logic of ‘control’ and the antinomies of current policies of the temporary migrant labour model, which reproduce the problem. It proposes a framework for a more open and effective system of regulation so that the rights of migrant workers as well as general workers rights can be properly defended.