INT-AR Paper 1 – Definition labour migrant – Jan Cremers (UvT)

Who is a labour migrant?

In the public debate different definitions in which one can comprehend who counts as a migrant are used. Moreover, also in the regulatory frame that applies for migrants, in statistics on the stocks and flows of migrant workers, in analysis of labour mobility and cross-border recruitment, in data sources and research the definitions vary. As a result, clearly assessing the size of the migration, the impact for the (Dutch) labour market and the evolution over time is not easy. Different, sometimes conflicting definitions pose challenges for consistent and coherent policymaking. Applied to the narrower term of 'labour migrant' the same confusion exits, although it seems logical to separate this category from asylum migration and knowledge migrants. Assessment of the impact of today's and future labour migration asks for more unified definitions.

In this paper, some examples of the notion of a 'labour migrant' are treated.

1. A Wikipedia search (Dutch version) delivers a direct link to the term 'guest worker', defined as 'working people that go (or come) to another country in order to pursue labour' or a person who works in a country other than the one of which he or she is a citizen. A key element in this definition is the fact that the workers are not considered permanent labour migrants due to the temporary nature of their contracts. The definition gives no direct link to other aspects (foreign-born, foreign nationals, residence). Furthermore, Wikipedia refers to the evolution of the term 'guest workers' in the Netherlands and the use by the statistical office CBS of the terminology 'allochthon', subdivided in western and non-western allochthons (see below).[i]

2. In an advice published in 2014, the social economic council (SER) uses a short definition that circumscribes labour migration as working and living for a short or longer period in another country. The SER states that, for regulatory and policy reasons, it is necessary to divide between labour migrants from other EU member states and workers from 3rd countries. Therefore, the SER applies the term labour mobility for EU-citizens and labour migration for non-EU-citizens. EU-citizens, citizens of the European Economic Area (Norway, Iceland and Liechtenstein) and citizens from Switzerland have free access to the Dutch labour market, as far as they can take care of their own livelihood during their stay. Labour migrants from all other (so-called 3rd) countries in principle need, next to a residence permit, a work permit for the Netherlands.[ii]

3. The statistical office CBS defines short and concise that labour migrants are persons from other countries that have settled in the Netherlands in search of work. In some CBS-studies this notion is elaborated in the sense that the term 'official labour migrants' is used. These are migrants who have the intention to stay at least four months in the Netherlands and who have registered their residence officially at the local community register (GBA). Consequently, the CBS does not refer in the definition to country of origin or birth, nationality or final duration. The CBS-statistics do not use the term labour migrant, but make use of the term 'allochthon' (a person with at least one foreign-born parent of non-Dutch nationality), subdivided in the dichotomy 'first and second generation western and non-western allochthons'. In several CBS-publications, the term labour migrant is applied without further explanation or specification. In the statistics, no separate reference is made to the category labour migrants.[iii] Neither is the term used in the workforce surveys (Enquête Beroepsbevolking - EBB) and related overviews of the labour population.[iv] In some statistics, the definition is limited to migrants working in

the Netherlands coming from Central, Eastern and Southern European countries. These and other CBS-statistics induce questions like 'when comes an end to the status of labour migrant (apart from leaving the Netherlands)', 'what is temporary and how and when can it change into permanent' and when 'becomes the country of stay the home country'?

4. The Netherlands Institute for Social Research (Sociaal Cultureel Planbureau - SCP) uses no elaborated definition; in fact, the institute refers to the fact that, because of the Dutch economic growth in the 1960s and 1970s, labour shortages emerged. Employers recruited in those years workers abroad that were called 'guest workers'. The SCP restricts itself to the application of a synonym of that former terminology, independent of the duration of the workers' stay.[v] In other publications, the term labour migrant applies to workers from Central and Eastern Europe that make use of their free movement rights. The SCP points out that the prevention of and the size of labour migration correlates significantly with economic differences between countries, in particular the differences in earnings and labour market opportunities.[vi]

5. In the area of social security policy, the notion of labour migrant can be derived partially from European Regulations and Directives. The Sociale Verzekeringsbank (SVB), the organisation that implements national insurance schemes in the Netherlands, rarely uses the term. The SVB applies the notion of 'guest workers' and mentions this notion only with regard to the existing remigration policy. In recent publications, reference to the term is scarce; in older documents, the organisation makes use of the division between EU and non-EU workers.[vii]

6. In 2016, the statistical office CBS and the Scientific Council for Government Policy (WRR) announced that they planned to skip the notion of 'allochthones'.[viii] According to the WRR, the notions 'allochthons' and 'autochthons' are outdated. Nowadays migration diversity must be tackled with a diversity of classifications. Migrants differ according to country of origin, migration motives and (temporary or permanent) stay. Therefore, they can no longer be characterised by the overall notion 'allochthones' or 'western' and 'non-western'. In an extensive exploration of the classification practice in the Netherlands the WRR formulates several alternatives for this classification. The sociologist Verwey-Jonker introduced the notions 'autochthon' and 'allochthon' in 1971. Allochthon means literally 'from another country'. The CBS applied the notion 'allochthon' in the official statistics and added the distinction 'western versus non-western'. The Netherlands is since that time the only country in the world with a distinction in the statistics between autochthones and allochthones, based on the country of birth of someone's parents. It is also one of the few countries that registers in the official statistics the country of birth of citizens and their parents. The WRR suggests to apply a multiple migration-idiom instead. This could lead, for instance, to demographic statistics that divide between 'residents with a migration background' and 'residents with a Dutch background'. Children from migrants would fall in the category 'residents with a migration background'. Also in this multiple idiom the notion of labour migrant is not mentioned as a separate category.

Resuming
The greatest common denominator in the cited definitions seems to be that labour migrants are workers that come to the Netherlands in search for temporary work. The question is how this way of defining matches with the right of free movement and the liberty to look for a job in another member state that is enshrined in EU-treaties for all EU-citizens (with of course an increased potential after the EU-enlargement in 2004). The European Institutions tend to apply a different definition that seems to be at odds with the Dutch 'mainstream' terminology. In the EU, labour migration is defined as 'Cross-border movement of people for the purpose of employment in a foreign country', but in the special migration EU-glossary, there is only explicit reference to non-EU workers.[ix]
EU-citizens who use the right of free movement are not labelled labour migrants; labour migrants are

workers from 3rd countries who leave their country or region in order to work in the EU, often in search of a better life. For EU-citizens, the free movement prevails, according to Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. According to this Directive EU-citizens have the right to come to the Netherlands, as long as they fulfil certain obligations, just as Dutch citizens are welcome to work, live and study in another EU Member State. As such, the free movement that can take the form of labour mobility is an established right for all EU-citizens and, in principle, subject to minor restrictions.

[i] https://nl.wikipedia.org/wiki/Gastarbeider

[ii] SER (2014) Arbeidsmigratie, Advies 14/09.

[iii] CBS (2014) Jaarrapport Integratie 2014.

[iv] For the used methods and definitions see: http://www.cbs.nl/NR/rdonlyres/1BB3C645-47CC-4F58-9031-89F490AEE981/0/methodenendefinitiesebb2014.pdf

[v] SCP (2015) Opvoeden in niet-westerse migrantengezinnen. Een terugblik en verkenning, Freek Bucx en Simone de Roos (eds.)

[vi] SCP (2015) Nederland in Europees perspectief: Tevredenheid, vertrouwen en opinies, Jeroen Boelhouwer and others.
SCP (2015) Vraag naar arbeid 2015, Patricia van Echtelt and others.

[vii] de Jong, 2007, www.svb.nl/Images/Onderzoek%20sociale%20zekerheid%20over%20grenzen.pdf

[viii] http://www.wrr.nl/fileadmin/nl/publicaties/PDF-verkenningen/V034-Migratie-classificatie-meervoudig-migratie-idioom.pdf

[ix] http://ec.europa.eu/immigration/glossary_en