

A gradual Europeanization of labour migration?

A study of the EU's impact on Sweden's new rules for labour
immigration

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Abstract

The purpose of this thesis is to find out to what extent Sweden's new liberal approach towards labour migration is a case of Europeanization. The intention is also to illustrate the gradual Europeanization in the area of labour migration and discuss the new paradigm shift in favour of labour migration. Managed migration is the new 'catch word' where the focus primarily is on skilled labour. A top-down Europeanization will be applied. The theory is carefully chosen for my research object. A typology from the theory will help me measure the extent of Europeanization. It will be an explaining case study with a theory consuming approach where Sweden will be in focus. The material will consist of both primary and secondary sources. The analysis shows that there is a gradual vertical as well as horizontal Europeanization process in the area of labour migration. Furthermore, the study demonstrates that Sweden to some extent has been Europeanized, yet with its own touch. However it is not likely that the theory can explain Sweden's change towards the new rules for labour immigration.

Key words: Europeanization, Labour migration, Sweden, Managed migration, The European Union

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1 Introduction

Attempts from the Commission to harmonize the policy area of labour migration through binding legislation has led researchers to argue that the migration issue is increasingly becoming Europeanized (Menz, 2008:6, Faist & Ette, 2007:131).

In recent years the labour migration issue has received a lot of attention in the political debate as well as in the media in Europe. Migration policy is in general considered to be among the most important ‘task expansion’ of the EU in recent years. Labour migration from third country nationals is considered to be an pivotal tool in order to meet demographic changes, labour shortages in specific sectors and needs for highly qualified labour (Menz & Caviedes, 2010:2). In the literature, scholars such as Menz and Caviedes go so far as to stress that there is a new paradigm shift regarding labour migration. Other researchers such as Boswell and Geddes mean that the new approach is rather a rhetorical shift than a substantive policy change (2011:79).

During the 1960 large flows of guest workers came to Europe and were met by positive welcoming from unions as well as employers. However, a more defence stance was taken in the 1970 and has lasted until recently where a more liberal approach is prevailing again (Menz & Caviedes, 2010:13-14). There is thus a clear shift from a restrictive attitude to a more liberal but regulated labour migration. The new approach is called *managed migration* and is a ‘catch word’, where the focus is on skilled labour (Laubenthal, 2008:2) making a clear distinction between *desirable* and *undesirable* migrants (Menz & Caviedes 2010:6). In a managed migration system labour market tests and points systems are common elements. Furthermore, many labour market actors seem to be in favour of a controlled migration. It is clear that the unions’ earlier reluctant approach to labour migration has in general changed to a more positive attitude. They consider managed migration to be a preferential alternative to a less regulated labour market and the subsequent downward pressure on wages and working conditions (Menz & Caviedes, 2010:5).

A quotation from a speech by Barroso summarizes the Unions new approach towards a sectorial labour migration, focusing on high-skilled migrants.

"Labour migration into Europe boosts our competitiveness and therefore our economic growth. It also helps tackle demographic problems resulting from our ageing population. This is particularly the case for highly skilled labour" [...] (José Manuel Barroso, Brussels, 23-10-2007).

Nevertheless, one country that does not seem to fit into the managed migration approach is Sweden. In comparison with other European countries it is clear that Sweden has chosen its own path and applies a much more open approach towards

labour migration (Regeringens proposition 2007/08:147; OECD, 2011:55). The greatest change in the Swedish policy is the shift from state-coordinated to employer-driven labour migration policy. Furthermore, at the EU-level Sweden has advocated for an increased harmonization in this area (Ministry of Justice, annotated agenda, 11-09-2008). That is an interesting approach considering the fact that labour migration is usually a contested area where member states normally are reluctant to cede power to the supranational level (Faist & Ette, 2007; Boswell & Geddes, 2011:94). In addition to that, Sweden changed its labour migration policy in 2008, almost at the same time as EU launched its Blue Card Directive in 2009 and later the Single Permit Directive in 2011. Is there a causal relationship (connection) or has the events nothing to do with each other? Is the Swedish liberal approach towards labour migration a change due to Europeanization or can it be explained by other factors?

1.1.1 The purpose of the thesis

The aim of this thesis is to find out if the Commissions work to harmonize the area of labour migration has had any affect on Sweden's decision to establish new rules for labour immigration. The purpose is also to illustrate the gradual Europeanization in the area. In this study I am interested to see whether the directives and learning through Open Method of Coordination have had or will have any effect on the Swedish labour migration policies. To what extent is it possible to claim that Sweden's decision to change its approach has to do with Europeanization? This leads us to my general research question.

Research question:

To what extent is Sweden's new liberal approach towards labour migration a case of Europeanization?

1.1.2 Definitions and Delimitations

“Migration is a noun that is used to describe the movement of people, or even animals, between countries” (DifferenceBetween, 2012-05-10). Migration is often used while talking about waves of movement of people in and out of countries. It is usually described as an umbrella term, including both immigration and emigration. Immigration refers to someone that has moved to a new country. To emigrate on the other hand “is to refer to the country from which they have moved” (DifferenceBetween, 2012-05-10). In this study I will use migration and immigration almost identically referring to people from outside EU moving to work within the Union. Since there is no universally defined definition of labour migration, I will use the general definition from International Organisation for Migration. Labour migration is there defined as “a cross-border movement for purposes of employment in a foreign country” (IOM, 2011-03-24).

Furthermore, migration is a broad phenomenon that includes labour migration, refugee and asylum migration, secondary migration (family reunification) and irregular migration (Faist & Ette, 2007:159). Menz stresses that it is difficult to distinguish labour migration from political asylum since there are empirical and conceptual links between them (2008:17). However, I will make a distinction and only focus on labour migration from third country nationals. It is also necessary to make a division between the two concepts bottom-up and top-down, often linked to Europeanization. I am well aware of the fact that many scholars believe that Europeanization is a two-way process; still my focus will only be on top-down approach since that is most suitable for my research objective. Another delimitation is that my focus in this study will be on how Europeanization has affected policy and not to the same extent, politics. Previous research has shown that Europeanization has had most effects on policies than on politics (Radaelli, 2000:23,26; Faist & Ette, 2007:20).

1.1.3 Research problem – Why study labour migration from an Europeanization perspective?

Labour migration has recently gained attention in Europe after being an unrecognized issue for almost thirty years. Its resurrection makes it interesting to study. Why now? Labour migration is today discussed all over Europe and it is a controversial issue between the national and EU-level. Apparently, it is the most contested issue within the migration field (Faist & Ette, 2007; Boswell & Geddes, 2011:94). However, modest steps have been taken towards a more coherent labour migration policy within the EU. Since the labour migration policy is gradually becoming Europeanized it seems relevant to approach it from this perspective.

1.1.4 Relevance

First of all I believe that it is relevant to study labour migration from an academic point of view since there are apparent gaps to fill. Comprehensive research has been done as regards migration in general, but not on labour migration in particular. Especially not in relation to Europeanization and Sweden. Secondly it is not only a subject that is appropriate to study in order to satisfy active researchers in the field. Quite the opposite, I consider it necessary to examine labour migration since there is a general interest in the issue. It affects the country as a whole and often leads to a lot of debate. Some members of the public have the notion that “people come and steal our jobs”, and it is possible to discern an increased xenophobia around Europe. Therefore I believe that is important to discuss the labour migration issue more openly. It is furthermore interesting to see how politicians try to satisfy different groups. On the one hand we have the employers that in general have a positive approach to labour migration. On the other hand we have a resistant public. How does the politicians deal with that?

Thirdly, I am of the opinion that it is in general important to understand what impact EU policies have on national policies. Since there is a general scepticism of ceding power to the supranational national level it is vital to illustrate what is going on at the EU-level and connect it to the domestic policy.

1.1.5 My contribution to the field

As mentioned above the link between Europeanization and immigration has not been discussed in the literature to a larger extent. However, in 2007 Faist and Ette made a contribution to the field by studying the Europeanization of immigration and had Sweden as one of several cases. The chapter focusing on Sweden is written by Mikael Spång. My point of departure will be from what he have found and concluded from the chapter, "Sweden: Europeanization of Policy but not Politics?" Nevertheless, my study will have a rather different approach. Instead of focusing on immigration and Europeanization in general, my intention is to merely focusing on one type of migration, namely labour migration. Much has happened since Spång mad his study about Sweden. By the time Spång made his research there were no operating directives in the area of labour migration and therefore difficult to talk about a gradual Europeanization in the field. With two operating directives and two waiting for approval the empirical material is different today.

Furthermore, Spång did not include learning through Open Method of Coordination, which I will add to my study. Another change since he wrote this chapter is that Sweden has changed its labour immigration rules. With the resent developments, my intention is to come up with new information and see to what extent Sweden's new liberal approach towards labour migration is a case of Europeanization.

1.2 Material

An adequate material is crucial in order to solve the puzzle of the thesis. Below, I will outline what material I will use and for what purpose. Menz contribution to the literature regarding managed migration will serve as a background and an empirical part of my thesis. Managed migration is an important part of the gradual Europeanization process and therefore important to address in this thesis. Menz contributions in this field will also be used in order to explain how migration is increasingly becoming Europeanized. Concerning the theory, there is a broad literature focusing on Europeanization. However, in this study I will primarily draw on conclusions from Radaelli, Bulmer, Börzel, Risse, Cowles et al., López-Santana, Spång and Faist and Ette. The latter are especially focusing on the Europeanization of national policies and politics of immigration and will therefore play an important role. Since I will conduct a case study it seems relevant to use

methodological advises from George and Bennett's book *Case Studies and Theory Development in The Social Sciences*.

In addition to that, general methodological concepts will be taken from Esaiasson's contribution to the field. Except from secondary sources I will use primary sources in the form of EU-directives, Swedish policies on labour migration and the latest contribution from 2008 – *New rules for labour immigration*. These documents will serve as a base for the analytical part. It is the most necessary material in order to answer my research question. I will thus study EU-directives and compare them with Sweden's new policy in the field of labour migration. Before the new rules were adopted in Sweden, official government reports (SOU) were made which I will look into. They will give me an adequate background to the development. Finally, documents, opinion pieces, articles, consultation responses, and annotated agendas from representatives for the government and to some extent the opposition will be examined. This will be done in order to find out Sweden's general opinion about EU's work as regards labour migration.

1.3 Theory

1.3.1 Europeanization

Europeanization is a frequently used theory. It has been applied in order to explain how EU is influencing the domestic level and how the national level affect the EU level, which is usually defined as *top-down* and *bottom-up* approach. Ladrech (1994) was one of the first scholars to conceptualize Europeanization. He defined Europeanization as 'an incremental process of re-orienting the direction and shape of politics to the extent that EC political and economic dynamics become part of the organizational logic of national politics and policy making.' Several scholars such as Menz, J., Bulmer, M., Radelli, Börzel, Risse and Cowles have followed his path and tried to conceptualize and used Europeanization in order to explain the dynamics between the national and EU level. Some of their findings will be outlined in the next section, but first I will present my definition of Europeanization.

I will define Europeanization as:

“a process by which domestic policy areas become increasingly subject to European policy-making” (Börzel, 1999).

Having said that, it is important to make a more narrow definition and exclude other factors that can have impact on policy changes. Scholars agree that it is not an easy task to determine that a policy change is caused by Europeanization and not by other intervening variables. In line with findings from Radaelli I will determine what Europeanization is not. Europeanization is not the same as *European integration* and it should not be confused with *convergence* or

harmonization (Radaelli, 2000). It is important to remember that Europeanization does not mean that one policy has changed in the same direction in all European countries. “Europeanization encourages domestic policy change, but not all member states will opt for the same types of change” (Radaelli, 2000). “A corollary is that Europeanization will produce diversity rather than convergence because domestic institutions differ widely” (Radaelli, 2000:20). Therefore, “in order to say that a policy transfer is due to Europeanization, it needs to come through EU institutions, even if it only embodies co-ordination” (Howell, 2002:12). Europeanization can thus occur through EU legislations or via learning by the Open Method of Coordination, which will be further described in the next section.

1.3.2 The characterization of Europeanization

The Europeanization process can be characterized as vertical and horizontal. When there is an existing EU-model (directive) that should be implemented at the national level, a vertical Europeanization process is discerned. The EU is very strong in the vertical process of Europeanization and it often leads to adaptational pressure at the national level. Something Faist and Ette describe as prescriptive (coercive) mode of Europeanization (2007:19). On the contrary, a horizontal Europeanization process is appearing where EU does not work as a lawmaking body, but more as a platform for policy transfer and exchange of ideas between member states, often called Open Method of Coordination. This is “soft law”. EU is quite weak here and the adaptational pressure is absent (Bulmer & Radaelli, 2004:11). Faist and Ette describe it as a discursive mode of Europeanization (2007:19).

1.3.3 Strengths and weaknesses of Europeanization

The strength of applying Europeanization theory is that it can fairly well explain how policies and politics are being Europeanized and also what preconditions and mediating factors that are necessary in order for a change to occur. However, one weakness of applying the top-down approach of Europeanization is the difficulties of excluding other intervening variables. It is challenging to keep factors constant and influences might come from internationalization or globalization (McCauley & Muentel, 2007:3). There are also different opinions regarding the use of the concept top-down and bottom-up. Some scholars argue the necessity to include both of them since the flows are coming from both directions, while others consider the top-down to be enough.

Furthermore, Europeanization has several definitions; some see it as a strength (good explanatory factor) other like Radaelli sees it as a weakness and talk about ‘conceptual stretching’. He believes that it is difficult to define Europeanization, because if all things have been touch by Europe, to some degree, everything has been Europeanized. If Europeanization can explain everything “It eventually becomes all things to all people and to some extent almost meaningless”

(Radaelli, 2000). Featherstone adds: [...] [T]he faddish use of ‘Europeanization’ in different contexts can easily obscure its substantive meaning” (2003).

1.4 Previous research

1.4.1 Various views on Europeanization

Tanja A. Börzel and Thomas Risse have contributed with the article – *Conceptualizing the domestic impact of EU*. Their focus is only on the top down approach (how EU is influencing the national level). Börzel and Risse stress the importance of *goodness of fit*. In order to be a change at the domestic level there must be a degree of ‘misfit’ or incompatibility’ between EU level processes, policies and institutions and the same at the domestic level. The authors mean that the degree of fit or misfit leads to adaptational pressures. Börzel and Risse argue that it is necessary, but not a sufficient condition for domestic change. A second condition is that several ‘facilitating factors’, for example actors and institutions – respond to the adaptational pressures, subsequently provoking the change (Börzel & Risse 2003). Thus, there are mediating factors that *enable* or *prohibit* domestic change.

Simon J. Bulmer and Claudio M. Radaelli made one of several contributions to the field through the article *The Europeanization of National Policy?* They start by asking - why Europeanization? The advent of Single Market, EMU, Regulatory competition and the Enlargement process are according to the authors, factors that make it relevant to talk about a Europeanization process (Bulmer & Radaelli, 2004:1-2). In order to analyze what impact EU has had on the national level they use analytical tools such as modes of governance – *Governance by negotiation* (Europeanization derives from a process, namely of negotiation), *Governance by hierarchy* (supranational institutions have a lot of power). Bulmer and Radaelli also include different types of policy, *positive integration* (CAP, social policy, regional policy), *negative integration* (market-making rules) and *facilitated coordination* (policy areas where the national government are the key actors). It often relates to Open Method of Coordination (OMC), which is an arena where member states can exchange experiences in one field, and the agreements take two forms; political declarations or soft law (Bulmer & Radaelli, 2004:4-7). Open Method of Coordination will be further developed in the empirical part of this study.

Bulmer and Radaelli support the Goodness of fit assumption, but stress that it is only valid under certain conditions. It cannot give any general explanation of how Europeanization is influencing national policy and is therefore best applied on one type of policy, namely positive integration (Directives). The authors mean that reforms have occurred in the absence of adaptational pressure; therefore it is not a necessary condition for Europeanization to appear. Instead they argue that the intervening variable in this process is the presence or absence of institutional veto points (Bulmer & Radaelli, 2004:9-10). Learning, which refers to Open

Method of Coordination, intergovernmental forms and spreading the best practice is one of the best methods in order to understand how EU is influencing the national level.

The first mentioned policy, positive integration, is in line with new institutional perspective where institutions are seen as mediating pressures leading to domestic change. Negative integration is more connected to the rationalist framework “emphasizing the strategic calculations of actors in responding to the opportunities available to them in the context of liberalized markets” (Bulmer & Radaelli, 2004:13). Facilitated coordination is according to Bulmer and Radaelli the most difficult to assess. “How does one know if changes in the domestic policy are the result of the engagement in the European policy process and not the product of other variables at work at the domestic level? (Bulmer & Radaelli, 2004:13).

In the book *Transforming Europe – Europeanization and Domestic Change*, Cowles et al are viewing Europeanization as a two way process, but are primarily interested in the ‘downward causation’, how institutional norms from the EU level influence the domestic structure. They distinguish between two categories of domestic structure – *Policy structures* and *systemwide domestic structures*. Cowles et al find that “there is a sort of domestic adaptation with national colors in which national features continue to play a role in shaping outcomes” (Cowles et al. 2001:1). They designed a road map for Europeanization – stressing that it is the institutions that inhibit or enable national adaptation. Like some other scholars they underline the importance of fit or misfit between the EU and national level and add that it is not enough for a change to occur. Whether there is a response to the adaptational pressure depends, according to them on five intervening factors: *multiple veto points in the domestic structures, facilitating institutions, a country’s organization and policymaking cultures, the differential empowerment of domestic actors and learning* (Cowles et al. 2001:2). This work led to a creation of an institutionally sensitive methodological framework to underpin empirical research on domestic adaptation.

In a chapter in Heidenreich and Zeitlin’s book *Changing European Employment and Welfare Regimes* (2009) López-Santana writes about soft Europeanization. Concentrating on soft law through Open Method of Coordination, López-Santana made a contribution to the literature on Europeanization by showing that “‘adaptational pressure’ is not a necessary condition for Europeanization to occur. In contrast to the hard law, soft Europeanization is not driven by coercion or threats; it is driven by other mechanisms. López-Santana stress that an important finding from her studies is that soft law does not lead to profound changes in member states. Quite the opposite, it is a slow process that might influence or inspire policy-makers to make adjustments that in combination with national politics can lead to vast changes (López-Santana, 2009:148). She concludes that “soft law is an efficient tool if the goal is for higher levels of government (in this case the EU) to diffuse a set of ‘good’ policies so that lower levels of government (in this case Member states) can follow similar policy prescriptions and paths of development

(paradigm shift) without having to cede power to the former” (López-Santana, 2009:148-149).

1.4.2 The Europeanization of immigration

Two authors that have applied the Europeanization theory on immigration are Faist and Ette. They have contributed to the field by the book *The Europeanization of National Policies and Politics of Immigration*. The book includes several chapters where different authors apply the Europeanization theory on countries such as Germany, Sweden, Greece, Spain and UK. The focus is on *labour migration, refugee and asylum migration, secondary migration and irregular migration*.

Faist and Ette are particularly interested in how EU is influencing the national policies and politics of immigration and therefore applies a top-down style (Faist & Ette, 2007:14). Their study follows a ‘three-step approach’. First of all the Europeanization starts at the EU level by designing particular policies. Secondly these European policies and political structures cause ‘adaptational pressures’ for the domestic structures. At the end of this process national policies and politics are adjusting to EU-level processes. In relation to this, three questions are being asked; *What is Europeanized?, The extent of Europeanization? and Why and how Europeanization occurs in these areas of policies and politics?*

In relation to the first question the study adopts two main ‘dimensions of domestic change’; The Europeanization of national policies of immigration and the Europeanization of national politics of immigration (Faist & Ette, 2007:15). The second question that was raised concerned the extent of Europeanization. In order to measure that, Faist and Ette apply a typology, which in this case is designed by Radaelli who differentiates between four types of change: *inertia* (lack of domestic change), *absorption* (domestic policies or politics adapt to European requirements), *transformation* (the fundamental logic of the domestic policy or political behavior changes) and *retrenchment* (domestic policies and politics become less European than they were from the beginning) (Faist & Ette, 2007:16-18).

Inertia may occur when a member state considers EU policies to be too dissimilar to the national practice. Inertia may also arise in a situation where EU policies are similar to the domestic policies and therefore no national changes occur. Inertia can also be discerned in a situation where there are delays in the transposition of directives and resistance to EU-influence (Faist & Ette, 2007:16). Absorption explains the condition when national policies gradually adapt to EU requirements. The domestic structure adapt to the changes as long as they do not affect or modify the essential structures of the policy. Transformation, which is the third type of change, means that the fundamental logic of the national policy changes in accordance with the EU policy. The fourth change is retrenchment and means that domestic policies become less ‘European’ than they were. The last outcome is rare, but possible in countries that do not like the policy development at the EU level (Faist & Ette, 2007:16-17).

Regarding the third question there are two modes of Europeanization to account for the differential impact of the EU on the policies of its member states. The two modes are *prescriptive* and *discursive* Europeanization, ‘types of interaction’ or ‘steering modes’. Prescriptive Europeanization is concerned with national reregulation in cases where EU provides institutional models for domestic compliance (coercive). On the contrary discursive Europeanization is without any formal pressure. Usually there are no binding rules, rather guidelines for the search for regulatory solutions to certain policy problems (Faist & Ette, 2007:18-19).

Findings from the first question indicate that EU has had different impact on the national immigration policies in different member states. The study demonstrates that discursive modes of Europeanization in relation to traditional member states leads to vaster national policy changes and declines with a more prescriptive relationship. On the contrary the pattern is reversed if we look at the newer member states. Secondly, we turn to the two dimensions that were analyzed, namely policy and politics. The conclusion drawn from the case studies is that the European impact is considerably larger on the domestic policies than on domestic politics of immigration. Faist and Ette argue that the extent of Europeanization of the policies of immigration is preferably explained by the mode of Europeanization. On the contrary, the extent of Europeanization of the politics of immigration is better explained by the compatibility between national and European structures of policy-making (Faist and Ette, 2007:20).

Regarding the second question, the extent of Europeanization. There are significant differences among the countries at focus. They can all be captured in the typology, from inertia (lack of change) to transformative changes (big changes) – UK belonging to the former and Poland to the latter. Sweden and Germany could be found somewhere in between, but leaning more towards UK. Greece and Spain on the other hand are more in line with Poland (Faist & Ette, 2007:20). The findings regarding modes of Europeanization is exemplified by the case of Britain, which is a good example showing the importance of the modes of Europeanization to account for the European impact on national immigration policies (Faist & Ette, 2007:21).

As mentioned in the beginning of this part, the European impact is much bigger on the national polices than on the politics of migration. The authors’ explanation falls back on two different factors. It seems that the political structures are very difficult to influence from EU’s position, since the sector is characterized as a policy area with strong executive dominance. Furthermore, the weak impact can be explained by nationally specific institutional arrangements. They are obvious in the politics but not visible in the policies dimension (Faist and Ette, 2007:24).

1.4.3 Findings from the study of Sweden

Mikael Spång (an associate professor of political science) has made a contribution in Faist and Ette’s book where he examines Sweden. Having focused on the

Europeanization of immigration in general, Spång places Sweden somewhere in between absorption and transformation in Faist and Ette's typology. Several of the operating directives have led to transformation of the Swedish legislation whereas other directives have led to modest changes. The Schengen agreement for example led to high adaptational pressure, whereas the directive on carrier sanction, smuggling in human beings and the Dublin convention led to medium adaptational pressure. Refugee reception and family reunification was met with low adaptational pressure.

According to the study, parts of the immigration policy that is governed by EU has in general not led to many controversies between the Swedish political parties. Exceptions occur and show some pressure on politics, but only to a certain extent. Spång, therefore concludes that Swedish politics has been less Europeanized than policies. The Swedish membership in the EU has given the government more power and led to a decreased power for the Swedish parliament. Therefore, the political parties had have difficulties to influence the EU decisions (Spång, Mikael, 2007:126). Nevertheless, the issue is more contested at the domestic level, as regards the part that remains outside the scope of EU legislation or has previously become part of it. Here, Spång stresses that the parliament has played an important role in the immigration policy. One example that he mentions is the pressure from the Greens and the Centre-rights on the Social democrats to create a committee that investigated a system for immigration from outside the EU (Spång, 2007:132).

1.5 Methodology

1.5.1 Course of action

This thesis will be an explanatory case study where the aim is to have a theory consuming approach. Having the case in focus and using the theory to explain the chosen case characterize a theory consuming method. Testing theories and identifying explaining variables are here of a second concern (Esaiasson et al. 2007:42-44). I consider the Europeanization theory applied in this thesis to be rather extensive. My aim is therefore not to have a theory development ambition, where the empirical analysis is thought to result in a proposal for new explanations for the phenomenon being studied. Instead I believe that the Europeanization theory is suitable for explaining to what extent Sweden's new liberal approach towards labour migration is a case of Europeanization.

As my main research question indicates I intend to make a case study where I will look deeper into one specific case. My choice of method is based on the fact that I am mainly interested to get a deeper understanding of the case. A case study gives me as a researcher high level of conceptual validity or allows me "to identify and measure the indicators that best represent the theoretical concepts the researcher intends to measure" (George & Bennett, 2005:19). That is important in my case since the variables that I will focus on can be considered somewhat

difficult to measure. How do I for example measure the government's view/opinion? How do I measure the level of fit or misfit? Or the extent of Europeanization?

However, one needs to be aware of the fact that, with only one case, it is difficult to draw some general conclusions and there is also a risk of over-generalization of results and selection bias (George & Bennett, 2005:22-23). My intention is therefore not to come up with some general conclusions about the extent of Europeanization in other countries than Sweden.

The method is carefully selected to suit my research problem, theory and material. Connecting the case study method to my research problem, I will end up with profound knowledge about my chosen case. More precisely, I will get a deep understanding and an answer to what extent Sweden has been affected by EU's policies in the area of labour migration. This specific information would not have been possible to gain from a quantitative study, which would only have given me general results. Where statistical methods are weak, generally case studies are strong and the other way around. It is the research question that may determine which of them is most appropriate (George & Bennett, 2005:19).

Furthermore, a qualitative method is well suited to an Europeanization approach. Utilizing this method I believe that it is possible to make the definition of Europeanization more precise. It is easier in a qualitative study to make sure what is due to Europeanization and what is not. With statistical studies there is a larger risk of what Radaelli calls 'conceptual stretching'. If everything can fall under the Europeanization concept, then the theory becomes meaningless (Radaelli, 2000). In general, case studies tend to have difficulties claiming how much a variable mattered to the outcome. Nevertheless, they are strong assessing *whether* and *how* a variable mattered. Therefore I can only claim that Europeanization has had an affect and how it mattered, yet merely assume *how much* it meant in the case of Sweden (George & Bennett, 2005:25).

A qualitative study is also the most appropriate way of approaching my material since my intention is to illustrate the Swedish government's views on EU's work in the area of labour migration. As mentioned in the material section, I will use primary sources such as annotated agendas, opinion pieces and memorandums in order to answer my research question. These will be studied through a qualitative text analysis. The idea is that the text analysis should help me solving my research problem; therefore it is important to me as a writer to concretize the general formulation of the problem and end up with a range of specific questions. The answers to these questions compose the solution to the research problem (Esaiasson, et al 2007:43). Esaiasson et al believe that the questions form the analytical tool. In order to see if the analytical tool is good enough, one needs to consider the validity. "Is the specific questions you ask to the texts reasonable empirical indicators of the phenomenon that should be investigated"? (my interpretation) (Esaiasson, 2007:244). Possible questions that could be directed to the texts are; what does the texts tell us about the Swedish opinion about the new directives and the Open Method of Coordination procedures? How has Sweden acted at the EU-level in the area of labour

migration? Will the new EU policies affect the Swedish law? What approach does Sweden have to a more common set of EU-rules in the area of labour migration?

Since I will use an open approach to the primary material, answers to my questions will be determined based on what I will find in the texts. By adopting this approach I will make use of the most important parts of the material. With an open method it is less likely that I will miss important information, which is the risk of utilizing a pre-defined approach. However, with an open approach it is, from the very start, important to maintain focus on the research problem. A risk with this method is otherwise that you find interesting sidings that take you away from the most relevant parts. In addition, there is a risk that the conclusions will be to dependent of what you will find in the material. Therefore it is important to beforehand contemplate possible answers that could be found (Esaiasson, 2007: 245-246).

1.5.2 Sweden – a deviant case

Sweden is a particular interesting case to study as regards labour migration. In 2008 the country changed its rules for labour immigration and has chosen its own way of dealing with the labour migration issue. Sweden moved from having a restrictive migration policy towards an extremely open and liberal approach. In comparison with other European countries, this policy shift makes Sweden a deviant case. Research has shown that no other member states in the EU have the same open approach towards labour migration as Sweden (OECD, 2011:67) Furthermore, Sweden has worked hard to develop a common EU framework as regards labour migration from third country nationals (Ministry of Justice, annotated agenda, 29-10-2007).

1.5.3 Operationalization

This operationalization part aims to make the theoretical concepts applicable to my empirical research. Since the Europeanization literature is extensive it is necessary to choose parts from the theory that can be applied to my case. The operationalization needs to fulfill two basic requirements – high validity and high reliability. High validity means that the operationalization explicitly points out what the theory will examine. High reliability on the other hand means that the operationalization makes it possible to examine precisely (Esaiasson et al. 2007:59-61; Teorell & Svensson, 2007:55).

Concepts

Theoretical definition: Goodness of fit

Operational definition: The degree of fit or misfit between EU's labour migration policies and Sweden's labour migration policies.

Theoretical definition: Facilitating factors, Mediating factors

Operational definition: Actors

Drawing on findings from the previous research, a common standpoint among scholars is that there need to be a fit or misfit leading to adaptational pressure in order for a domestic change to occur. However, scholars agree that it is only a precondition; *mediating factors or facilitating factors* are the once enabling or prohibiting the actual change (Börzel & Risse, Bulmer & Radaelli, Cowles et al). Actors and institutions are examples of mediating factors.

Faist and Ette's typology over the extent of Europeanization is relevant to include as a base in order to find the answer to my research question. Four types of changes are mentioned: *inertia* (lack of domestic change), *absorption* (domestic policies or politics adapt to European requirements), *transformation* (the fundamental logic of the domestic policy or political behavior changes) and *retrenchment* (domestic policies and politics become less European than they were from the beginning) (Faist & Ette, 2007:16-18). The question is where in this typology we can place Sweden? As mentioned before the Europeanization process is vertical as well as horizontal, including directives as well as learning (OMC) and therefore both processes will be taken into account. I will start by examining the vertical approach (directives) and continue by focusing on the horizontal approach (learning/OMC).

A vertical process of Europeanization – Directives

Is there a fit or a misfit between the Swedish policy and the EU policy in the area of labour migration? Have the two recently approved and operating directives, EU Blue-Card Directive and the Single Permit Directive – had any affect on the Swedish legislation? Has Sweden made amendments in order to be prepared for the coming legislation? In the second step I will look deeper into Sweden's comments and opinions about the Directives. How has Sweden reacted/responded to them? Has Sweden had a positive approach towards them and the gradual Europeanization in the area of labour migration? Answers will be found by examining annotated agendas for Council meetings, general comments and press releases before meetings in Brussels.

A horizontal process of Europeanization – Learning (OMC)

Here it is also relevant to see if there is a fit or a misfit between Sweden's policies and the discussions in the Open Method of Coordination. Have the coordination processes affected the Swedish labour migration approach? How has Sweden acted during the meetings? Has Sweden actively promoted its own liberal view on labour migration and tried to shape the outcome of the 'soft law'? Answers to these questions will primarily be found from secondary sources.

2 A gradual Europeanization of labour migration

2.1.1 Managed migration

Demographic changes, skill shortages and recruitment difficulties have led most of the European countries to rethink national policies towards labour migration. Many countries have moved from a restrictive stance towards a more liberal but controlled migration, called *managed migration*. According to Menz & Caviedes there is a new paradigm in the way European countries view labour migration. The characterization of this new shift is the recent focus on higher-skilled migrants (usually with university education) that can bring prosperity to the national economy. EU is trying to compete with traditional recipient countries such as US, Canada and Australia in their efforts to find the “best minds”. In the concept lies also a clear distinction between *desirable* and *undesirable* labour migrants (Menz & Caviedes, 2010:2). Scholars’ emphasis that a more generous approach to labour migration coincide with a more restrictive stance towards the “undesirable” – refugees and asylum seekers (Menz & Caviedes, 2010:19). Boswell and Geddes call it a dilemma. There is a clear conflict between the economic and demographic development for an increased labour migration and public resistance to an extended migration. One way of solving the problem for politicians has therefore been to reassure the community that tougher measures will be used against “non-economically-beneficial migrants or refugees”. Introducing temporary programs for avoiding permanent settlement has further been a way of responding to the public resistance to labour migration (Boswell & Geddes, 2011:31-32).

Managed migration is considered to be the best way of handling legal migration. It is believed that it will reduce the illegal migration that has “burden” Europe for a long time. The European Commission stress that “[...] opening up legal economic migration channels will both alleviate emigration pressure [...] and reduce undocumented migration in general” (Menz & Caviedes, 2010:11). Furthermore, managed migration can be linked to Europeanization. An example is the Blue Card Directive where the EU is trying to make it easier for skilled migrants to come and work in Sweden (EU-Home Affairs, 10-04-2012). The Blue Card will be discussed in detail later on in the study. Thus, the gradual Europeanization of labour migration that could be discerned in terms of directives is shaped by managed migration.

2.1.2 Migration and mobility

One important element in the managed migration approach has been to include mobility partnerships and migration mobility. This means an increased co-operation with countries of origin. Both the partnerships and mobility approach address the weakness in the conventional labour migration. The traditional labour migration tended to encourage the migration to become permanent. Therefore the relatively new proposal focusing on migration mobility is a way of giving the migrant a possibility to come and work for a set time-period and then return, and then come back to EU again. It is believed that migration mobility is important in order to bring back competence and experiences to the countries of origin. Furthermore, it is a way of avoiding brain drain (Boswell & Geddes, 2011:96-97).

EU has realised the economic gains of letting people move more freely in and out from the Union. Therefore the EU has built information and advice centres for potential migrants from for example the western Balkans, Spanish and Moroccan cooperation on seasonal labour migration. In addition to that mobility partnership agreements has been signed with countries such as Moldova, Cape Verde and Georgia (Boswell & Geddes, 2011:97). The aim is to increase the cooperation with the Union and the countries as regards the handling of migration flows. The goal is also to facilitate a legal migration, help the member states to get the labour force they need and at the same time help the home country with for example transfer of knowledge. In order to recruit labour force the European member states has realised that they need to give something in return.

2.1.3 A paradigm shift or merely a rhetorical change?

In the middle of the twentieth century Europe's labour migration primarily consisted of guest workers that came to Europe in order to fill urgent gaps in the labour market (Menz, 2010:1) One of the most important destination countries for guest-workers was West Germany. The migrants were primarily from the Mediterranean countries. UK is another country that also received numerous of labour migrants, especially from colonial countries such as India (Boswell & Geddes, 2011:29). In the 70s and with the oil crisis, the UK along with the other European countries became much more keen on keeping jobs for their own labour force and tried to limit the labour migration. This 'zero immigration' policies lasted until recently where a new positive approach towards labour migration has occurred. It is important to note that although all European countries more or less had a restrictive labour migration policy between 1970-2000, some labour migration still existed. Various countries continued to allow high as well as low skilled migrants (Boswell & Geddes, 2011:79). Nevertheless, a clear shift could be discerned in the beginning of the year 2000. Boswell and Geddes make an interesting reflection about the shift in the book *Migration and mobility in the European Union*.

”In fact, perhaps the most significant feature of the shift in approach is not so much in terms of substantive policy, but in the discourse on labour migration: notably, a willingness on the part of some governments and also international organizations to make an explicit case in favour of labour migration” (Boswell & Geddes, 2011:79).

Boswell and Geddes refer to current discussions where a range of positive arguments in favour of labour migration is brought up. It is obviously a contradiction in terms. Many politicians stress that migration is a solution to our demographic development and labour shortages in some sectors. At the same time many countries apply restrictive measures such as quotas and points system, which prohibits certain migrants from entering the labour market.

2.1.4 A vertical process of Europeanization

“If the battles over family reunion and asylum had been prolonged and extensive, with a common pattern of national concerns in the Council resulting either in abrogations to secure the national legislative status quo or successful uploading of national and commonly more restrictive regulation, the Commission's initiative to create the contours of actively managed labor migration regulation encountered even fiercer resistance from the member states” (Menz, 2008:112).

The quotation above demonstrates the difficulties EU’s member states have had to agree on a common set of rules. The following section will give a brief overview of the development towards a gradual Europeanization in the area of labour migration.

In the 1999s Tampere Council, a range of new elements concerning migration was up for discussion. In the Tampere programme, migration was for the first time recognized and linked to political-economic trends. The member states concluded the needs of developing a far-reaching approach addressing migration issues. The suggestion was to help improve the economic and political situation in the countries of origin, establishing a *partnership* in order to identify the situation of human rights and find the reason to why people decided to migrate. (Menz, 2008:45).

Encouraged by The Tampere Programme, the Commission tried in the year of 2000 to design common criteria for admitting third country nationals, self-employed as well as regular employees. This was based on the *beneficial effects* for the economy in the case of the self-employed and on *economic needs*, for example labour market shortages for regular employees. The most radical suggestion was probably the principle of creating one single common application procedure. The procedure would entail both work and residences permit and make the process much easier compared to the highly complex and divergent existing national procedures (Menz, 2008:112). The proposal was radical because the link between work and residency permit was absent in some national legislations. Since that concerned the member states, they had the right to limit admission temporarily or permanently “or even operate sector-specific national recruitment schemes; however, they were obliged to justify such schemes through the

demonstration of exceptional circumstances” (Menz, 2008:113). In the 2000 Communication on a Community Immigration Policy the Commission recommended a “open coordination mechanism”. The new coordination should include exchanges of national “best practices” and hopefully lead to harmonization in the future. The mechanism is in this study known as Open Method of Coordination, which will be discussed further on.

In July 2001 a draft directive on “the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed activities” (Menz, 2008:113) was issued. It was transmitted to the Council and the EP in September for consultation. The draft directive included detailed procedures for labour migrant recruitment. It was sector specific and could be revoked if the migrant was out of job for three months during the first year of residence. The member states also had the possibility to set income limits, thus protecting low-wage jobs from immigration (Menz, 2008:113).

It was decided that the permit should be valid during a maximum of three years, (possibility of being extended three years) but the period was to be determined by the member states (Menz, 2008:113). The EP was positive to the draft directive. On the contrary, the Council as a whole did not appreciate the proposal. Germany and Austria were the leading opponents, arguing that it would jeopardize member state monopoly over regulating labour market access. The German Employer Association (BDA) was very skeptical and forwarded its concerns to the German government. They did not appreciate labour migration being regulated at the EU-level – obviously afraid of losing their own influence. France was another country that objected the Commissions action in this policy domain, arguing that the principle of subsidiarity was being violated. (Menz, 2008:114).

Although, other member states and their business organizations did not take any action, the overall impression was that the countries were reluctant to the Commissions activity in this area. By the summer 2002 it was obvious that the discussions would not come any further. Therefore the Commission withdrew its proposal on March 17 2003. Nevertheless, it was not the end of the proposal. The Commission made new attempts to get competence in the field.

In 2005 it was time for another Council meeting - this time in The Hague. The Hague summit had the ambition to outline a coherent Asylum and Migration policy program by 2010 – “a policy plan on legal migration, including admission procedures capable of responding promptly to fluctuating demands for migrant labour in the labour market”. It was argued that migration was crucial for knowledge based economy and important for a beneficial economic development (Menz, 2008:116). In November 2004 the European Council of Ministers passed The Hague Programme and Qualified Majority Voting (QMV) was introduced. Furthermore, ten priority areas were defined for the five coming years. Until 2010 it was The Hague Program that regulated Justice and Home Affairs (JHA) and unanimous voting together with little parliamentary rights remained in this special part of immigration policy (Menz, 2008:47-48).

In January 2005 the Commission made a new try and presented a Green Paper on a EU Approach to Managing Migration. The Green Paper should be seen as a

new attempt of discussing the labour migration after the failure of agreeing on the proposed directive, mentioned above (SOU, 2006:106). The introduction was the same as during the previous period. Economic migrants were seen as important in order to meet EU's future challenges and to keep up the competitiveness. Quantitative targets would still be on the member states table. Three options were put forward (for future discussions) in the Green Paper. First, to introduce a *horizontal approach* "on the conditions of entry and residence, or second, and less ambitiously, to introduce a series of sectoral regulations, similar to the ones on students (COM 2002, 548 and researchers (COM 2004, 178)" (Menz, 2008:118) focusing, for example, on seasonal workers and intra-company transferees. The third option was EU Green card, which included a common fast-track procedure for specific labour and skills shortages. The reason to focus on high skilled workers was that the Commission, in an investigation, found out that 54 per cent of the university-educated migrants chose to move to US or Canada. On the other hand 87 per cent with lower education chose to move to Europe. In order to keep up the race for educated migrants a "green card", close to the US model with a range of benefits tighten to it was suggested. It would almost be like the Swedish residence permit (SOU, 2006:106).

The ministers discussed the Green paper and showed, to some degree, a willingness to work towards a common framework. At the same time they had difficulties agreeing whether communitarization was important on minimum admission standards and *fast track* admission and if it should be connected to particular labour market shortages. The Germans opposed any fast track procedure or a EU Green Card and argued for a very limited horizontal framework. Again the French government was in line with the German government. They did not like the "catch all" policy. All countries are facing different challenges, they argued (Menz, 2008:118). Altogether, the discussions and negotiations finally led the Commission to present four new directives in the area of labour migration. The next section will examine two operating directives and two waiting for approval, but first the current operating programme needs to be mentioned.

The Stockholm programme is the latest established framework for EU policies, where migration plays an important role. It includes EU's priorities for the area of justice, freedom and security from 2010-2014 (Boswell & Geddes, 2011:76). The programme builds on the achievements by its predecessor, The Tampere- and The Hague programme. In the area of labour migration the notion is that it should be seen as something positive for EU's competitiveness and its economy. In the programme it is argued that the Union needs to have flexible admission systems, better labour matching and coherent immigration policies. In addition to that, the importance of taking EU's labour market needs into account was emphasised and that EU should work hard to decrease the brain drain from non-EU countries (The Stockholm programme, 12-04-2012:28-29).

2.1.5 The Blue Card Directive

[...] With today's proposal for an EU Blue Card we send a clear signal: highly skilled migrants are welcome in the EU!" (José Manuel Barroso, Brussels, 23-20-2007).

This quotation is taken from a speech by the Commission's president presenting the directive on a EU Blue Card. Here, Barroso makes it clear that skilled migrants are the desirable ones. Today there are two operating directives and two directives waiting for approval by the Council and the European Parliament. The Blue Card Directive was the first one to be adopted in 2009 (Council Directive 2009/50/EC of May 25 2009). The approval of the directive meant that it was the first time EU had a legal instrument in the area of labour migration. The Directive was proposed with the notion that highly qualified migrants play a key role in strengthening the EU's competitiveness. "In a world where international competition for highly qualified workers is increasing, Europe can only appeal if it speaks with one voice" (EU-Home Affairs, 06-04-2012). The directive entails a "fast-track procedure and common criteria (a work contract, professional qualifications and a minimum salary level) for issuing a special residence and work permit for third country nationals (Council Directive 2009/50/EC of May 25 2009).

The Blue Card Directive gives the highly skilled migrant access to the labour market and holders of the card are entitled to socio-economic rights and preferable conditions for family reunification as well as movement around the EU. It is valid between one to four years, with a possibility of renewal (EU-Home Affairs, 04-06-2012). After a stay of eighteen months, considering that certain criteria are fulfilled, the migrant has the possibility to move and seek work in another member state, without going through the usual national procedures for admission. It is however important to add that the Blue Card does not create a right of admission; it is rather demand-driven, based on a work contract. The member states still have the right to determine how many migrants are allowed to enter under such a system. Ireland, UK and Denmark are countries that have exercised their opt-out from the scheme (Boswell & Geddes, 2011:95).

2.1.6 The Single Permit Directive

"I am very pleased that this Directive has finally been adopted, as it will certainly simplify the life of migrants applying to reside and work in the EU. [...] This is also promising in view of future legislation, including the Directives on seasonal workers and Intra-corporate transferees." (Cecilia Malmström, European Commissioner responsible for Home Affairs, commenting on the Single Permit Directive) (13-12-2011).

The second and newly adopted directive that Malmström, in the quotation above, is referring to is the Single Permit Directive. It entails a set of rights for non-EU workers legally residing in a EU state (Council Directive 2011/98/EU of December 13 2011). Compared to the proposed directive in 2001 that had the

ambition to regulate the entry conditions in general. The new legislation will only simplify the procedures and ensure that workers from countries outside the EU, legally residing in a member state, will enjoy a common set of rights on equal footing with nationals (Faktaprememoria, 2007/08:FPM58). The directive covers non-EU nationals seeking to be admitted to an EU member state in order to stay and work and also covers the migrant that is already resident and linked to the labour market. It is a permit for work and residence, something that was earlier questioned by some member states. A single application procedure, so called “one-stop-shop” for the permit is included in the directive. Furthermore, it entails specific common rights for third country nationals already admitted but who have not yet been granted long term resident status, in several important areas such as: “working conditions, education and vocational training, recognition of diplomas, social security, tax benefits, access to goods and services including procedures for housing and employment advise services” (EU-Home Affairs, 06-04-2012).

2.1.7 Proposed directives

The Directive on seasonal workers is one of the future legislations waiting for approval. The Commission has stressed that EU is in great need of seasonal workers and as noted many of them are coming to work in Europe. Unfortunately many of them are working illegally. At the same time seasonal workers face exploitation and not the same rights as other workers. Against this background the Commission decided, in 2010 to propose a directive on seasonal employment (Council Directive (proposal) on seasonal employment 2010). The proposal includes a fast-track procedure and a single residence/work permit “simplifying the rules currently applicable in EU states” (Council Directive (proposal) on seasonal employment 2010). It will simplify many things for seasonal workers in areas such as agriculture and tourism and lead to fair contracts. With this directive operating it will be easier for the seasonal worker to renew the agreements and it puts more requirements on the employers to protect the migrant from being abused (EU-Home Affairs, 12-04-2012).

The second proposed directive is the Directive for intra-corporate transfer of non EU-skilled workers (Council Directive (proposal) on intra-corporate transfer 2010). The globalisation of multinational corporations has led to an increased need of moving staff temporarily between companies. According to the Commission, there is today a range of difficulties transferring non-EU employees. Therefore the Commission will improve the situation through the proposed directive by giving companies outside the EU “[...] a common set of rules and requirements and EU companies will have faster access to global talent to meet staffing needs for managers, specialists and graduate trainees” (EU-Home Affairs, 12-04-2012). The directive gives the worker the possibility of obtaining a combined residence and work permit in a Member State. The migrant will also have the same working conditions as the national workers and the directive will include more attractive residence conditions for the families (EU-Home affairs, 12-04-2012).

2.1.8 A horizontal process of Europeanization

Introduced by the Lisbon Treaty, the Open Method of Coordination has been one of EU's ways of tackling (its) labour market as well as social problems. (López-Santana, 2009:134). Open method of Coordination could easily be described as a soft law and a policy making process that does not lead to binding EU legislation (Eurofound, 20-04-2012). The coordination mechanism is occasionally viewed as a reaction to the EU's economic integration in the 1990s, which reduced the member states maneuvering space in the area of employment policy. Many member states were at that time reluctant to cede power to the EU institutions and a coordination system was therefore designed to work as an alternative to the existing governance method (Eurofound, 20-04-2012). The main goal of Open Method of Coordination is to spread best practices and achieve greater convergence towards the main EU goals (Bulmer & Radaelli, 2004:11). The notion is that the method should help member states developing their own policies. "As such, it hinges on horizontal mechanisms of governance rather than on the vertical imposition of models coming from Brussels" (Bulmer & Radaelli, 2004:11). From a scholar perspective the coordination is seen as emerging governance architecture and emphasis it's prospective for policy learning. In areas where it is difficult to form a common EU model, policy-makers instead try to exchange different ideas and develop common benchmarks (Bulmer & Radaelli, 2004:11).

In the case of migration the Open Method of Coordination works parallel with traditional legislative EU instruments and was requested in 2000. In a communication from the Commission to the Council and the European Parliament, the Commission proposed that the coordination should be used for asylum policy and general immigration policy for an initial six- year period (/*COM/2001/0387final*/). It was established in order to complement and support EU's, at that time, extremely limited legislative instruments as regards labour migration (Hansen, 2005:26). Having the procedure in place, the Commission wanted member states to discuss common objectives that could be solved together at the EU-level. The notion was that targets should be designed in a way that was sensitive to different national needs. The Commission believed that such a process would be helpful in order to develop a common framework for labour migration from third country nationals.

Furthermore, the Commission emphasized that all measures need to be in line with the objectives set in the European Employment Strategy and developed together with the civil society (/*COM/2001/0387 final*/). In the Communication the Commission also addresses the importance of seeing the actual market needs of labour migration. It could for example be a demand for highly educated or seasonal labour. The recruitment policies should also be designed in a way that enables the EU to respond quickly to rapid changes in the labour market. The supranational institution was positive to actions that had been taken by some

southern European Countries to establish bilateral agreements with third country nationals. The Commission was further positive to special arrangements for seasonal workers and intra-corporate transfers. There are all parts that will be discussed within Open Method of Coordination (/*COM/2001/0387 final*/).

Additionally, the Commission would like to see a partnership approach towards third country nationals including economic, political and social dimensions. Immigration and labour market issues are also taken into account within the formal European Employment Strategy (Szyszczak, 2006:598), which will be illustrated below.

2.1.9 The European Employment Strategy

The European Employment Strategy provides a framework (The Open Method of Coordination) for member states where they can share information, discuss and coordinate their employment policies. The goal of the strategy is to create more and better jobs in EU and has now been adapted to the new Europe 2020-strategy. Europe 2020 is a sustainable growth and jobs strategy operating from 2010-2020. It is a strategy for the European Economy in the future. One of its flagship initiatives is “an agenda for new skills and jobs”. In the proposal the Commission urges for a more flexible labour market that meets today’s needs and raise employment levels. To meet the demands EU should promote intra-labour mobility in order to better balance labour supply with demand. In connection to that the Commission stress that there need to be “a forward-looking and comprehensive labour migration policy which would respond in a flexible way to the priorities and needs of labour markets” (Europe 2020, 03-03-2010).

Let us now return to the European Employment Strategy, which in the literature is regarded as almost an ideal type of OMC, since it includes all necessary parts. “The ideal-type of the OMC allows for considerable variability of formats, rationales, and results across policy areas” (Radaelli, 2003:31). National Action Plans (NAP’s) today called National Reform Programmes (NRP) are an important part in the strategy cooperation. They should be reviewed and adapted by the member states each year and include statistics about the national migration, the cooperation between different actors and measures taken to combat illegal migration and measures to support legal forms of migration. Shared experiences and good practices as well as encountered problems (preferably areas that could be solved at the EU-level) should also be part of the National Reform Programmes (/*COM/2001/0387 final*/).

Having indicated in this chapter that there is a gradual Europeanization, it is important to add that harmonization or communitarization is far from complete. Countries still have a lot to say in this particularly policy. Some countries such as Germany and its *Länder* have retained vital discretion for themselves regarding legal migration and integration policy. Especially concerning labour migration issues, “arguing that their labour market is too vulnerable to attract foreign labour”. It is obviously a contested issue and can, according to the Commission only be “put in place progressively” (Bendel, 2007:34).

Here it becomes relevant to mention something about the Commission, which plays an interesting role, almost paradoxical, considering labour migration. As regards the free movement of workers within EU the Commission has had a very important and influential role, yet concerning labour migration from outside the EEA it has faced difficulties getting positive response to its proposals. "The Commission has pushed for greater harmonization of national approaches based on common indicators for assessing labour market needs" However, as we have seen a range of attempts to promote harmonization of national policies has not been met by endorsement (Boswell & Geddes, 2011:95. Next chapter will illustrate Sweden's development towards a policy change in the area of labour migration.

3 Sweden's new approach to labour migration

3.1.1 Labour migration to Sweden

After world war two Sweden suffered from labour shortages, particularly in low-skilled jobs. During this time, like in many other countries, labour recruitment was centralised and managed by the government. This was done through The National Labour Market Board (Arbetsförmedlingen). From the very start the pivotal actors such as trade unions, the employers together with the government outlined the new policy. It is important to bear in mind that the unions had to approve recruitment from abroad, which means that they almost had veto in that respect. Although Sweden opened up its labour market for other countries, the Finns were in majority. In general the unions were positive to skilled workers, but had a more restrictive stance towards low-skilled migrants. In line with today's rules the migrant had the right to bring his family, which had the same rights as the migrant to education, healthcare and social service (SOU, 2006:86).

During the 60's Yugoslavians, Greeks and Turks came to Sweden as tourist and stayed for employment (SOU, 2006:83). At that time the opinion shifted and 1967, the trade unions were arguing for a rule that required the labour migrant to have arranged employment, a work permit and housing before they came to Sweden. In 1968 these rules were codified in the immigration law. A potential amount of workers still continued to come to Sweden through the control system. In 1972 the unions adopted a more restrictive approach toward foreign workers. Almost all applications were rejected (OECD, 2011:57). From this time and until recently Sweden has had a restrictive labour migration policy. Two types of labour migration were allowed during this time, short term-employment, "to meet shortages which could not immediately be filled by local workers and permanent status "offered to those in highly specialised occupations" (OECD, 2011:57).

The discussion regarding the importance of labour migration started again in the beginning of the year 2000. A new approach to labour migration occurred. At the very beginning some changes were made in the favour of labour migrants, however the greatest change came with the new centre-right government and their proposal for new rules for labour immigration in 2008. The proposal was in line with the government's general focus on work, the so called 'work-line' (arbetslinjen), introduced by the Swedish Moderates (Billström, DN-debatt, 13-12-2007). Since 1970s the majority of migration has not been linked to labour migration, rather to asylum (SOU, 2006:89). In order to have a more balanced migration the government decided to make it easier for migrants to come and work in Sweden. The following section will focus on the policy change.

3.1.2 The development towards a policy change

Increased labour immigration is not the only solution to our future demographic challenges. But it is an important step in ensuring the availability of labor for Swedish companies and the public sector (my interpretation). (Billström (M) & Valtersson (MP) DN-Debatt, 27-03-2008).

The new rules for labour immigration were a result of discussions and investigations in Sweden that had been going on for almost a decade (OECD, 2011:55). At the end of 1990s the Social Democratic government stressed concerns regarding the demographic development. The forecast was showing a falling working-age population and labour shortages in specific sectors. The Swedish Migration Board together with the Labour Market Board were invited by the government to investigate mechanisms for increasing labour immigration without legislative change. A report was later presented in the Parliament, which pointed out labour shortages in various industries. The report resulted in changes “[...] granting exemptions from labour permits for certain artists and athlete, as well as specialists within international corporations working in Sweden for a maximum of one year” (OECD, 2011:59). The main social actors were accordingly staking out their opinions about the reform. The trade union confederation, LO (Landsorganisationen) was keen on maintaining its influence in the migration system. They obviously did not want to lose their veto power.

The employer’s federation, SN (Svenskt Näringsliv), on the other hand was positive to the new initiatives regarding labour migration and presented a range of proposals during this period. (OECD, 2011:60).

Not included in this research but relevant to mention is that Sweden did not use any transition measures for the new EU countries in 2005. The social democrats wanted a transition period, but their proposal did not reach majority in the Parliament and therefore Sweden was one of few countries directly opening up their labour market for migrants from the new member states. LO did not care much about transition measures (OECD, 2011:61) but requested an impact assessment regarding labour migration. According to LO that was missing. They were not convinced that an increased labour migration was the right solution to the demographic challenges. Instead they argued for a solution with longer working-age and more efficient studies (Andersson & Mårtensson, 2004).

3.1.3 KAKI – The Committee for Migrant Workers

At the same time as the discussions regarding the new EU member states were on the agenda, the centre-right parties, together with the Greens, worked hard for creating a Parliamentary Committee “to examine and propose reform of the policies for admission of non-EU workers, for both short- and long-term labour needs” (OECD, 2011:61). The Social Democrats that were governing in minority wanted the scope of the inquiry to just include whether or not additional labour needs existed. Instead, the inquiry came to also be extended to suggest a policy to create “broader labour migration from outside the EU/EEA” (OECD, 2011:61;

SOU, 2006) The Committee for Migrant Workers) KAKI was created in 2004 (SOU, 2006) and [...] “granted two extensions to allow revision of an interim report” (OECD, 2011:61).

The proposal from KAKI was presented in 2006 (SOU, 2006) and primarily included the opinion and priorities of the previous ruling party, the Social Democrats. The proposal from KAKI contained positive and negative aspects of opening up for labour migration. The Committee was in general positive to labour migration and stressed that it could bring prosperity to the country and be a solution to the negative demographic development in Sweden. Nevertheless, they emphasised that the labour migration needed to be regulated, since otherwise there might be negative consequences on the labour market that will not be beneficial to the country. KAKI stressed that labour migration should never displace the workers already in the country and the migrants should have the same rights and wages as the other workers in the same field (SOU, 2006:chapter 6).

The Labour Market Board was depicted as an important actor in this managed migration and should be responsible of verifying shortage before approving recruitment (SOU, 2006:119). Many countries used quotas in order to regulated its labour migration, but the Committee did not propose that. Instead, KAKI was of the opinion that it is the need at any time that should steer the amount of labour migrants. A job-search visa for shortage sectors was also proposed. The permit should be valid during two years and with possibility of renewal if the migrant continued to be employed in the same occupation. The second permit would actually give the migrant the right to move within a sector (OECD, 2011). Nevertheless, the 2006 election gave Sweden a new right-wing government that replaced the Social Democrats. Parts of the report’s findings were included in the new reform presented by the government in 2007, approved and in force 2008.

3.1.4 New rules for labour immigration

“Migration is a positive force in our increasingly globalized world. In order to promote cross-border mobility and make better use of the knowledge and experience of labour immigrants, it is time to change perspectives. We must recognize the ambition and potential of individuals who wish to travel abroad to live and work. This is why the Swedish government, in one of the most significant reforms of immigration policy in several decades, has decided to open a new path for those wishing to come and work” (my interpretation). (Billström, Debattartikel, 04-11-2008).

With this statement above, it seems that Billström, Minister for Migration and Asylum Policy, would like to show the rest of the EU’s member states that Sweden indeed takes responsibility and open the doors for an increased labour migration. He also makes it clear that this vast reform welcomes all types of labour migrants to Sweden.

By the time the new government presented the new rules for labour immigration, the opposition did not have the same restrictive approach as they have had before. The dividing lines between the left and the right rather concerned the design of the labour market (OECD, 2011). In the new labour migration policy

it is the employer who determines if there is a need of recruiting someone outside the EU. The only requirement that must be fulfilled is first to publish the job in Sweden and EU during ten days, before recruiting third country nationals (Regeringens proposition 2007/08:147). This is in line with the community preference, stating that first of all it is the EU-citizens that should have access to the jobs in the area that covers EES and Switzerland. However, the principle of community preference is not legally binding, yet almost all countries support the principal (SOU, 2006:105).

Moreover, from Sweden's point of view it is important that wage and salary are in line with the current collective agreement in that profession or sector. It is the Migration Board that determines if the contracts are in accordance with the above-mentioned agreement. It is still an apparent change from before where it was a government agency that decided the need of recruiting migrants. The trade unions' influence has also declined. "The trade unions provide an opinion on whether the job offer conforms to the prevailing Swedish wage and conditions, but they no longer hold a veto over the employer request" (OECD, 2011:55). The work permit is valid during two years, with a possibility of extension if the person is still working after this period and the total permit may last during four years. After four years the migrant has the possibility of receiving a permanent residence permit. The procedure can now be done in Sweden and the migrant does not have to return back home in order to make an application (Regeringens proposition 2007/08:147).

If a position is terminated, and the migrant has been working for some time he or she has the right of staying three month while looking for a new job. If the migrant does not find a new job during this period the residence permit will be revoked. The new policy will make it easier for students to stay and search for a job without first having to leave Sweden. They need to have studied at least 30 credits in Sweden. "An asylum-seeker whose application has been refused through a final non-appealable decision may be granted a residence permit, without first having to leave the country, if she has had a job for at least six months" (Regeringens proposition 2007/08:147). There are other requirements that also need to be met. "Family members of work-permit holders receive unlimited labour market access, and once issued a permit may work in any occupation without approval by the Swedish Migration Board" (OECD, 2011:64). This has always been the case, but this is a formalisation of the previous practice.

Next chapter will illustrate the impact that the directives and the Open Method of Coordination procedures are likely to have on the Swedish policies.

4 The impact of Europeanization

4.1.1 Sweden stands out

"The absence of a cap on entries or sector restrictions, and the nominal nature of the labour market test, make Sweden's new policy more open than those of most other OECD countries" (OECD, 2011:55).

The previous chapter and the quotation above clearly demonstrate that Sweden is an exceptional case as regards the approach towards labour migration. Sweden's new policy that gives the employer more possibilities of recruiting people from abroad makes Sweden a deviant case in comparison with other member states of the EU. In tables developed by the OECD it is possible to discern that most countries fit within the framework of managed migration. They prefer migration to skilled occupations and are usually using numerical limits as regards migrants to low-skilled occupations. Labour market tests, points systems and review by the government are common elements. In France the admission policy is quite strict and labour market tests are being used. France has also worked hard to increase the labour migration on the expense of less beneficial groups such as family migration (Boswell & Geddes, 2011:78). UK is a country that recently has introduced points systems for primary recruiting high skilled labour migrants. Usually the migrants are admitted for a quite long time "based on fulfilling criteria such as qualifications, experience and language skills" (Boswell & Geddes, 2011:31). To give an additional example, Germany's labour migration policies have primarily focused on high-skilled migrants and for them they introduced a 'Green Card' in 2000 (Boswell & Geddes, 2011:78).

In countries that does not only focus on skilled migrants an "annual cap is placed on entries" (OECD, 2011:67). Italy is one example where there were so many applicants that only the first ones that applied online were considered. In Greece there is no cap but an application must be done a year in advance. Having said that, Sweden is the only country where [...] "vacancies in low-skill occupations can reliably and quickly be filled with workers recruited from abroad" (OECD, 2011:67).

Nevertheless, Sweden is not an exception as regards reviewing employer request of recruiting third country nationals. Authorities responsible for immigration and authorities responsible for employment review the request. Other stakeholders like trade unions are sometimes involved like in Denmark and Sweden. In Denmark the trade unions almost have the same veto power as they previously had in Sweden. For those who would like to start its own business, entrepreneurs and self-employed, Sweden seems to have the most open polices.

To conclude, with a brief comparison with other countries Sweden is the country that stands out, applying few restrictions concerning recruitment of third country nationals. There is a minimum salary rate, but there is no numerical limit, no educational minimum and no occupational restriction. The job need to be advertised but except from that there is no control or verification that the employer has tried its most to recruit from Sweden or the European Union (OECD, 2011:70).

4.1.2 Sweden is setting an example

“Sweden has now decided to re-open the path for those wishing to come to work. In stark contrast to immigration regulations in many other countries, Swedish policy is not based on quotas or aimed exclusively at highly qualified labour. Instead one of the main features of the reform is that it focuses on the employers' demand for labour, high as well as low skilled workers. In doing so, Sweden is setting an example which hopefully others in Europe will follow” (Billström, opinion piece, 04-11-2008).

This statement is very appealing to the Swedish exceptional liberal stance towards labour migration. The statement summarizes the Swedish position, which differs and stands out in comparison with other European countries. Billström tries to depict Sweden as a more liberal and open country and would like to set an example. According to Swedish representatives the level of education a person possesses should not be determinative of whether she has the right to become a labour migrant or not. Instead the focus should be on the labour markets demand for a specific competence. It is clear that Sweden would like to be in the forefront as regards labour migration within the Union. That becomes even clearer while examining annotated agendas before ministerial meetings in the EU, press releases and opinion pieces.

In an opinion piece from 2007 Billström stressed that Europe is in great need of labour migration due to the demographic development (Billström, debattartikel GP, 10-10-2007) He also underlined that there must be other ways except from asylum to get in to Europe (Billström, debattartikel GP, 10-10-2007). The need of opening more doors to the Union is further stressed in an opinion piece that Billström wrote together with Malmström. The free movement that EU-citizens are entitled to should also apply to third country nationals that would like to come and work in Europe, they argued. “It is our ambition that Sweden is a driving force in the EU’s future migration efforts” (my interpretation) (Billström & Malmström, debattartikel, SD, 09-05-2008).

In a comment before a ministerial meeting in Brussels, Billström stated that Sweden’s hard work has given results. He underlined that thanks to Sweden, the EU is now emphasising the economic benefits of labour migration and that the labour market needs should form as a base for labour market migration to the EU (Ministry of Justice, comments, 26-09-2008).

4.1.3 Swedish comments on The Blue Card Directive

“The government strives for an increased harmonization of asylum and migration policy in the EU. The government seeks further an increased coherence between migration- and the development policies within the EU policy” (my interpretation). (Ministry of Justice, annotated agenda, 29-10-2007).

With this quotation in mind it is not surprising that the Swedish government, in general, was positive to the Commissions proposal for an EU Blue Card Directive. Billström called it a step in the right direction (Billström, debattartikel GP, 10-10-2007). Sweden further stressed that the directive should be seen as a first step towards a common European system for legal migration (Ministry of Justice, annotated agenda, 11-09-2008). During the negotiations the government worked hard to secure that the Swedish wage-setting model would not be affected by the new proposal and has found success in that. Billström also stressed that he would like to see a political agreement as soon as possible (Ministry of Justice, comments, 24-09-2008).

However, at the same time Billström argued that Sweden will go even further and believed that the discussions in the Union were focusing too much on skilled labour. The Swedish government had the opinion that all types of labour force would be necessary in the future, not only skilled labour. Yet, they did not get a hearing from the other EU countries (Faktaprememoria, 2007/08:FPM57; Ekot, 2008-09-18). Billström argued that all countries would benefit from an increased labour migration to Europe – receiving as well as sending countries (Billström, debattartikel GP, 10-10-2007).

A priority from the Swedish government as regards labour migration from third country nationals to the EU is to push for a creation of a comprehensive community legal framework where each member state has the manoeuvre scope to design its own policy. Sweden is further positive to directives that intend to increase mobility for third country nationals in the field of labour migration (Faktaprememoria, 2007/08:FPM57). The respondents from partners and the civil society were in general positive to the new directive, but the political opposition stressed concerns. They meant that high qualified labour are needed in their home countries and that EU is only picking the very best that it needs and close the door to the rest. Concerns regarding wage dumping were also raised (Ekot, 18-09-2008).

Since Sweden’s new rules for labour immigration welcome all types of labour force, it is not likely that the Blue Card Directive will have any major influence on the Swedish law (Faktaprememoria, 2007/08:FPM57).

4.1.4 Swedish comments on the Single Permit Directive

The Swedish government was correspondingly positive to the Single Permit Directive since the representatives favoured all instruments that could make it

easier for migrants to come and work in the EU (Justice and Home Affairs, meeting, 8-9-11-2007). In a press release before the ministerial meeting in Luxemburg, April 6 2009, Billström were keen on discussing the Directive. He underlined that it is important that the Union gives more opportunities for legal migration and at the same time determine a set of rights that the workers should have when they come to work in the EU (Billström & Ask, press release 03-04-2009; Faktaprememoria, 2007/08:FMP58). In general, the government had the same positive opinion about the Single Permit as the EU Blue Card. The government believed that a coherent application procedure together with a common set of rules for labour migrants would make EU's labour market more attractive. Sweden's basic position is that third country nationals, legally residing in Europe, should as far as possible have the same rights as EU-citizen.

The proposal has been sent out to relevant partners and there is a support for a simplified application procedure. Concerns regarding for example wage, working conditions and social security has however been raised (Faktaprememoria, 2007/08:FMP58).

The affect that the directive will have on the Swedish law is likely to be modest. Sweden already applies a coherent application procedure and the labour migrant is granted the same right as the national workers. Nevertheless, some adjustments might be necessary (Faktaprememoria, 2007/08:FMP58).

4.1.5 Swedish comments on proposed directives

Studying annotated agendas it is possible to discern that Sweden is also having a positive approach towards the two proposed, not yet approved directives. In a memorandum the government emphasised that a gradual 'harmonization' of the member states rules for labour migration could in the future lead the Union to become an attractive destination for the needed labour migration. Furthermore, they stressed that an increased labour migration is also necessary in order to meet the goals of Europe 2020. The Swedish Labour Migration Board is in general positive to harmonization, but does not like a sectorial division of the labour market (Faktaprememoria, 2009/10:FPM124).

Furthermore, the Swedish trade union confederation does not like that we bring in migrants to occupations that does not seem to be good enough for Europeans. They mean that the actual reason to why the jobs are not appealing to the Europeans is the low wage. Seasonal work is often poorly paid. The confederation would like the government to put pressure on such industries to improve the conditions (LO, yttrande 27-08-2010). The set of rights that will be given to the seasonal workers are in line with the Swedish labour market model and will thus not affect the Swedish law.

The Directive for intra-corporate transfer of non EU-skilled workers was by the Swedish government considered to be a positive step. In a memorandum the government emphasised that a simplified and harmonized system for this category of workers could make entrepreneurs more positive to operate in Europe. That could in turn lead to increased employment, which is important for EU's

competitiveness and the economy. Parts of the directive are in accordance with the Swedish law. The difference is that the directive is sectorial divided and the Swedish labour migration approach includes all type of labour. Few adjustments of the Swedish law might be needed if the directive is approved (Faktaprememoria, 2009/10: FPM123).

4.1.6 Swedish comments on the Open Method of Coordination

By examining statements it is possible to see that the Swedish government in general has a positive attitude to the Open method of Coordination. Swedish representatives believe that the method should be characterised by change of thoughts and experiences. They emphasise that the coordination is a way for Sweden to learn from other countries, but also a way for Sweden to spread its experiences. The notion is that Sweden should be a role model in the field of labour migration. The Swedish government has also emphasised that actions by the European Employment Strategy should be of complementing nature. A general belief is moreover that the labour market policies are and should be a national responsibility. However, that does not mean that a common framework for legal migration should be abandoned. Rather that the design of the labour market policy should be a national concern (Utrikesdepartementet, 22-03-2002).

Previous research has shown that Sweden has been quite reluctant to apply to the soft law produced through Open Method of Coordination. While examining European Employment Strategy, it becomes evident that Sweden has not changed much of its policies. Some interviewed policy-makers from Sweden believed that most of the Swedish policies were ahead of the EU. They stressed that Sweden has uploaded its policies to the supranational level (López-Santana, 2009:145). The reason for these reactions has to do with the fact that the strategy fits very well into the Swedish welfare system (Jacobsson & Johansson, 2009:173). A range of the suggested policies was already present in Sweden and therefore they would not incorporate the soft law to the same extent as countries with higher level of misfit. Having said that, it is important to remember that Sweden could have been affected by soft Europeanization, because the misfit may differ within diverse policy areas (López-Santana, 2009:146). The primarily impact that the European Employment Strategy can have on national policies is that it can lead policy makers to “reconsider and reframe their views and preferences” and may later on lead to formal changes of policies and/or laws (López-Santana, 2009:136). Finally, it is essential bear in mind that as regards Open Method of Coordination it is very difficult to know that changes are due to Europeanization and not just a copy of other countries successful policies (Radaelli, 2000).

5 Analysis

5.1.1 A gradual Europeanization of labour migration

Is it possible to stress that there is a gradual Europeanization of labour migration? In my interpretation of Europeanization, I have emphasised that Europeanization is a one-way process where EU decisions are affecting national policies (top-down). I have also stressed that Europeanization can merely occur through Directives and Learning through Open Method of Coordination. There is thus a vertical as well as a horizontal Europeanization process to discern. In connection to labour migration it is possible to see that the Commission has proposed four directives in the area. Two of them are currently operating and the others are waiting for approval. There are also horizontal discussions going on through more informal procedures. Here important documents like European Employment Strategy and Europe 2020 are used as guidelines for the member states.

Researchers such as Faist and Ette and Menz have stressed that the migration issue increasingly is being Europeanized. I am prepared to go further and stress that there is a gradual Europeanization of labour migration. By approving two directives the member states have actually ceded power to the supranational level. Nevertheless, that does not mean that the area is harmonized. The member states still have the most influence in the field. As history has shown, attempts to harmonize the area of labour migration have been met with dismay by many EU-countries.

By studying the contents of the directives and Open method of Coordination it is possible to link the “managed migration” concept to Europeanization. To make it clear, managed migration is the form that Europeanization takes. It is a way of controlling the labour migration. Among the member states there is in general a positive approach to labour migration, but they underline the importance of regulating the migration. Therefore, the recent proposals from the Commission have focused on for example skilled labour and intra-corporate transfer. According to scholars managed migration has led to a clear division between the beneficial and less beneficial migrants, in prejudice of the latter. Furthermore, it is possible to stress that Sweden does not seem to follow this managed migration approach. The new rules for labour immigration do have a general approach and does not focus on specific skills.

Having determined that there is a gradual Europeanization of labour migration, my ambition in the next section is to answer my initial question - *To what extent is Sweden's new liberal approach towards labour migration a case of Europeanization?*

5.1.2 The extent of Europeanization

In order to answer my research question I will examine the vertical process of Europeanization (directives) and the horizontal process of Europeanization (learning, Open Method of Coordination) and will see how Sweden has responded to them. Has the Swedish law been affected? What is Sweden's general approach to the directives and coordination procedures?

Faist and Ette's typology will help me determine to what extent Sweden is a case of Europeanization. A reminder from the theoretical part is necessary. The typology differentiates between four types of change: *inertia* (lack of domestic change), *absorption* (domestic policies or politics adapt to European requirements), *transformation* (the fundamental logic of the domestic policy or political behavior changes) and *retrenchment* (domestic policies and politics become less European than they were from the beginning) (Faist & Ette, 2007:16-18).

5.1.3 A vertical process of Europeanization

First of all we need to see if there is a fit or a misfit between the Swedish policy and the EU policy in the area of labour migration. If we start by examining the directives this study has shown that there is a relatively good fit between EU's labour migration policy and Sweden's policy in the same field. That does not mean that the policies look the same. Studying the new rules for labour immigration and comments by Swedish politicians it is possible to discern that Sweden is in the forefront as regards labour migration and therefore it is likely that the new directives will have modest effect on the Swedish law. There is thus no adaptational pressure and the directives are easily adopted into the Swedish legislation. The Swedish government endorse the new directives, but they would like to go further. It becomes even clearer when one studies agendas, opinion pieces and statements.

Sweden has worked hard for a more harmonized system within the EU, yet claiming that each country should have the right to decide the specific details. The government does not find EU's proposals to be enough open and welcoming for labour migrants. A clear difference is that Sweden favours a general labour migration approach and not the sectorial division suggested by the Union. By launching the new rules for labour immigration, the Swedish government wanted to set an example, which they hoped should be followed by other member states. My research also indicates that other EU-countries are in general more in line with the managed migration proposals by the Commission. Many of them favour points systems, tests and a sectorial labour migration, mainly focusing on skilled labour. That is a clear difference in comparison with Sweden.

5.1.4 A horizontal process of Europeanization

Have the discussions and exchange of experience in the form of Open Method of Coordination affected Sweden's new liberal approach towards labour migration? In line with the directives it is relevant to discuss the fit or misfit between Swedish policies and suggested guidelines from Open Method of Coordination through European Employment Strategy and Europe 2020. However, since it concerns soft law it is not possible to discuss adaptational pressure in the same sense as with the directives. A member state may choose to comply with the suggested policy or not. Nevertheless, the fit between the soft law and the Swedish policies seem to be good. As previous research has indicated the European Employment Strategy for example fits very well into the Swedish welfare system and therefore few changes of the policy have been made. This also applies to Europe 2020.

In accordance with the findings from the directives Sweden apparently have the same approach to the soft law. Representatives of Sweden believe that the Swedish labour market procedures are ahead of the EU policy and that they would like to spread best practise. Here it is likely that the government has been proactive and tried to share its liberal view on how to work with labour migration. Studying the general opinion about Open Method of Coordination, we can see that the Swedish government only see the method as a complement to the legislative work in the area.

In line with the findings by López-Santana, it is clear that soft law has not lead to profound changes in Sweden's approach to labour migration.

5.1.5 Where in the typology should we place Sweden?

The next step in this analysis is to connect findings from the vertical- and horizontal process of Europeanization and depict where in the 'extent-typology' we can place Sweden. Faist and Ette's general migration study led them to place Sweden between absorption and transformation. Nevertheless, as regards labour migration findings from my study implies that Sweden lies somewhere in between inertia and absorption. As mentioned earlier it is likely that there will be no major changes of the Swedish law by implementing the new directives. Nor will the 'soft law' have any greater impact on Swedish policies. Therefore it is possible to argue for 'a lack of change' and place Sweden in the state of inertia. On the other hand Sweden will absorb the directives and adapt to European requirements as long as they for example does not affect the Swedish wage-setting model. This also applies to the 'soft law', which will be absorbed as long as it is in line with the Swedish labour market rules. Therefore, Sweden also leans towards 'absorption'.

One of the conclusions from Faist and Ette's study was that discursive modes of Europeanization in relation to traditional member states lead to vaster national policy changes and declined with a more prescriptive relationship. On the contrary the pattern was reversed if focusing on the newer member states. If we consider

Sweden to be a relative new member state, the finding does not seem to fit Sweden as regards labour migration. From my study it is not possible to discern an increased or declined policy change while comparing the impact of the directives and learning (OMC). Thus, any difference due to the vertical or horizontal process of Europeanization has not been found.

5.1.6 Sweden – a deviant case

Outcomes from my research demonstrate that Sweden's new rules for labour immigration stands out in comparison with other member states. As mentioned in the empirical part, no other EU-countries are as open to labour migration as Sweden. The country is obviously affected by the directives and discussions that are going on at the EU-level, but still tries to be a step ahead of the proposals. "We will go further" – is a recurrent statement from the government referring to the directives. Sweden absorbs the guidelines and directives from the EU, but in this area Sweden has chosen its own path. Therefore it might be appropriate to discuss 'Europeanization à la Sweden'. Here it is suitable to mention what Radaelli illustrated in the theoretical part. Europeanization does not mean that the outcome will look the same in all countries, or exactly like the EU proposals. On the contrary, the member states will choose their own policy direction and the outcome will rather be divergence than convergence.

Having said that, is it possible to stress that Sweden has been Europeanized in the area of labour migration? I would like to stress that Sweden is Europeanized, but with its own touch. My research has indicated that Sweden has been Europeanized to some extent, but the theory can probably not explain Sweden's new liberal approach towards labour migration. As declared in the theory part the Europeanization theory stresses that it is mediating or facilitating factors that enable or prohibit changes at the domestic level. In the case of Sweden it is likely that national actors have been important players for the new approach. Especially political parties and labour unions, which discussions and statements before the launch of the new rules for labour migration indicate. Unfortunately the Europeanization theory can only explain to what extent Sweden's new liberal approach is a case of Europeanization, but cannot cover other eventual explanations. What we can discern is a modest form of Europeanization.

6 Conclusion

6.1.1 Findings

To sum up, Sweden has been affected by the Europeanization process in the area of labour migration, both through hard law (vertical) and through soft law (horizontal). From my study we cannot discern any major difference of the impact between the hard and soft law. Findings indicate that it is not likely that we will discern any vast changes of the Swedish law, since the Swedish government has decided to go even further and open up for all types of labour migration. Nor it is feasibly that there will be any profound changes of the Swedish labour market due to the soft law. From Sweden's point of view EU's work is seen as a step in the right direction, but not enough open to labour migrants. It is here important to bear in mind that the directives and the Open Method of Coordination discussions are relatively new and time will tell the actual affect they will have on Swedish policies. It is also clear that Sweden stands out in comparison with other countries and its approach towards EU proposals make it relevant to talk about a Europeanization à la Sweden.

6.1.2 Problems of applying the Europeanization theory

To put it mildly, the Europeanization literature is rather extensive and it was hard to determine what to include from the theory. A problem that I encountered while applying the Europeanization theory was the difficulty of excluding other intervening variables. A recurrent question that you always struggle with is how to claim that something is affected by Europeanization and not by for example internationalization or globalization. Therefore it was important for me to make clear that directives and Open Method of Coordination are two important elements in an Europeanization process. However, the hardest part to measure is the impact from Open Method of Coordination procedures. When it comes to 'soft law' it is difficult to claim that changes are due to benchmarking between member states at the EU-level and not affected by internal factors or a copy of best practice from other countries' policies.

I am well aware of the fact that by applying the Europeanization theory I have excluded other possible explanations to Sweden's exceptional case. An alternative way of conducting this study could have been to apply a theory testing approach. By adopting that method I would add another theory and put the new theory against Europeanization in order to find out which of them that best could explain the case of Sweden. Nevertheless, my intention has rather been to find out if Sweden's new liberal approach has something to do with the progress at the EU

level, since both developments seem to coincide. For that reason the Europeanization theory has been the most appropriate theory, yet it cannot give us the whole picture.

Since the Europeanization theory, cannot explain Sweden's new liberal approach, my study has contributed to exclude at least one possible explanatory factor. Future research in the area is therefore needed. This thesis has also made it clear that there is a gradual Europeanization, not only of migration in general, but also of labour migration in particular. Few steps have been taken, but the Commission has increased its competence through the operating directives and its active role in the Open Method of Coordination processes.

6.1.3 Future research and prospect

I believe that it would be interesting to include interviews in a continuation of this study. In that way it is possible to get a deeper understanding of the current situation and find out to what extent they match with my conclusions. Interviews also add a new dimension to the study. As mentioned several times before the Europeanization process has affected Sweden, but the theory is not extensive enough to solely explain the Swedish change towards new rules for labour immigration. What therefore would have been intriguing to incorporate in a future study is the influence of internal actors. What actors have been most proactive in the Swedish policy change?

Considering the slow development towards a common set of rules in the area of labour migration it is easy to be sceptical about an eventual future progress. Nevertheless, in such mode it is important to go through the history. A development that was not likely a few years back is now a reality. The Commission's initial proposal had to be withdrawn because the member states could not agree on its content, but in a second attempt the Commission's proposals was finally approved. Today the Commission has, albeit little, competence in the area of labour migration.

Having said that, I still believe labour migration will continue to be a contested issue among the member states and that they will be reluctant to cede further power to the Union. However, a possible development in the future is that EU at least will create a common framework where each member state has the right to design its own policy. A step in that direction is the current directives and Open Method of Coordination procedures – a development that the Swedish government favours. It remains to be seen if future legislation in the area of labour migration will be approved and what impact that will have on Swedish policies in the area.

Furthermore, I consider it interesting to discuss if the new paradigm shift, in favour of labour migration, is exaggerated and merely a rhetorical change? The evidence suggests that there is a 'double game' from the politicians. They apply a rhetoric, which is positive to labour migration and satisfies the international community. At the same time they apply a managed migration approach that includes quotas, points systems and a clear demand for skilled labour to assure the

public that it is hard to get in to the country. In a future study it would therefore have been interesting to see how different politicians in various EU-countries argue for an increased labour migration.

Since the approach towards labour migration has shifted throughout the history, it will be intriguing to observe for how long it will be viewed as something positive and necessary for Sweden and the EU. Is managed migration here to stay or will we see other ways of controlling the migration? I also look forward to see the future development of the new attempt with mobility partnerships. An interesting research would be to study the effect of it. Is it a useful way of avoiding for example brain drain? Regarding the partnerships it is difficult to reconcile the EU's reasoning about brain drain, given that the Union at the moment only has an interest of high-skilled migrants.

Furthermore, it is interesting to see how labour migration seem to be an important part of the more flexible labour market approach that the Commission strives for. The high-skilled migrants are obviously important players in the Economic calculation and the difference between desirable and undesirable migrants are becoming increasingly clear. The approach towards refugees and asylum seekers has become more restrictive with countries such as France and Italy considering reviewing the Schengen agreements and closing borders to Europe. A worrying development in the midst of all this is also the increase of xenophobic parties. That is something policy makers need to face, otherwise I believe that it becomes relevant to talk about a closed Europe again.

There are obviously not only positive aspects having an open labour migration such as Sweden. Notable cases in the newspapers have shown that many come to Sweden for a decent work, but end up operating in appalling conditions with no control. That is not a path to pursue. Nevertheless, an open Union that welcomes different categories of people and where there are rules to ensure that migrants are treated equally as to other citizens – that is something to strive for.

7 Executive Summary

The aim of this thesis is to find out to what extent Sweden's new liberal approach towards labour migration is a case of Europeanization. The focus is on labour migration to EU from third country nationals. The study applies a top-down perspective in order to see what impact EU has on Swedish policies. The focus is on policies rather than politics. In the first chapter it is argued that labour migration is particularly interesting to study from an Europeanization perspective since it recently has gained attention in the EU after being an unrecognized issue for a long time. Still, labour migration is considered to be the most contested issue within the migration field. However, modest steps are being taken towards a more coherent labour migration policy within the EU. Since the labour migration policy is gradually becoming Europeanized it also appears relevant to approach it from that perspective. No one has previously focused primarily on Europeanization and labour migration. It is further interesting to include Sweden, which recently has changed its policy to a more open approach.

The material consists of primary as well as secondary sources. The former entail opinion pieces, statements and SOU (Government reports). Secondary sources are used to the theory part and to give a general background to the labour migration field. This thesis will utilize the Europeanization theory. In order to exclude what is not included in the concept, the theory part tries to explain what Europeanization is not. It is not European integration and should not be confused with harmonization or convergence. In order to stress that something is due to Europeanization, the policy proposal needs to come from the EU-level through directives or Open Method of Coordination procedures. Furthermore the first chapter illustrates the characterization of the approach. The Europeanization process is vertical as well as horizontal. In the vertical process EU works as a law making body and in the horizontal process EU works as a platform for exchange of experience between member states.

Previous research about Europeanization concludes that there needs to be a fit or a misfit leading to an adaptational pressure in order for a change to occur at the domestic level. The adaptational pressure is only likely where there are EU directives. Faist and Ette's part includes a specific focus on immigration and Europeanization, where a typology is presented in order to measure the extent of Europeanization. The typology differentiates between four types of change: *inertia* (lack of domestic change), *absorption* (domestic policies or politics adapt to European requirements), *transformation* (the fundamental logic of the domestic policy or political behavior changes) and *retrenchment* (domestic policies and politics become less European than they were from the beginning).

The thesis is an explanatory case study with a theory consuming ambition. Having the case in focus and using the theory to explain the chosen case characterize a theory consuming method. Testing theories and identifying explaining variables are here of a second concern. The primary material is studied through a text analysis where the thesis adopts an open approach to the texts. By adopting this approach I make use of the most important parts of the material.

The thesis second chapter starts to discuss the gradual Europeanization of labour migration. Included in this chapter is the new development towards a managed migration where the focus is on skilled labour, making a clear distinction between the *desirable* and *undesirable* migrant. The chapter also discusses whether the positive attitude towards labour migration is a paradigm shift or a merely rhetorical change. There is some evidence that strengthens the notion that it is only a rhetorical change. The rhetoric from the politicians is rather positive to an increased labour migration, but the member states still apply quite strict rules, using points systems and quotas. Furthermore, the second chapter contains information about EU's vertical and horizontal work in the area of labour migration. In the vertical process of Europeanization, two operating directives and two waiting for approval are presented. As regards the vertical process of Europeanization the focus is on the Open Method of Coordination and soft law. Here the European Employment strategy is presented.

The third chapter illustrates Sweden's development from a restrictive approach towards labour migration to the most liberal attitude in the EU. From the 70s until the beginning of 2000 there was almost no labour migration from third country nationals to Sweden. However at the end of 1990s the Social Democratic government stressed concerns regarding the demographic development. The forecast was showing a falling working-age population and labour shortages in specific sectors. A report was later on presented and included a few changes in the favour of labour migration. A few years later the Greens together with the Centre-right urged the government to establish a parliamentary committee investigating the need of labour migration from non-EU countries. The Committee for Migrant Workers was established in 2004 and presented its report in 2006. The Report mainly contained proposals from the Social Democratic government that was ruling at that time. Nevertheless, the 2006 election gave Sweden a new right-wing government that replaced the Social Democrats. Parts of the report's finding were included in the new reform presented by the government in 2007, approved and in force 2008. The new rules for labour immigration contained a clear shift from state-coordinated to employer-driven labour migration policy. All in all, the purpose of the new rules was to make it much easier for all different types of labour migrants to come and work in Sweden. No quotas, points systems and labour market test were presented.

This leads us to the fourth chapter which focus on the impact of the Directives and Open Method of Coordination has had on Sweden. First the chapter discusses Sweden as deviant case. With its new rules for labour immigration no other EU member states have the same liberal approach towards labour migration. Many EU-countries are focusing on sectorial labour migration favouring the high-skilled migrant and are using quotas and points systems. Sweden does not follow that

part. The fourth chapter moves on to focus on Sweden's exceptional attitude to EU's work in the area of labour migration. Statements and opinion pieces by the representatives of the Swedish governments indicates that Sweden is in general very positive to labour migration. Nevertheless, the country would like to go even further and in that way setting an example which hopefully will be followed by the other member states. It is clear that Sweden wants to be 'best in class' as regards labour migration. In this chapter we also get acquainted with Sweden's comments on the directives and Open Method of Coordination procedures. As mentioned previously, Sweden is in general positive to all steps that are being taking towards a more coherent approach at the EU level. Since the Swedish rules are more generous it is not likely that the directives will have any larger impact on the Swedish law. Nor will the 'soft law' have any major influence on Swedish policies.

The fifth chapter of the thesis includes a further analysis. It connects all parts and tries to answer the initial research question. Since there are two operating directives and two waiting for approval together with Open Method of Coordination discussions and recommendations. This thesis dares to stress that there is a gradual Europeanization of labour migration. It is modest, but possible to discern. The Commission has actually increased its competence in the area. Nevertheless, that does not mean that the area is harmonized. On the contrary, this is still the most contested area within the migration issue and will probably remain so. The analysis also tries to answer the initial research question – *To what extent is Sweden's new liberal approach towards labour migration a case of Europeanization?* This part starts to look at the vertical process of Europeanization and the horizontal process in order to see if there is a fit or a misfit between the Swedish policy and the EU policy in the area of labour migration. The fit is pretty good since Sweden's policy is more generous. The study therefore suggests that Sweden lies between inertia and absorption. There will probably not be any major changes of the Swedish law by implementing the new directives. Nor will the 'soft law' have any greater impact on Swedish policies. Therefore it is possible to argue for 'a lack of change' and place Sweden in the state of inertia. On the other hand Sweden will absorb the directives and adapt to European requirements as long as they for example does not affect the Swedish wage-setting model. This also applies to the 'soft law', which will be absorbed as long as it is in line with the Swedish labour market rules. Therefore, Sweden also leans towards 'absorption'. The study does not find any difference in impact between the Directives and Open Method of Coordination procedures.

The analysis also includes a discussion about Sweden as a deviant case. Sweden absorbs the guidelines and rules from the EU, but has obviously chosen its on path as regards labour migration. Is it Europeanization à la Sweden we can discern? The thesis indicates that Sweden is Europeanized to some extent, yet it is not likely that Europeanization can explain Sweden's new liberal approach towards labour migration. National actors seem to be important players in the change.

The thesis ends with a conclusion including a brief summary, pitfalls and a future outlook. Mentioned here are for example the problems of emphasizing that

something is affected by Europeanization and not by other factors. The hardest impact to measure is the one from Open Method of Coordination. As regards future research the study stresses that it would be interesting to add interviews to the current study or make a new study with a theory testing approach, taking internal actors into account. The final part underlines that it is easy to be sceptic of a future progress in the area of labour migration. However it is important to look back and see that a development that was not likely a few years back is now a reality. The Commission has actually increased its competence in the area of labour migration, although very little. Discussing labour migration it is also necessary for the politicians to respond to the xenophobic development that is possible to discern all around Europe. The thesis concludes that it is important to strive for an open Europe that welcomes different categories of people and where there are rules to ensure that migrants are treated equally as to other citizens.

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