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Temporary and circular migration in the construction of European migration governance

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Temporary and circular migration in the construction of European migration governance

Abstract

Increased interest in and debate in Europe and at European Union (EU) level about the potential utility of 'temporary' and 'circular' forms of migration is accompanied by a certain elusiveness about the meaning of these terms. This elusiveness has actually created some opportunities for EU level interactions to flesh-out the meaning of these terms and inform policy development at member state and EU level. By focusing on information gathering and the role of knowledge, the article develops a practice-based approach to analyse the relationship between research and policy, the role of the Commission and the activities of European Migration Network (EMN) in the quest for the meaning of temporary and circular migration. Information gathering and knowledge creation at EU level are shown to serve instrumental purposes by informing policy choices ('evidence-based policy-making') but it is also shown that existing policy choices cast a long shadow to shape the context within which knowledge is developed (policy-based evidence-making) while information gathering and knowledge development can legitimate institutional roles, such as the Commission (policy-based institution-building).

Introduction

Could temporary and circular migration form part of the solution to the 'migration problem' in Europe? The answer does, of course, depend on how the problem is understood. If the problem were to be understood as the tension between a need for labour migration - particularly 'flexible' and 'mobile' labour - coupled with some public hostility to the implications of long-term settlement then temporary and circular migration may well become part of the solution. Similarly, if temporary migration could work as a development tool for sending states then there could be a 'triple win' with benefits for sending and destination states, as well as for migrants (GCIM, 2005; Vertovec, 2007). In 2005, the Global Commission on International Migration (appointed by the UN Secretary General) recommended that 'States should carefully consider the option of introducing carefully designed temporary migration programmes' (GCIM, 2005: 16). There is, however, uncertainty about the scope for new models and approaches to deal with the crisis as it has affected the EU since 2008. Whether or not migration will occur is not one of these uncertainties; we know that it will occur in many and various forms, including in the form of various types of temporary migration. Rather, the key uncertainty is how governance systems will both shape and respond to migration to Europe and thus decisively influence the future of temporary and circular migration in Europe.

Moving from aspirations to concrete policy orientations is, of course, a key problem. Ruhs (2013) highlights a numbers versus rights trade-off that has important implications for the openness of admissions policies and the rights extended to migrants. Others view temporary and circular migration not so much as a new direction in policy, but as bearing resemblance to previous approaches to 'guestworker' migration in the 1950s and 1960s, which for many migrants was not temporary (Castles, 2006). The point that this article takes forward is that these solutions are highly dependent on the way in which the issues of temporary and circular migration are understood and thus on the context within which information and knowledge concerning both phenomena are gathered and formed. Information and knowledge can inform policy choices, justify existing choices and help build institutional roles.

This article shows there to be little agreement on the meaning of temporary and circular migration with significant differences between legal and policy frameworks in member states. The absence of agreed meaning and shared understanding can, however, present opportunities for efforts to create meaning and understanding. It is shown that increased political interest in whether temporary and circular migration could be potential solutions to the migration problem (as understood) has created scope for new forms of knowledge gathering and interactions at EU level. These can help to provide

the evidence base for policy-making, but, drawing from earlier work on the role of knowledge in public policy, it is shown that they can also help to legitimate institutional roles and substantiate existing policy choices (Boswell, 2009). While temporary and circular migration forms only a small part of the debate about EU migration, this case does highlight a more general tension between instrumental approaches to the use of information and knowledge ('evidence-based policy-making') and approaches that substantiate existing policy choices ('policy-based evidence-making') and legitimate institutional roles ('policy-based institution-building'). The article thus seeks to build upon and develop earlier work on the role of knowledge in the constitution of migration governance by developing a practice-based account to explore the relationship between research and policy, the role of the Commission and the European Migration Network's (EMN) activities in the gathering of information and pursuit of new knowledge concerning temporary and circular migration.

The article focuses on the 'internal' dimension of EU migration policy as it affects member states rather than the external dimension and relations with non-member states. The article does not aim to trace the impact of these EU level interactions into national legal frameworks. The difficulty would be that this is a nascent policy area and such effects would be very difficult to identify, even if they existed. As the EMN's own 2011 Status Report noted: 'the development and promotion of policies on temporary and circular migration … is still at a very early stage' (EMN, 2011: 5). Rather, the article's purpose is to understand more about the context within which information gathering and knowledge development at EU level can support policy development, justify existing policy choices and support the development of institutional roles. The article, first, identifies the ambiguity that characterises debates about temporary and circular migration. The following section then locates the discussion of temporary and circular migration in the broader context of debate about labour migration. This is followed by a section on the gathering of information and creation of new knowledge that specifies a practice-based account as the basis for an exploration of the relationship between research and policy at EU level in relation to debate about temporary and circular migration. A section looking specifically at the EMN explores dimensions of practice while also identifying tensions between evidence-based policy-making, policy-based evidence-making and policy-based institution-building. The article draws from primary and secondary documentation and 14 semi-structured interviews with a range of policy actors at EU level, including officials from EU institutions, national officials, representatives of international organisations and people from think tanks.

The ambiguous meaning of temporary migration and circular migration

Temporary migration is time-limited (although the scope of temporariness can vary) while circular migration creates the possibility for entry and re-entry (although most member states do not have legal and policy frameworks for circular migration). There is increased political interest in both forms of migration. There was also agreement at EU level in 2014 on a directive covering the rights of temporary migrants who are seasonal workers. This does not impinge on member states' right to determine the numbers of migrants to be admitted, but does create EU standards for a rights-based framework for those that do move. The 2014 directive covers sectors such as agriculture, horticulture and tourism where migration can be seasonal and thus temporary while also circular in that migrants may return year after year. The directive covers the rights of migrant seasonal workers regarding their entry and residence and applies the principle of equal treatment to areas such as working conditions, pay, health and safety and holiday entitlement, while excluding issues such as access to unemployment benefits that fall beyond temporary, seasonal migration.

The UN defines a short-term migrant as 'a person who moves to a country other than that of his or her usual residence for a period of at least 3 months but less than a year' (UN, 1998). One proxy for temporary migration is the registration of residence permits. Eurostat data for 2011 show that almost 179,000 non-EU citizens received a first permit for temporary stay of between 3 and 5 months while around 648,000 received a permit for a period of up to 12 months. However, it may well be that these data show only the tip of the iceberg. For example, recent research has estimated that Moldovan and Ukrainian temporary workers alone in the EU (mostly irregular workers and many female) could amount to anything between 350,000 and 1.6 million people (di Bartolomeo, et al. 2012).

Circular migration is distinct from temporary migration as it has an iterative or repeat component. Circular migration has been defined as: 'a repetition of legal migration by the same person between two or more countries' (EMN, 2011: 12). Constant et al (2012: 4-5) offer a similar definition of circular migration that focuses on 'systematic and regular movement' and also list the words associated with circular migration such as: repeat, shuttling, rotating, multiple, cyclical or circuit. To this can be added in the European context the cross-border movements that Morawska (2001) has characterised as 'pendel' migration and that emphasises the resourcefulness of such migrants and their search for gaps in migration controls. The solution to the migration problem, as currently understood, offered by temporary and circular migration is that migrants come for short periods and then leave and thus seek to avoid the issues of integration associated with long-term settlement.

Research for the European Migration Network in 2011 noted that: 'No [EU] member state has a clear formal or legal definition of temporary migration' (EMN, 2011: 13). The EMN found a significant variation in the definition of temporary stay ranging from 3 months to 2 years in Finland and up to 5 years in the Netherlands (EMN, 2011: 14). The problems were found to be of a different order in relation to circular migration. The EMN report found 'no harmonised approach across the Member States when it comes to defining circular migration' (EMN, 2011: 21). Only the Netherlands and Portugal were found to actually have formal/legal definitions of circular migration. While temporary and circular migration as forms of temporary migration are distinct, the EMN report (2011: 9) notes that: 'policies, legislation and practices often address both forms of migration, using similar definitions and provisions' (EMN, 2011: 7).

There has been particular difficulty understanding how circular migration is different from temporary migration, 'pendel' migration, seasonal migration and so-called incomplete migration (see, for example, Stark and Bloom, 1985, Okólski 1998). The debate is ongoing (Newland 2009). At the very least, it is important to recognise that circular migration/mobility is a wide concept covering all forms of multiple movements across borders (organised or spontaneous) for varying time spans, with scope for positive effects on development.

Locating temporary and circular migration

Four main strands of the literature on European and EU migration are identified in order to locate the role and place of temporary and circular migration in contemporary debates about European and EU migration policy and to highlight a relative neglect of the role played by information gathering and knowledge creation at EU level.

The first strand comprises scholarly work on migration that began to emerge in the 1990s and that seeks to capture key aspects of the migration policy process. In the early 1990s Cornelius et al (1994) developed what they called the 'gap hypothesis', although this essentially amounted to the observation of an empirical reality: there were systematic gaps between the declared intention of immigration policy with a focus on control and the outcomes of these policies, which were typically more immigrants than the policy seemed prepare to allow. Policies were seen as 'gappy' for a variety of reasons and accounts developed to explore this mismatch between policy rhetoric and policy outcomes. Particularly influential in this respect has been Freeman's (1995, 2005) work on tendencies towards convergence in migration policy and politics in liberal democratic states. Drawing from work on regulatory politics, Freeman argues that the concentrated beneficiaries of

migration policy such as business and pro-migrant groups will have a stronger incentive to organise and thus a stronger influence on policy outcomes than the more diffuse general public with the result that migration policies will be more expansive and inclusive than would be suggested by the study of public opinion on migration. Others shared Freeman's insight that migration policy outcomes were more expansive and inclusive in terms of both numbers of migrants and rights extended to migrants than would be suggested by public attitudes. In contrast to Freeman, others developed the argument that institutional venues played a key role in shaping policy outcomes. This important insight was used, for example, to explore the role that courts at national level played in opening 'social and political spaces' for migrants at national level in key European destination countries such as France and Germany (Hollifield, 1992, Guiraudon, 1998). Two key points about this work are, first, that it emerged in the late 1990s when the institutional and policy role of the EU in the area of migration policy was very limited so not surprising the EU did not figure in these accounts and, second, in relation to temporary migration, the key insight is that decisions made behind what Guiraudon called 'gilded doors', i.e. relatively shielded bureaucratic and judicial venues, protected migrants rights from excessive use of power and helped to ensure that the 'guests came to stay'. The result was that flows that policy-makers initially saw as temporary actually became permanent.

Linking the first and second strands is the focus on institutional venues such as the role played by courts. This second strand is the most highly developed and reflects an explosion of interest in EU migration policy motivated by its growing salience on the issue agendas of governments and the EU as well as by the questions posed by the EU's move into areas of 'high politics'. Within this work, particularly important contributions have been made by those who analyse what has been called 'venue-shopping', i.e., the use of the EU as an alternative venue by the executive branch of national governments precisely because it affords more scope for the pursuit of restrictive policies without the encumbrance of judicial decisions that might protect migrants' rights (Guiraudon, 2000). Clearly, this perspective emerged in relation to an EU with limits on its institutional and policy role in the area of migration policy, i.e., during the 1990s. A new body of work has developed that explores this venue-shopping insight to show, for example, the changing dynamics in the area of asylum policy (Kaunert and Leonard, 2012) and at how decisions made by the CJEU now impinge more directly on the management and implementation of migration policies in the member states (Acosta and Geddes, 2013). The EU venue has thus become 'thicker', or, put another way, the political field at EU level is now more densely populated than it once was not only in terms of legal competence and

institutional roles, but also in terms of other forms of 'transgovernmental' action that blur the distinctions between the domestic and the international (Slaughter, 2004).

The third strand of scholarly work seeks to locate migration in the context of the political economies of European countries and pays close attention to key organisational variables such as labour market organisation and welfare state type (Bommes and Geddes, 2000; Menz, 2008; Menz and Caviedes, 2010). A key insight offered by this work is to show that while there is an understandable tendency to analyse the movement of migrants into particular countries, it is also highly relevant to think about the movement of migrants into particular forms of employment and welfare state given that there is significant variation across the EU. These are important background institutional variables that play a key role in shaping understandings of international migration. There are important sectoral variations in the employment patterns of migrants and gendered divisions within types of employment. The more general point that can be taken from this work on migration and political economy is that temporary and circular migration need to be related to these background institutional conditions with the result that a more general reliance on temporary work in some sectors of the economy such as food processing, agriculture and tourism creates space for temporary and circular migration. Similarly, modes of recruitment and deployment of labour are crucially important, particularly in sectors that rely on the mobilisation of temporary migration. Finally, and more generally, temporary and circular migration are nested within a more general debate about the future of European labour markets and welfare states that are, of course, shaped by more general debate about the post-crisis EU economy and the role that could be played in it by 'mobile' and 'flexible' labour.

The fourth strand of work is the least developed, but is an area on which this article will focus to explore the scope and potential for information gathering and knowledge creation to shape policy-making at EU level. There is scholarly work analysing the role that the mobilisation and utilisation of expert knowledge can play in the policy process (Boswell, 2009; Balch, 2011). This is particularly relevant at EU level where a politics of expertise has been seen as particularly prevalent and where key institutional actors such as the Commission have been seen to legitimate their role through the use and deployment of expert knowledge (Radaelli, 1999; Zito and Schout, 2009). Such knowledge can play an instrumental role in providing the basis for decision-making (the 'evidence-based policy-making' approach) but can also serve other functions. For example, the development of expert knowledge can help an institution to carve out a role for itself in a particular policy area and thus to legitimate this role. In addition, expert knowledge might also serve to substantiate existing policy

choices (Boswell, 2009; Boswell et al, 2011). This could mean, for example, that research expertise is mobilised and used in order to confirm or legitimate existing policy orientations.

Implications for temporary and circular migration can be extracted from each of these four approaches. First, scholars have identified expansive tendencies in European migration policies, or at least more expansive outcomes that public opinion would appear to suggest would be feasible (Hollifield, 1992; Freeman, 1995). This has been linked to the underlying dynamics of migration politics and policy-making with a particular focus on institutional venues. It can also arise from the 'gappiness' of controls. More recently, it has become evident that the EU itself has, since the Lisbon Treaty, become a 'thicker' institutional venue with legal and institutional competencies in the area of migration policy, albeit with significant constraints on its role in labour migration (Acosta Arcarazo and Geddes, 2013). In short, the Ordinary Legislative Procedure (OLP) is now applied to migration and asylum with qualified majority voting in the Council, co-decision between the Council and European Parliament and full jurisdiction for the CJEU. As was also shown, it is also highly relevant to relate temporary and circular migration to more general debates about European political economy within which they are nested. This means seeking to account for variation in terms of labour market organisation and welfare state type, but also considering sectoral variation, as well as patterns of recruitment and other relevant factors such as tendencies to economic informality. Finally, it was suggested that knowledge plays a key role in migration policy, but, more particularly, as will be argued below, the perception of knowledge gaps and the pursuit of more/better data can help to drive EU action. The first three strands suggest limits to control that may well induce significant caution on the part of member states when ceding powers in this area to EU level. The latter suggests scope for EU institutions such as the Commission to use existing competencies and other methods, such as the mobilisation of expertise via networks such as the EMN in order to try to carve out a role for itself.

Gathering information and building new knowledge

The focus of this article now shifts to the fourth of these strands: information gathering and knowledge creation at EU level concerning temporary and circular migration. This is a relatively neglected area of study (although see Boswell, 2009; Boswell et al, 2011) as much scholarly work, understandably, focuses on inter-state bargaining or on the dynamics of policy and politics at member state level. There is, however, evidence of efforts to inculcate learning in the area of labour migration policy and, as will be seen, the EMN has become an EU-level venue for such learning.

More generally, the EU - and Commission in particular – have long relied on the use of outside expertise to inform policy choices.

Knowing, the production of knowledge and its use can be understood as acts of participation in social learning systems grounded in social structures (Wenger, 1998: 226). Alvesson and Spicer (2012: 1195) write that 'one of the central leitmotifs of contemporary organisation theory [is that organizations] thrive on the basis of their knowledge'. In organisational theory, knowledge is often not clearly defined with the result that definitions can be 'vague and all-embracing' (ibid). In the context of the relationship between learning and public policy, a distinction has been made between 'lay' and 'professional' knowledge, although as Radaelli (1995: 161) notes 'the latter (professional knowledge) should not necessarily be considered as playing a pivotal or superior role' as there are 'reciprocal influences between the two, with social science as an aid, refiner, extender or tester of lay knowledge'.

The 'migration problem' in contemporary Europe has been continuously structured and restructured by ideas and discussions involving both 'lay' and 'professional' knowledge, including reflections on the effectiveness of previous and existing approaches, as well as approaches in other parts of the world. These ideas and discussions develop 'stories' about migration (its causes and consequences) that seek to construct causality in a way that is convincing (Stone, 1988). The most common and, in a sense, neutral use of knowledge is to inform the policy process and contribute to 'evidence-based policy-making'. However, as Little (2012: 3) notes, evidence can be highly contested while 'policy design, implementation and evaluation are bound up with a number of other contingent factors …such as the structure of power, the politics of influence and judgements about the contextual constraints in any policy environment' [all of which] have a direct bearing on whether the policies that are actually pursued are grounded in evidence or whether the evidence is manufactured to suit the policy agenda'. As an interviewee from an EU institution put it: 'impact goes both ways, the impact goes also in the research community … if you looked at research through Europe in a couple of years, you probably see certain trends emerging … and you could probably trace these trends back to discussions taking place at the European level' (Interview with representative of EU institution, June 2013).

The EU is a new arena within which knowledge of and about international migration is gathered and diffused. Diffusion has been defined as 'a process through which ideas, normative standards … policies and institutions spread across time and space' (Börzel and Risse, 2012: 5). How they spread

is the key issue. Four mechanisms have been identified, each underpinned by a different (although not mutually exclusive) social logic. Coercion can take the form of a requirement to conform to EU law as a condition of membership or future membership. Manipulation of utility calculations can provide negative and positive incentives, such as financial and technical support. These are both informed by an instrumental rationality and by a consequential institutional logic. In contrast measures that change the interests and identities of actors as a result of interaction mean that the EU could become a 'gigantic socialisation agency', which fits with a normative institutional logic of appropriateness (Börzel and Risse, 2012: 7). Communicative logics can arise when member states try to persuade each other about the precepts, principles and practices that should inform institutional and policy development. These behavioural logics are not incompatible. Clearly there has been accommodation of member state preferences and interests at EU level both in formal structures, but also more informally dating back to the 1970s. These formal and informal structures were dominated by state actors from interior ministries and security agencies with powerful effects and legacies on the relationship between power and knowledge in EU migration governance.

A 'practice turn' in international relations centres on how 'groups of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly' (Wenger, 2010; see also Adler and Pouliot, 2011; Bicchi, 2012). Participating in a 'Community of Practice' is an essential element of learning as it provides the 'social containers' as people are brought together by a sense of joint enterprise, mutual engagement and a shared repertoire of communal resources (Wenger, 2010: 229). The result is that uncertainties can be reduced. EU-level interaction can also promote 'boundary interactions' as practitioners are exposed to policy ideas and practices from other member states, or, put another way exposure to a 'foreign competence'. Boundary interactions can be stimulated by individuals acting as brokers across boundaries while 'boundary objects' such as the development of data and information can also facilitate boundary interactions as comparable data can also help to generate a sense of shared meaning (Star and Griesemer, 1989). While this conception of CoPs does suggest openness and pluralism, this article shows that interactions at EU level on migration occur in the 'shadow of hierarchy', which means that national level approaches continue to dominate EU discussion about labour migration and admissions policy. The argument developed by this article focuses on how information gathering and knowledge development at EU level can substantiate policy choices made (primarily) at member state level, but can also legitimate institutional roles, in this case, the attempts by the Commission to carve out an enhanced role for itself.

Table 1 plots key aspects of social learning in a community of practice on the left hand side of the table against characteristic features of 'boundary interactions' across the top. The social definition of learning of a community of practice combines competence and personal experience with three modes of belonging (engagement, imagination and alignment). Competence is historically and socially defined: 'To be competent is to be able to engage with the community and be trusted as a partner in these interactions' (Wenger, 2010: 229). Competence and experience are not necessarily congruent but when they are in close tension and either starts pulling the other then learning takes place. The three modes of belonging co-exist. Engagement involves people working together in ways that can shape experience. An imaginative leap may be required if the community is large and members don't all meet, but is not so large leap if members do meet on a regular basis as they do in the EMN. The third mode of belonging is alignment understood as a mutual process of co-ordinating perspectives. Practices can develop through problem solving, requests for information, seeking experience, re-using assets, co-ordination and synergy, discussing developments, documentation projects, visits, mapping knowledge and identifying gaps (Wenger, 2000).

Table 1: Communities of practice and boundary interactions

	Coordination	Transparency	Negotiability
Engagement	Opportunities for joint activities and problem solving	Explanation of practices to each other to facilitate learning	Can multiple perspectives meet?
Imagination	Understanding of respective perspectives to present effectively and prevent misunderstandings	Artefacts etc that held build picture of another practice	Do both sides see themselves as members of an overarching community with common interests?
Alignment	Can methods etc be interpreted into action across boundaries?	Are the basis of CoPs clear enough to reveal common ground?	Who decides when negotiating between CoPs and searching for compromise?

Source: Wenger 2010: 235

Reading from left to right across Table 1 allows exploration of some of the key issues that are central to any discussion of the role played by information gathering and the development of common and shared European knowledge about labour migration and, in this case, temporary and circular migration. Taking the issue of engagement, there are opportunities for joint activities and problem solving within the EMN and an emphasis through networking on the discussion and explanation of practices. Both accord with social and communicative logics.

A key issue is whether multiple perspectives can meet, particularly in relation to issues that are somewhat nebulous such as temporary and circular migration. The point here is that 'meaning' may not arise as a result of interaction, but that the interactions themselves are based on a particular understanding of the problem; rather than it being the quest for meaning that is structuring action it is the context of action that structures meaning. Put another way, member states may have already decided that temporary and circular migration could form part of the solution to the migration problem because they prefer flexible and mobile labour rather than migrant settlement and this understanding has then informed the context for engagement.

Similarly, when considering 'imagination', there is evidence that interaction can create mutual understanding while there is also evidence of the kind of information gathering that can lead to the creation of artefacts. However, rather than being akin to a 'bargaining model' it could be argued that learning occurs in the 'shadow of hierarchy', which means that well-established policies in 'older' immigration countries have had a powerful framing effect on responses in newer member states and newer countries of migration (Dunlop and Radaelli, 2012).

Finally, there is the question of alignment. There are efforts to gather and share information that can lead to common knowledge and facilitate boundary interactions, although here too we see the shadow of hierarchy and the framing role played by responses in older countries of immigration. There is now engagement around the issues of temporary and circular migration, information is being gathered and shared and some efforts are being made to develop a European understanding. However, engagement has been strongly influenced by the idea that temporary and circular migration could form part of the solution with the quest for evidence being subsequent rather than prior to this preference. Knowledge gaps can play a role in institutional and policy development. The absence of data may inhibit evidence-based policy-making, but its absence can also create scope for institutions to legitimate their roles and for evidence-gathering to be tailored to policy choices. The mobilisation and utilisation of expert knowledge can also legitimate institutional roles and substantiate policy choices. This draws from a more general strand of work that understands the EU as a learning organisation. Zito and Schout (2009: 1103) note behind the highest political levels 'are a myriad of 'micro' processes of civil servants and politicians interacting concerning problems, hopes, norms, symbols, instruments, etc…. Over time, these exchanges generate changes in information, goals, values, behaviours, structures, policies and outcomes'.

The period after the Amsterdam treaty came into force in 1999 was particularly significant in the development of links between academic experts and the Commission. As a representative of an EU institution out it:

> In the early days … we worked very closely with academics because it was a new area for us at European level …when we wrote those early communications on how we might develop a European policy, we did that with the help of the research community in the sense that I went to various academic meetings to meet people, to talk to people. We organised seminars where we discussed drafts of papers with them, and talked to them about how things would work (Interview with representative of EU institution, June 2013).

The Commission has sought to promote engagement, imagination and co-ordination although its efforts in the early 2000s to develop a common, 'horizontal' labour migration policy were rejected by the member states who maintained their control over numbers. The Commission instead sought to develop a more vertical approach focused on particular sectors (the highly qualified, intra-corporate transferees, seasonal workers). Interaction with scientific researchers was important as the Commission sought to orient itself to this policy field. The social context of interaction with researchers as a basis for the Commission's engagement with labour migration was emphasised by an interviewee from an EU institution:

> If you're going to have interaction on a regular basis, then policy-makers and academics have got to know each other fairly well, they've got to know what the issues are and be sympathetic to doing the research that policy-makers need or being able to tell policy-makers we need to do research in this area (interview with representative of EU institution, June 2013).

The research base on temporary and circular migration has developed only relatively recently with significant activity at international level, which has fed into debates amongst government, academics and civil society (Di Bartolomeo et al., 2012). The Commission has sought to plug itself into these debates while the EMN also provides a forum for interactions. In terms of developing a CoP there are limitations derived from the levels of expertise and turnover of members. As an NCP put it referring to the EMN:

> Meetings [are] useful in developing bilateral relationships … Where it's less effective is in having some in-depth discussions about matters of mutual interest …it may be that opportunities aren't offered by the Commission, but it's probably more about the level of expertise of representatives … because they are constantly changing, it'd be good to have a bit of stability.

For example, if we consider the debate about circular migration, Fargues (2008) offers a normative understanding of circular migration that could be the basis for policy with six elements: temporary, renewable, circulatory, legal, respectful of migrants' rights and managed in a way that matches labour demand in one country with supply in another. Fargues also suggests other possible criteria that could include the enhancement of skills and skills transfers. Triandafyllidou et al (2012) indicate the complexities of the issue when they identify six types of circular migration. First, seasonal, legal labour migration with migrants based in origin countries, which can be further broken down into spontaneous individual flows or regulated programmes. Second, circular legal labour migration with migrants based in origin countries that is spontaneous and can include highly skilled or business people. Third, circular, legal labour migration with migrants based in destination countries with typically lower skilled workers in areas such as household repairs and farm work. Fourth, there is circular semi-legal labour migration with migrants based in their country of origin where stay is legal and work is informal, such as in construction and care work. Fifth, there can be circular, semi-legal labour migration where the migrants are based in the destination country and engage in activities such as informal trade or offering transport services to co-nationals. Finally, there is irregular circular migration where both stay and employment are irregular. This definitional work has provided valuable insight into the categories in which various types of temporary, circular or seasonal migrant can be placed, but also into the associated social processes of inclusion and exclusion and their various dimensions, such as those related to gender.

These aspects of diversity have important implications as policy-makers seek to make sense of this complexity. For example, the European Commission (CEC, 2007) distinguishes been 'outward circulation' by Third Country Nationals (TCNs) settled in the EU or 'inward circulation' by people residing in a third country that move to an EU member states for various reasons, including seasonal employment, study, research or training.

The EU's GAMM (CEC, 2011: 2) makes clear reference to multi-level governance when it notes that 'it is at regional, national and local levels that each individual and each stakeholder will seize the opportunities brought by migration and by mobility'. To these governance 'levels' could be added employment sectors and occupation in order to capture another key characteristic of multi-level governance, which is the role played by private actors whether they be recruitment agencies, businesses, or individual households employing, for example, workers in agriculture and food processing.

The Commission's Communication on the GAMM (CEC, 2011) recognises the necessity of analysing the effects of underlying migration drivers such as economic and political change by highlighting the importance of demographics and conflict, plus broader patterns of relations between states that can all shape migration. Each of these potential drivers can play a part in shaping decisions to migrate although their effects are likely to be evident through interactions. For example, there is considerable research evidence to show that income and wage inequalities are key migration drivers (Chappell, 2012). However, declines in land productivity may exacerbate economic drivers by having negative effects on livelihoods. Similarly, the breakdown of governance systems or conflict can also lead to migration, but ability to move will be influenced by the resources (economic, social, physical) possessed by individuals.

To summarise, despite the policy debate at EU level, the substantive basis for EU level action remains unclear. There are widely divergent national responses to labour migration that are also grounded in varying forms of labour market and welfare state organisation. There is also huge variation in labour migration policies with key factors including not only duration, but also skill levels. Member states have been reluctant to move to substantive action on labour migration beyond the weak approximation measures contained within the Blue Card directive of 2009, the Single Permit directive of 2011 and the Seasonal Workers directive of 2014 (on the Blue Card see Cerna, 2013). There are also significantly diverse responses at member state level to temporary labour migration while very few member states actually have definitions in their legal codes of circular migration. There is a basic lack of agreement on the meaning of temporary and circular migration. However, this lack of knowledge can also play a role in legitimating some activity by EU actors in filling data and knowledge gaps. The EU now creates a context for the sharing of information that can 'congeal' into new forms of knowledge and understandings of migration policy problems and potential solutions. The quest for new and better knowledge can substantiate policy choices and legitimate institutional roles.

The EMN

The EMN's origins can be traced to a Commission feasibility study in 1996 that explored the possibility to establish a European Migration Observatory although the member states did not go ahead with this idea. The Laeken European Council meeting of 2001 called for information exchange on migration. In 2003 the EMN was launched as a pilot project and, subsequently, between 2004-6, as a 'Preparatory Action' during which time participation was voluntary with the network run from a research centre in Germany. Initial ambitious work on the impact of immigration proved

controversial and led to changes in the organisation of the network that gave it a much stronger focus on member state priorities (Boswell, 2009). The subsequent development of the EMN has had a strong focus on interactions between member states and reflects their policy preoccupations.

The Hague Programme for Justice and Home Affairs covering the period 2005-10 included a plan for a Green Paper on the EMN's future. On the basis of the Green Paper the Commission in August 2007 proposed to the Council the creation of a legal basis for the EMN, which was agreed by Council Decision 2008/381/EC. The decision to more formally constitute the EMN also gave it a stronger intergovernmental base as most of the national correspondents, or National Contact Points as they are known, are based in interior ministries. According to Council Decision 2008/381/EC the EMN's purpose 'is to meet the information needs of Union institutions and of Member States' authorities and institutions on migration and asylum by providing up to date, objective, reliable and comparable information on migration and asylum with a view to supporting European policy-making in these areas [by] collecting, exchanging and updating data; analysing data and providing it in readily accessible forms; contributing to the development of indicators; publishing periodic reports; creating and maintaining an internet based information exchange system to provide access to relevant documents'. An interviewee from an international organization sought to capture the EMN's network effect:

> There is still a learning and exchange process that comes with that network. There is some kind of network effect to it, it's hard to put the finger on it, it's not a network that produces some groundbreaking new evidence that changes the course of policies, but that rather informs the policymakers and these people largely come from the institutions that also set policy course (…) (Representative of international organization, Brussels, March 2013).

The EMN is co-ordinated by the Commission (DG Home Affairs) supported by two private sector contractors that assist with the exchange of information and with the development of the technology to support interchange. The network is centred on NCPs in all EU member states (except Denmark, but including Norway) with at least three experts, one of whom is the national co-ordinator. These national co-ordinators are mainly from ministries of the interior and justice but also involve research institutes, NGOs and international organisations. The EMN lays great emphasis on networking. This can take various forms: regular meetings of NCPs; EMN Studies drawing from information from all participants of which there are usually 3 each year; an annual EMN conference; training sessions on technical or administrative issues; twinning and collaboration meetings: studies addressing specific themes; annual reports from all participants that feed into the Commission's

Annual Report on Migration and Asylum; the development of a glossary and thesaurus as the basis for improved comparability to develop common understanding of terms with the aim of harmonising policy concepts; an information exchange as a repository with a search function; and, so-called 'Ad Hoc' requests.

Ad Hoc requests are ways of sharing information about practices. Around 400 or so Ad Hoc requests were made between 2008 and 2012 (of which more than 260 were made public). Ad Hoc queries are grouped under various headings, one of which is queries made with regards to labour migration. Under the heading of labour migration, 16 of these ad hoc queries have been made public. One was from the European Commission with the aim of gathering data on seasonal migration and intra-corporate transferees with a clear link to proposed directives on these topics. In addition, the EMN produced a major thematic report on temporary and circular migration in 2011 that sought to map legal frameworks across the EU and effectively pinpointed the significant knowledge gaps.

To understand whether or not temporary and circular migration could be a solution and whether or not the EU can play a part depends on how the problems are understood in the first place. To which particular problem are temporary and circular migration supposed to be solutions? The most obvious is the domestic political headache for member states of continued demand for migrant labour coupled with significant anti-immigration sentiment. But, this policy headache does not mean that national governments must choose the EU level; after all, the EU could make the headache far worse by binding the member states' governments into a common EU labour migration policy that ties their hands. The definition of the problem will depend on the information and knowledge that support understandings and, linked to this, the possible remedies that emerge based on these understandings. So far, the EU as an institutional venue in the area of labour migration has been seen as 'thin' in that it has been used by member states to pursue domestic interests rather than being a 'thicker' venue that shapes those interests. However, even in this 'last bastion of state sovereignty' (Joppke, 2012: 21) there are developments that, while not suggesting that a common labour migration policy is around the corner, do mean that we cannot write the EU off as irrelevant to discussion of labour migration. There is scope for social and communicative logics to develop at EU level around information gathering and the development of common knowledge that could potentially change the scope and content of EU action on labour migration. Such a shift does constitute a significant change in the content of EU action on migration. But it is not sufficient to simply show that officials meet and talk to each other, but also to explore the effects of these

interactions involving member states and other actors (such as EU institutions, international organisations, think tanks, NGOs and academic researchers).

The EMN does provide significant evidence of boundary interactions, but the organizational studies literature demonstrates social and cognitive limits such as 'bounded' or 'semi-rationality' (March, 1978). In such circumstances, a lack of time and resources inhibits knowledge utilisation. Along similar lines, Lindblom (1959) refers to 'muddling through' while the 'garbage can' model of decision-making focuses on instability in organizational environments with ambiguity preventing people from fully mobilising their cognitive capacities and acting rationally (Cohen, March and Olsen, 1972). Smithson (1989) contends that the problem may be more than ignorance, although here again the emphasis is placed not on wilfulness, but on a lack of knowledge or awareness of where knowledge is located. These perspectives tend to focus on impediments to learning such as lack of time and resources. A representative of an EU institution captured quite nicely the risks of information overload:

> Reading entirely all the reports is wishful thinking. We have our priorities set in terms of our agenda … we receive all the information, we file it, we know where it is and we access it when this is needed (interview with representative of EU institution, March 2013)

This leaves open the question of how power relations may also lead to a disinclination to use intellectual resources (Alvesson and Spicer: 2012: 1198). There may be circumstances within which organisational settings can stifle reflexive capacity with the result that 'cognitive capacities may be limited by relations of power and domination rather than a lack of time and resources, or cognitive fixations' (Alvesson and Spicer, 2012: 1196). These amount to more than 'blocks' and are labelled as 'functional stupidity', i.e., as an inability to learn that may actually be functional to organizations because it reduces uncertainty. People may be unwilling to challenge the assumptions upon which their role and activity are based. This can take the form of a lack of reflexivity by not questioning knowledge claims and norms or a lack of justification in not demanding or providing explanations for action. These run counter to the logic of communicative rationality that involves giving reasons for actions or behaviour and seeking to justify them. A lack of substantive reasoning also means that questions can be framed in narrow ways that might even be misleading. Alvesson and Spicer (2012: 1196) write that, in such circumstances, 'functional stupidity is organisationally-supported lack of reflexivity, substantive reasoning and justification. It entails a refusal to use intellectual resources outside a narrow and "safe" terrain. It can provide a sense of certainty that allows organization to

function smoothly. This can save the organization and its members from the frictions provoked by doubt and reflection'.

To summarise, the article explored the relationship between research and policy, the role of the Commission and then looked specifically at the EMN. It was shown that even in unpromising terrain such as EU labour migration policy, definitional ambiguity and the absence of shared and agreed meaning can create new opportunities for interactions that search for shared understandings around which future alignment can occur. The EMN creates scope via its various activities for co-ordination via interaction and transparency via the sharing of information. The more difficult step is negotiability and the meeting of perspectives in a contested and controversial policy field. The EMN illustrates the instrumental quest for information to support policy (evidence-based policy-making) but also shows how the shadow of hierarchy cast by the member states can mean that existing policy choices shape EU action (policy-based evidence making) while new interactions at EU level create opportunities for the development of institutional roles (policy-based institution-building).

Conclusions

The article analysed the role played by information gathering and the creation of new knowledge about temporary and circular migration in the broader context of the construction of EU migration governance. It was shown that definitional ambiguity can institutional and political opportunities for actors seeking to impose their preferred meaning on temporary and circular migration as solutions to the 'migration 'problem' (as understood). The quest for definitional clarity has been facilitated by the increased interest at international level in temporary migration while the EU has also seen circular migration as a way to address domestic political problems in member states while also pursuing the so-called 'triple win'. The article then located debates about temporary and circular migration in the broader context of debates about European and EU labour migration while emphasising the relative neglect within this literature of the role played by information gathering and new knowledge in the definition of 'problems of Europe' that might require a European-level solution. This point was further developed through the development of a practice-based account that sought to delineate important aspects of the relationship between research and policy at EU level, the role of the Commission in promoting dialogue that draws scientific experts into the policy process and the role of the EMN as a very focused way for member state officials to interact on migration issues. However, it was shown that pluralistic accounts of these kinds of interactions as though they were tantamount to bargaining process could neglect key and important aspects of the migration governance field at EU level. Information gathering can support evidence-based policy-

making, but it has been shown that EU action can reflect or substantiate existing policy choices and thus amount to policy-based evidence making while also providing legitimacy for institutional actors seeking to expand their role (policy-based institution-making). This demonstrates the importance of the context within which knowledge about temporary and circular migration is gathered, produced and understood.

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