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# Africa e Mediterraneo

C U L T U R A E S O C I E T À

## n. 88 | L'integrazione lavorativa di migranti e richiedenti asilo

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Labour Market Integration of  
Migrants in the  
European Union

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La reconnaissance des  
qualifications, des diplômes et  
des compétences en Europe:  
une étape importante vers  
l'intégration socioéconomique  
des réfugiés

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The Integration of Migrants  
and Asylum Seekers  
into the Labour Market:  
the Case of Italy



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**Direzione e redazione**  
Via Gamberi 4 - 40037  
Sasso Marconi - Bologna  
tel. +39 051 840166 fax +39 051 6790117  
redazione@africaemediterraneo.it  
www.africaemediterraneo.it

**Progetto grafico  
e impaginazione**  
Giovanni Zati

**Editore**  
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## Indice

# n.88

### Editoriale

- 1 Lavoro, integrazione, normalità**  
di Sandra Federici

### Dossier: L'integrazione lavorativa di migranti e richiedenti asilo

- 7 Labour Market Integration of Migrants in the European Union**  
by Alessio J. G. Brown
- 13 The European Migration Policy Crisis and the Need for Circular Migration and Immigration Status Changes**  
by Bernd Parusel
- 18 Promising Developments in the Labour Market Integration of Asylum Seekers and Refugees in the EU**  
by Chiara Monti
- 26 Labour Market Integration/ Discrimination in the EU with a Focus on Migrant Women**  
by Ojeaku Nwabuzo
- 30 La reconnaissance des qualifications, des diplômes et des compétences en Europe : une étape importante vers**
- l'intégration socioéconomique des réfugiés**  
par Alessia Lefébure
- 34 Concilier intégration culturelle et insertion professionnelle des réfugiés grâce aux Industries culturelles et créatives : une comparaison entre la France, l'Allemagne et l'Italie**  
par Eloïse Chopin, Antoine Ingelbert-Frydman, Lionel Pourtau
- 42 Il riconoscimento dei titoli di studio esteri in Italia: un percorso a ostacoli?**  
di Giorgia Gruppioni
- 48 The Integration of Migrants and Asylum Seekers into the Labour Market: the Case of Sweden**  
by Caroline Tovatt
- 54 African Immigrant Tailors in Lisbon - An Approach To (Co)learning**  
by Sofia Vilarinho
- 60 The Integration of Migrants and Asylum Seekers into the Labour Market: the Case of Italy**  
by Annavittoria Sarli, Pierre Georges Van Wolleghem





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**66** **FOCUS/** a cura di Anna Lodeserto  
**Le competenze dei cittadini con background migratorio come canale di inclusione: Strumenti europei e buone prassi locali**

**69** **FOCUS/** a cura di Angela Laconi  
**La sfida delle competenze per l'integrazione dei richiedenti protezione internazionale. L'esperienza della SDP servizi società cooperativa sociale**

**72** **FOCUS/** a cura di Nicola Pedrazzi  
**Made in Italy, met in Lama di Reno: Quando l'accoglienza diventa lavoro**

**74** **FOCUS/** a cura della redazione  
**Oriente, il video animato che aiuta i richiedenti asilo a cercare lavoro**

## Eredità culturali

**76** **Hadra di possessione nel Wollo**  
 di Laura Budriesi

## Arte

**84** **Major themes of Africa and Immigration in the Exhibitions Palermo's Manifesta12 and MAXXI in Rome**  
 by Mary Angela Schroth

## Moda

**90** **Le frontiere del corpo: il velo e l'identità femminile delle giovani generazioni**  
 di Paola Lacarpia

## Scuola

**97** **I ragazzi del coro Nativi Musicali**  
 di Piergiorgio Degli Esposti, Giuseppe Losacco

## Musica

**102** **This is America** by Childish Gambino: **What it Means to Be African American**  
 by Marwa Hagi

## Fumetto

**104** **AfricaBD : Lai-momo et Africa e Mediterraneo au Festival international de la Bande Dessinée d'Angoulême 2018**  
 par Sandra Federici

## Eventi

**106** **Design e fotografia nella mostra AfricaAfrica**  
 di Roberta Sireno

**108** **Dak'Art – Biennial of Contemporary African Art**  
 a cura della redazione

## Libri

**110** **Lorenzo Luatti, L'emigrazione nei libri di scuola per l'Italia e per gli italiani all'estero. Ideologie, pedagogie, rappresentazioni, cronache editoriali**

**111** **Calogero Giametta, The Sexual Politics of Asylum: Sexual Orientation and Gender Identity in the UK Asylum System**

**112** **Francesca Ceci, Christian Baltazard Bouah, Gabriele Peddes, Laura Congiu, Stefania Costa e Stefania Potito, Badù e il nemico del sole**

# The European Migration Policy Crisis and the Need for Circular Migration and Immigration Status Changes

The EU has still not found a credible solution to deal with irregular migration and asylum and we have no sign of a possible easing of this phenomenon in the near future. It is time to think of new paradigms in light of the possible benefits that migration can bring.

by Bernd Parusel

**A**lmost three years after the arrival of a record number of asylum seekers in Europe in 2015, the institutions of the European Union as well as national governments are still struggling to find solutions to what has become known as the European “refugee crisis”. The block’s inability (so far) to share the responsibility in order to receive and accommodate asylum applicants in a balanced and sustainable manner among the various Member States, and to treat them fairly, has contributed to a polarisation of public opinion and brought right-wing populist parties to power. Ambitious processes to coherently reform the various legal components of the Common European Asylum System have got stuck half-way. Instead, the EU is experimenting with quite obscure deals with Turkey, Libya, Niger and other countries beyond its borders to keep unwanted migrants away.

Much of the predominating EU approach to asylum and migration is short-sighted, problematic in terms of the respect of human rights and the protection of refugees, and potentially detrimental to economic development and prosperity, not only in the EU itself but also, and likely even more so, in partner countries in Africa and the Middle East. Migratory pressures from these regions are not likely to decrease, and Europe needs migrants to fill shortages of labour and counteract demographic aging and decline. While agreements and cooperation between the EU and transit and origin countries of migrants are not generally wrong, they are biased towards obstructing and preventing migration instead of channelling it towards safe and well-organised systems. What is needed is an approach that also reflects the positive implications of human migration. As this article argues, circular migration and other innovative migration policy instruments, such as immigration status changes, are interesting concepts that should be further explored and pursued strategically and sustainably.

## The Search for Solutions to the Migratory Challenges in Europe

In order to prevent refugees and migrants from crossing the external borders of the European Union irregularly, and to reduce the number of people applying for asylum, political leaders are increasingly looking upstream (Collett, Fratzke 2018). The recent talk has been to address the root causes of irregular migration by providing more aid, investment and development support to countries of origin and transit, and to help them build capacities to stop migrants from crossing the Mediterranean Sea by boat. EU measures are focused on countries such as Turkey, Libya and Niger, and an “EU Trust Fund” for Africa provides assistance to African countries even farther away from Europe. The creation of camps in third countries, where irregular migrants would be registered and detained with EU support, is becoming a priority. At a summit in June 2018, EU leaders agreed to explore the concept of “regional disembarkation platforms”, where migrants attempting to cross the Mediterranean Sea would be received after being saved in search-and-rescue operations (European Council 2018).

That non-EU countries in Africa and elsewhere should help the EU to wall itself off against irregular migrants and refugees, and to take back those who have already migrated without permission, is not a new idea - but an idea that has so far never really worked sustainably, at least not in the long run. A fundamental flaw of this EU approach to migration partner countries abroad is that few measures and incentives for cooperation are offered other than money, technical support and expertise, which risks being perceived as paternalistic. When the EU has promised to resettle refugees to alleviate humanitarian emergencies in conflict-ridden countries, few EU Member States have actually pledged significant numbers, if any at all. And when the talk was of opening “legal pathways”, too little happened in practice. However, migrant sending countries in Africa and elsewhere know that the money that

exiles abroad send home (“remittances”) are an important source of revenue, which cannot be replaced by increased official development aid payments by the EU. They have thus no obvious interest in stopping people from migrating to Europe. They also know that the EU in reality needs immigration to mitigate the shrinking and aging of its population, while many parts of Africa have a surplus of young people who search for education and work opportunities (Adepoju 2017). This is why the EU has to become serious when it comes to opening legal migration channels and safe pathways to protection. But other problems have been looming for a long time, too, such as mismatch between high numbers of protection seekers whose asylum requests in the EU are rejected, and their actual return to their countries of origin. In its May 2015 “Agenda on Migration”, the European Commission diagnosed that the European return system «works imperfectly», and that the «enforcement rate» needed to be increased (European Commission 2015, p. 9). In fact, over the past five years (2013-2017), around 500,000 individuals have been ordered to leave the EU each year, but the number of people actually returning has never exceeded 250,000 (Eurostat 2018). Thus, the EU Member States have to ask themselves if irregular stays in Europe can be handled in a realistic and pragmatic manner other than by enforcing migrants’ return. To ask what a more realistic,

more future-proof and less draconian migration policy could look like, we need to take a step back and reflect on how immigration is regulated today and what reform options there are for a migration policy that is beneficial for all involved.

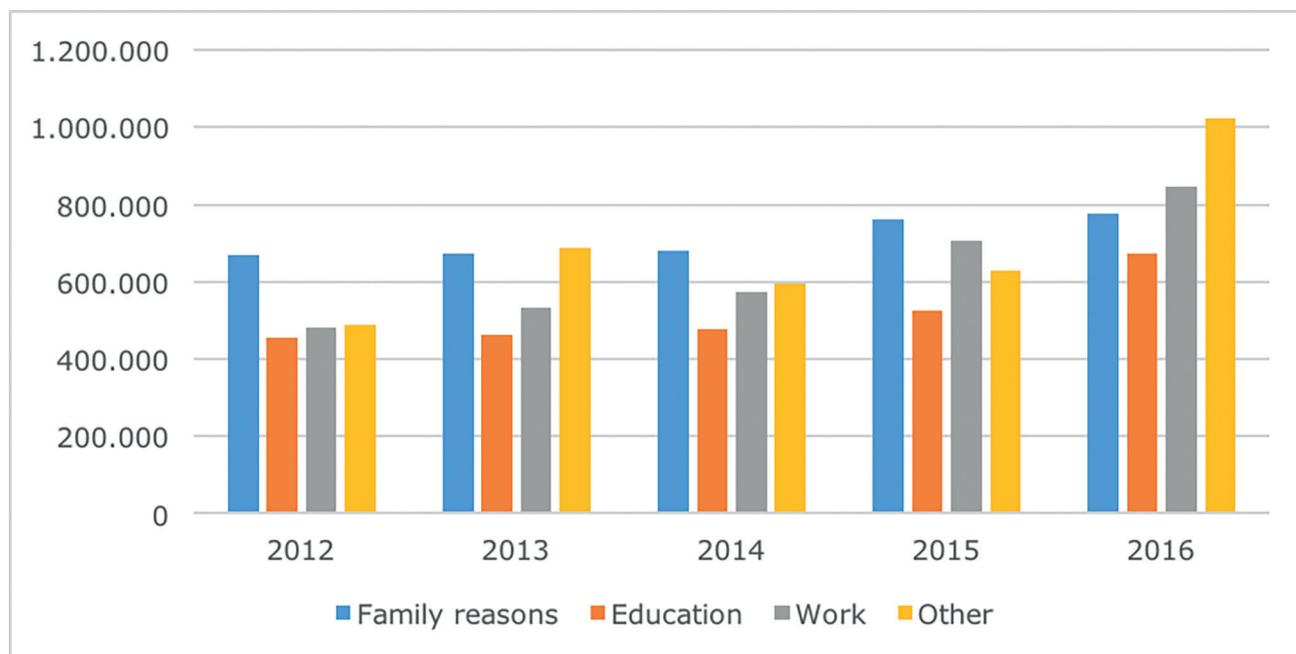
#### A Basic Typology of Migration Flows Towards the EU

First, we need to consider how EU Member States regulate immigration from abroad. Immigration of third-country nationals (non-EU nationals) is usually categorised into four broad grounds or reasons for residence: Family reasons, work, studies (education), and “other reasons”. “Other reasons” includes protection and humanitarian grounds. Over the period 2012-2016, family reasons were the largest category, but in 2016, “other reasons” was predominant, mostly as a result of an increased number of asylum seekers who arrived in the EU amidst the so called “refugee crisis” (see Figure 1).

In addition to different grounds (or purposes) of migration, a basic typology of international migration flows also distinguishes between different lengths of stay. The United Nations tell long-term migration apart from short-term migration, using the notion of “usual residence”. A long-term migrant, according to the UN, is «a person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so

\*  
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**FIGURE 1:**  
**FIRST RESIDENCE PERMITS GRANTED BY EU MEMBER STATES, 2012-2016. SOURCE: EUROSTAT 2017.**



that the country of destination effectively becomes his or her new country of usual residence». By contrast, a “short term” migrant is «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). Cross-border movements with durations shorter than three months, *e.g.* for tourism or business purposes, are generally not considered migrations; instead, they can be labelled “mobility”.

The Member States of the EU generally follow this time-based typology. Schengen visas (with a validity of up to three months in any six-month period) are issued for short-term travel and visits, and residence permits of varying lengths are granted for short- and long-term stays of migrants. Schengen visas are not granted, however, if EU embassies or consulates have reason to believe that a visa applicant will not be willing to return to his or her country of origin when the visa expires, and they are strictly temporary. The EU visa regime thus serves as a barrier to unsolicited migrants, including protection seekers.

This leaves them with the option to seek legal longer-term access as workers, family members of people already residing in the EU, or students. But as the conditions for such access are often difficult to fulfil, and not always easy to understand as each EU country has its own rules on labour, family or student migration, getting a long-stay residence permit is seldom realistic. It is, therefore, no surprise that refugees and migrants try to reach Europe through irregular and often very dangerous pathways, putting their lives in the hands of criminal smuggling networks.

For policy and evaluation purposes, a somewhat more comprehensive typology of migration flows could include a few more characteristics that we can reflect upon when considering reform options: Migrations can be permanent, temporary, or even circular, potentially involving more countries apart from a person’s country of origin and a single country of destination. In addition, migrations can take place within the framework of state-managed programmes, *i.e.* schemes for temporary stays of seasonal workers, or take more spontaneous forms, *i.e.* when migrants themselves decide when to travel and where to reside, for what purpose(s), and for how long.

### The Benefits of Circular Migration

Within this typology, circular migration is still a relatively new concept. It can be defined as a «repetition of legal migration by the same person between two or more countries» (EMN 2014). In 2005, the Global Commission on International Migration stated that «the old paradigm of permanent migrant settlement is progressively giving way to temporary and circular migration». It argued that states should proactively accept the new paradigm and formulate policies that maximize the developmental impact of return and circular migration (GCIM 2005). As an example of activities to promote circular migration, Sweden adopted a bill in 2014, which made it easier for certain categories of immigrants to leave the country while retaining a right to come back (Parusel 2015). The EU included a provision to facilitate circular migration in a directive on seasonal workers from non-EU countries. It demands that such workers, who are temporarily admitted and then leave the EU again, shall, under certain circumstances, benefit from «facilitated re-entry» (Directive 2014/36/EU, Art. 16).

## La crisi della politica europea della migrazione e il bisogno di migrazione circolare e cambio di *status* dei migranti

**A** quasi tre anni dall’arrivo di un numero record di richiedenti asilo in Europa nel 2015, le istituzioni dell’Unione europea e i governi nazionali stanno ancora lottando per trovare soluzioni a quella che è diventata nota come la “crisi dei rifugiati” in Europa. È evidente che le politiche intraprese fino ad oggi per limitare i flussi migratori (dagli accordi con i Paesi terzi ai rimpatri volontari o forzati) non hanno portato a soluzioni efficaci. Allo stesso tempo è molto improbabile che le pressioni migratorie diminuiscano nel prossimo futuro, mentre l’Europa dal canto suo ha bisogno di nuova forza lavoro per colmare le carenze di manodopera e per contrastare l’invecchiamento demografico degli Stati membri.

È dunque necessario un cambiamento di prospettiva che porti a riflettere sulle implicazioni positive della migrazione umana. Un approccio olistico per affrontare i molteplici tipi di migrazione internazionale, compreso il rientro al Paese di origine, non dovrebbe quindi concentrarsi solo su strumenti di restrizione, leggi limitanti e maggiori controlli, ma anche incoraggiare il ripensamento sul modo in cui la migrazione internazionale è regolamentata.

Un concetto relativamente nuovo che presenta alcuni punti di forza molto interessanti è per esempio quello della migrazione circolare, che può essere definita come una “ripetizione di migrazione legale da parte della stessa persona tra due o più Paesi”.

Per affrontare il problema della migrazione non sicura e trasformare le pressioni sui Paesi di origine e di transito dei migranti in veri e propri “partenariati”, l’UE deve stabilire percorsi legali per i migranti che possano raggiungere l’Europa per richiesta di protezione, per lavoro o per studio e incoraggiare scambi temporali e circolari, nonché la mobilità da e verso l’Europa e all’interno dei Paesi membri.

Se la cooperazione con i Paesi di origine e di transito dei migranti deve essere sostenibile ed equa anche in una prospettiva a lungo termine, l’UE deve offrire molto più che denaro, tecnologia e aiuti. Può offrire il reinserimento di rifugiati e migranti, ammettere i giovani migranti in percorsi di studio e aprire percorsi legali per i lavoratori. La migrazione circolare contribuirebbe per esempio anche a prevenire la fuga di cervelli dai Paesi di origine e consentirebbe piuttosto una circolazione di cervelli, un flusso di rimesse dall’Europa e un trasferimento di conoscenze ed esperienze.



Multicultural business meeting. © Christina Morillo

Apart from this, not much has happened at EU level regarding circular migration, despite the fact circularity and its benefits were topical and eagerly discussed in policy and academic circles only a few years ago.

As the EU strives for closer cooperation with migrants' countries of origin and transit, especially in the Middle East and Africa, circular migration arrangements could, however, serve as a useful tool. If cooperation with migrants' countries of origin and transit is to be sustainable and fair not only in the short run but also in a more long-term perspective, the EU must offer more than just money, technology and aid. It can offer to resettle refugees and humanitarian migrants, admit young migrants to academic studies in Europe, and open legal pathways for workers. While circular migration is not necessarily a useful concept for providing durable solutions for refugees and other persons in need of protection, it could indeed be attractive for labour migrants and students, who not always intend to stay abroad permanently. Migrants would be enabled to spend a certain time in Europe and then return, with the option to come back again if they comply with immigration regulations.

Circular migration would also help prevent a permanent "brain drain" from countries of origin and rather enable

"brain circulation", a flow of remittances from Europe, and a transfer of knowledge and experiences. It could thus be beneficial for both countries of origin, countries of destination, and the migrants themselves. While the term "circular migration" had not been precisely conceptualised for a long time, the United Nations' Economic Committee for Europe recently suggested a harmonised international definition as well as methods to statistically measure circular migration (UNECE 2016).

#### Addressing Irregular Migration and Return

There are also reasons for policy-makers, practitioners and academics to rethink the ways in which the EU and its Member States address unsafe and irregular migration as well as return. As the European Commission put it, the EU should «move from a system which (...) encourages uncontrolled and irregular migratory flows to a fairer system which provides orderly and safe pathways to the EU for third country nationals in need of protection or who can contribute to the EU's economic development» (European Commission 2016, p. 2). But how can "orderly and safe" migration be put in place, and irregular migration reduced?

Broadly speaking, irregular migration in the EU exists when a non-EU national enters EU territory without a visa or residence permit, overstays a time-limited visa or residence permit, or applies for asylum and is rejected. In such cases, a migrant is obliged to leave. This obligation is, however, not always followed through. Migrants do not always understand

why they have to leave while others may stay; they might not have valid travel documents; or there is no cooperation between the host country and the country of origin. Civil society groups often campaign against forced returns, especially in asylum-related cases, where return obligations are sometimes considered inappropriate due to circumstances in conflict-ridden countries of origin, such as the recent case of Afghanistan. By consequence, the EU Member States experiment with a variety of measures to encourage voluntary return and facilitate forced returns, such as random checks on foreigners, detention, fines, and readmission agreements with third countries. They incentivise voluntary departures and disincentivise irregular stays (EMN 2016). We should keep in mind, however, that irregular stays are not only the result of immigrants not willing to comply with the law; they are also a consequence of an often rigid “earmarking” of residence rights, the temporariness of visas and residence permits, states’ unwillingness to acknowledge protection needs, and a lack of flexibility components in immigration laws (Parusel 2016). Possibilities for migrants to switch between different legal grounds for residence (e.g. work, studies, protection, family reunification) are often very limited, and strictly temporary visas or residence permits cannot often be extended. But status changes could be beneficial to all involved. For example, if a person has come to Europe to find protection and then starts to work, does it make sense to revoke the protection status when the humanitarian situation in the country of origin improves, and order that person to leave? And if a foreign university student starts a business and wants to stay - should he or she be removed by force? A less rigid approach to the purpose-based earmarking of immigrants’ residence rights would appear much more realistic, pragmatic and economically useful in such cases.

### A New Policy for Status Changes and Legal Pathways

A holistic way to approach the manifold types of international migration including return should therefore not only focus on instruments to enforce existing immigration laws with more police and detention, but also encourage re-thinking the way in which international migration is regulated. For example, allowing migrants to change their status from one ground for residence to another (e.g. from studies to work, or from temporary asylum to studies or work) could help to mitigate the problem of irregular stays. To address the problem of unsafe migration and to transform pressures on migrants’ sending and transit countries into real “partnerships”, the EU needs to establish legal pathways for migrants to reach Europe for protection, work or studies, and encourage temporary and circular cross-border mobility to and from Europe.

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### Bernd Parusel

is a migration and asylum policy expert at the Swedish Migration Agency. He is responsible for studies and reports in the framework of the European Migration Network (EMN). He also served in research-related positions at the Swedish Migration Studies Delegation (DELM), the Federal Office for Migration and Refugees in Germany and as a lecturer at the University of Erlangen-Nürnberg.