

Comparison of the postwar and post-cold war generations of temporary foreign worker admissions

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Temporary foreign worker (TFW) policies have for a long time constituted an important part of international labor migration. Between 1945 and 1973 Northern European countries admitted millions of low-skilled temporary workers from Southern Europe and North Africa. Following the oil crisis of 1973-1974 the admissions of new temporary foreign workers to most Northern European countries were curbed. Nevertheless, in the early 1990s Germany pioneered a new set of temporary foreign worker admission agreements with Central and Eastern European countries. Shortly thereafter, the Netherlands, the United Kingdom, Belgium, Sweden, Greece, Italy and Spain began to admit foreign workers.

Reverting to these policies in the post Cold-War period would not be surprising if the postwar admissions brought expected outcomes. The objective of this study

is to inquire about the outcomes of the postwar and the post-Cold War generations of TFW policies to find out whether the outcomes of the postwar era are repeating in the post-Cold War period.

In the part devoted to the postwar generation of TFW policies, we focus on the study of France, Switzerland and Germany which altogether attracted over half of all migrants to Europe between 1945 and 1973. We contend that these policies did not bring expected outcomes, since (1) they were difficult to administer; (2) contributed to the settlement of (supposedly) temporary workers and to the growth of irregular migration; (3) and exacerbated (rather than improved) bilateral relations between host and sending countries.

In the part devoted to the post-Cold War generation of TFW policies, we focus on the case of Spain. The focus on one country has been dictated by the reasons of parsimony, yet the pattern observed in Spain appears to be emblematic to other European countries which in the post-Cold War period have authorized temporary foreign worker admissions. Based on the study of Spain, we contend that the outcomes of the post-Cold War generation of TFW policies have been reminiscent of the postwar generation.

Lessons from the postwar admissions of temporary foreign workers. The postwar guest-worker era remembered

"They asked for workers, but men came"

Max Frish's aphorism summed up an era that lasted from 1945 to 1975. Foreign labor recruitment policies over the three decades transformed European society and politics in ways that were only beginning to be comprehended when one Western European state after the other curbed or ended further recruitment of non-European Community foreign workers. But the realization that supposedly temporary foreign workers were settling and likely to be joined by their family members principally motivated the policy shift. Two or three decades earlier no one had foreseen that states like Switzerland and the Federal Republic of Germany would become de facto lands of immigration. It would take still another two or three decades for Germans to accept that Germany had indeed become a land of immigration. How had such disjunctures between perceptions and realities come about?

The guest-worker era eventually involved unilaterally all Western and Northern European

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states. But there was considerable variation in the timing of the onset of temporary foreign worker recruitment, the administrative modalities of recruitment and the size, origins and status of foreign labor populations subsequently engendered. Nearly two-thirds of the total admitted during the era went to France, the Federal Republic of Germany and Switzerland. For reasons of parsimony, only the major recruitment states will be considered below.

Policy formation and development: bilateral agreements in the interest of all parties

France and Switzerland began recruitment of foreign labor immediately after World War II while recruitment in the Federal Republic of Germany started a decade later. Each state established quite distinctive administrative structures and regulations but commonalities abounded. All would sign bilateral labor agreements to regulate foreign worker recruitment from nearby reservoirs.

The distinctiveness of France resided in tradition of encouraging migration for demographic reasons. Shortly after the war, influential demographers like Alfred Sauvy called for the admission of many millions of aliens to remedy the demographic insufficiencies that had been exacerbated by World War II. The tripartite coalition government quickly created the National Immigration Office (ONI) and granted it a legal monopoly over admission of aliens to French soil. The creation of

the ONI reflected an intent to improve upon the experience of the interwar period which was characterized by employer cartel predominance in recruitment of foreign labor and a perceived pattern of exploitation of foreign workers. The postwar era was to be different. The French state through the ONI would ensure that foreign worker admissions secured the interests of the French Republic, those of the governments in the lands of recruitment, notably Italy and the interests of the foreign workers themselves. They were to be protected from exploitation.

France quickly signed a bilateral agreement with Italy. But the ONI existed more on paper than in reality. Some French employers followed ONI procedures but many did not. Soon the French government saw a need to legalize unauthorized foreign workers, some of whom slipped across the French-Italian border over the mountains north of Nice. This established a precedent that undercut ONI regulations. The collapse of the tripartite government signaled a return to governmental indifference to illegal migration. Between 1945 and 1975, roughly two-thirds of foreigners admitted to France had their status legalized post-facto. Benign neglect perhaps best described governmental policy between 1948 and 1968.

The postwar Swiss temporary foreign labor policy involved mainly seasonal admissions which required foreign workers to return home each year. Foreign workers could be admitted during a period of economic expansion but they needed to be repatriated during periods of recession. No

one could imagine the thirty years of sustained capitalist growth that were to come.

Hence, Swiss employers began to recruit Italian workers in large numbers. A 1948 bilateral accord codified procedures which placed no overall limit on the total number of Italian workers recruited. Later Spanish, Portuguese and Yugoslav foreign workers would arrive.

As the number of alien workers admitted annually rose, so did concern over the status afforded to them. By 1970, foreigners would comprise roughly 30% of the total workforce. Seasonal workers would not be enumerated as part of the population of Switzerland but several hundred thousand were admitted yearly by the mid-1960s.

1964 marked a turning point. Several years earlier, the Italian government began to criticize the status afforded seasonal Italian workers. The Vatican and Italian Roman Catholic bishops complained that seasonal worker policy was negatively affecting family life and concern grew over children and spouses who illegally joined Italian seasonal workers in Switzerland. By tying the status afforded seasonal workers to Swiss-OECD negotiations, the Italian government was able to bring additional pressure to bear.

Secret bilateral negotiations resulted in revision of the bilateral agreement which allowed long-term seasonal workers to adjust their status to year-round residency. Other groups of seasonal workers also eventually would be able to do so as well. Swiss conservatives complained that the 1964 treaty threatened to transform Switzerland into a land of immigration

and began to collect signatures for a series of referenda against *Überfremdung*. By 1970, in part to weaken growing support for the referenda, the Swiss government placed an annual cap on seasonal foreign worker admissions. Thus begun a decades-long phase out of seasonal worker policy.

The immediate aftermath of World War II in occupied Germany witnessed mass arrival of ethnic German expellees and high unemployment. By 1955, however, wage inflation in the agricultural sector became a concern and the West German government authorized admission of ten thousand Italian seasonal workers. Eventually, a new term was coined for the rising number of foreign workers-guest-workers. And, by 1964, the one millionth foreign worker admitted, a Portuguese national, was awarded a motorbike amid considerable hoopla. Postwar German guest-worker policy was viewed as an ephemeral, adjunct labor politics, without major consequences for German politics, bilateral relations and society. It generally was viewed in a favorable light until roughly 1970.

The German administrative system for recruitment of guest-workers both resembled and differed from those established in France and Switzerland. In all three cases, bilateral agreements regulated recruitment. Under those agreements, Germany typically set up recruitment offices in partner states like Turkey and German Ministry of Labor and Social Affairs personnel oversaw the selection and examination of candidates who matched anonymous or nominative employer

requests for foreign labor. Swiss officials, by way of contrast processed employer-recruited foreign worker at Swiss borders. In the French case, workers from Algeria were recruited and processed through the Ministry of the Interior whereas other foreign workers were processed through the ONI, albeit usually not according to formal procedures. After 1948, agents of large French employers like Citroen were able to recruit on the spot and ONI would then process them in Morocco prior to departure for France.

The Franco-Algerian labor agreements fixed annual quotas for Algerian workers to be admitted to France and the Algerian government oversaw the selection of candidates. In the German case, there were no numerical quotas. Annual admissions of guest-workers rose steadily until 1967 when a brief recession resulted in several thousand of foreigners losing their jobs and their permits. This appeared to validate the assumption of temporariness of unilateral German guest-worker policy. By the early 1970s, there were two million foreign workers in Germany and almost two million dependants.

Policy reassessment: The recruitment curbs and stops of 1972 to 1975 and sequels

Sweden began a chain reaction of policy change in 1972 when it stopped further recruitment of foreign labor and soon declared and integration policy intended to facilitate the settlement of foreign workers and their family members in Sweden. Germany fol-

lowed suite in 1973 by declaring a recruitment stop followed by piecemeal creation of an integration policy.

A number of events and trends contributed to the German policy volte -face. The German decision roughly coincided with the 1973 War in the Middle East and many have speculated that the decision reflected German concern over rising oil prices and looming prospects for recession. But the recruitment stop had much more to do with German apprehension over growing integration problems and a perception that the government was losing control over international migration. Massive foreign worker participation in a wildcat strike at the Ford plant in Cologne shocked public opinion. Supposedly temporary foreign workers were receiving permits and increasingly were being joined by spouses and children.

In Bavaria, the conservative government of Franz Josef Strauss would try to enforce repatriation of guest-workers through administrative means of withdrawal of employment and residence authorization. Conservative efforts to induce repatriation were thwarted by German courts, as singular but generally unheralded triumph for German democracy. The courts decisions exposed the incompatibility of guest-worker policies with democratic norms. Legally admitted and employed foreign workers would be allowed to renew permits and would enjoy that human right to family life although German authorities only belatedly and grudgingly allowed family reunification.

The French government then declared a recruitment ban in 1974. Already in 1973, however, Algeria had unilaterally suspended further recruitment of Algerian workers for employment in France after a series of killings and bombings that targeted Arabs in Southern France. Neither the German recruitment stop or the 1974 French decision affected mobility of European Community workers. And the French decision also did not apply to seasonal foreign worker admissions although a decades-long phase-out of French seasonal worker policy began at this juncture.

The conservative governments under President Giscard d'Estaing would attempt to repatriate North African workers holding temporary employment and residency permits over the 1974 to 1981 period but would fail. Massive mobilizations in support of foreign workers contributed to this outcome as did the mediocre results of cash for voluntary repatriation policies. Somewhat surprisingly, legalizations of illegally resident and employed foreign workers continued apace despite the 1972 French governmental decision to end the routine practice of legalization. Here again, solidarity expressed by French trade unions, leftist parties and religious groups played a critical role in frustrating governmental wishes. The elections of 1981 brought the French left to power ending any lingering prospect for massive administratively – induced repatriation of temporary foreign workers. The Socialists too would offer cash for repatriation policies, albeit on more favorable terms to foreign

workers, but they too would have negligible results as would similar policies in Germany. The newly elected conservative government of Chancellor Kohl did succeed in repatriating 300,000 foreigners from Germany in 1982-1983, mainly Turks. But the policy was quickly terminated, as it proved very costly, and within the year the foreign population of Germany rose again as family reunifications continued and as alien couples gave birth to non-citizens on German soil.

In Switzerland, the *Überfremdung* movement continued throughout the 1970s forcing the Swiss government to stabilize the foreign population. More and more seasonal workers were able to transform their status to annual permits granting the renewable residency. Swiss authorities were able to not renew hundreds of thousands of seasonal permits during the 1973 to 1975 period.

By the late 1970s, a new referendum movement emerged, this one aimed at stabilization of seasonal worker status. As support for the movement grew, the Swiss government started to phase the annual admissions of temporary foreign workers out. Curiously German agricultural, hotel and restaurant employer associations would continue to extol the Swiss model in their advocacy for resumed foreign worker admissions in the 1980s.

By the 1980s, the assumptions underlying postwar guest-worker policies were generally viewed as unwarranted. Many foreign workers had settled contrary to expectations and were grudgingly extended the human right

of family life. Temporary foreign worker policies had frequently exacerbated rather than ameliorated bilateral relations as witnessed by Italo-Swiss tensions 1961 to 1964, Franco-Algerian tensions 1973 to 1981 and later German-Turkish tensions in the 1980s and 1990s when Turks in Germany became victims of political violence and when Kurdish revolt spilled over to the large Kurdish community in Germany.

European reappraisal of the wisdom of postwar temporary foreign worker policies appeared to foreclose any possibility for resumption of such policies in the future. But historical memory would be trumped by other concerns in the post-Cold War era.

Lessons from the post-Cold War admissions of temporary foreign workers Temporary foreign worker admissions to Spain: 1993–2000

The early admissions of temporary foreign workers to Spain were based on the Aliens Act of 1985. The Act was passed in anticipation of Spain's accession to the EC. It reflected the EC requirement that Spain better regulate immigration of the third country nationals (Cornelius, 1994, 35). Adjusting to the EC imperatives was not easy, particularly after the representatives of Spanish agriculture, tourism and construction sectors began to claim that native workers were no longer readily available and only foreigners could ensure these sectors' survival. Caught between opposing international and domestic

pressures, the Spanish government adopted what seemed to be the safest way out; an ad hoc policy of trail and error reminiscent of the Swiss quota system.

One of the main goals of the Spanish quota system was to ensure that employers of the "endangered" sectors could temporarily contract legal foreign workers without adding permanent settlers to the Spanish society. It was hoped that legal foreign workers would be better shielded from discrimination and exploitation and that the sending countries would benefit from remittances and skills that their workers would bring back at the end of their short stay abroad.

The administration of the Spanish quota system has been evolving ever since temporary admissions were implemented for the first time in 1993. The system authorizes the admission of approximately 10,000 guest-workers and 20,000 seasonal workers each year. Guest-workers can stay for up to one year and seasonal workers for up to nine months. They are admitted following either nominative or anonymous employer requests.

Between 1993 and 2000, the quota system was an informal arrangement practically excluding the participation of the countries of origin. The emphasis was placed on the admission of temporary foreign labor that could respond flexibly to Spanish labor market needs. The attempts to foster truly bilateral cooperation with the countries of origin did not come until bilateral relations started to deteriorate in 2000.

In 2000 Spain elaborated a complex system putatively enabling the government to verify and certify employer requests for foreign workers and to redistribute work and residence permits between sectors and provinces. Nevertheless, the administration of quotas turned out as difficult to implement in Spain as it had been in Switzerland, France and Germany. The Spanish government found it difficult to completely satisfy increasing employer demands. Preoccupation with labor market rather than bilateral cooperation aspects aggravated relations with the principal countries of origin (especially Morocco) which found themselves unable to ensure that their workers would enjoy decent living and working conditions.

The difficulties associated with the administration of temporary foreign worker admissions appeared immediately. The very first, 1993 quota attracted fewer workers and into different sectors of economy than had been initially expected.¹ Even though only 5,220 visas were used, 19,253 individuals attempted to enter Spain illegally, mostly trafficked on patera boats across the Straits of Gibraltar. This paradox brings to memory the lessons from the postwar US-Mexican Bracero period. The apprehensions of Mexicans unauthorized to stay and work in the US were higher in the late 1950s than before Bracero programs began in 1942. Over the 22 years of Mexico-US Bracero programs, there were more apprehensions, 4.9 million, than Bracero worker admissions, 4.6 million. (Abella, et al., 2005, 83). Observers of global

migration flows believe that illegal migration flows have been gaining in importance vis-à-vis legal migration flows. (Ruhs, 2004, 21).

In an attempt to avoid administrative difficulties revealed by the 1993 quota admissions, in 1994 the Spanish government decided to expand quota eligibility to those foreign workers who were already residing in Spain but who did not have a valid work permit. Thus, since 1994, the "pure" quota system became a backdoor to legalization policy (IOÉ, 1999, 83). Consequently, the number of work authorization requests rose sharply (from 5,220 in 1993 to 36,725 in 1994). Although the Spanish government had foreseen only 20,600 admissions in 1994, the final number of granted permits was expanded to 22,511 (Izquierdo, 1996, 94).

In 1995 the Spanish government authorized the third admission of temporary foreign workers. The number of work permit requests reached 37,206. However, the 1995 quota admitted only 19,953 foreign workers and left 17,253 in the limbo of illegality (López, 2001, 115).

The rapid accumulation of illegal workers prompted Spanish government to substitute a legalization policy for the quota admissions in 1996. But since only 20,000 out of 25,132 candidates met legalization criteria 5,132 new persons were left in the limbo of illegality.

The steadily rising number of employment permit requests, either through quota or legalizations, suggests that once the quota system became the backdoor to legalization, it started to produce

a "magnet effect". Prospective workers learned that after arriving in Spain they could try to legalize their status participating in one of the annual quota admissions. Illegal entry to Spain became possible due to the dynamically developing trafficking compounded by rapidly expanding illegal employment in small-scale agriculture, tourism and construction companies. The transformation of the quota system into the backdoor to legalization had a significant impact on the crystallization of illegal channels of entry, employers production decisions and foreign citizens' decision to migrate to Spain.

In 1997 Spanish government attempted to decrease the quota ceiling to 15,000. But, the number of employer requests for work permits reached 67,000, about the double of the number of those who applied in the preceding quota. The government ceded to pressures and finally admitted 24,585 workers. Opposing the pressures and decreasing the quota ceiling in the next two years continued to be difficult; in 1998 Spanish government had to issue 28,095 (López, 2001, 115) and in 1999 – 39,879 work permits (MTAS, 2002, 293). These numbers suggest that the channels for the admission of foreign workers are easier to open than to close. Once the Spanish government began the quota admissions, employers, migrant workers and human traffickers started to depend on them. For instance, in recent years, Almerian tomato and paprika farmers expanded greenhouse production, even though (or because) native workers would rather stay unemployed rather than work long hours in hothouse con-

ditions. The demand for labor was soon satisfied by Moroccans, who lacked any employment opportunities at home, and thus quickly became dependent on these unenviable jobs. Since the admissions through the quota system were too small to provide Spanish employers with sufficient labor supply (to say nothing about reducing poverty abroad), human smugglers started to depend on the traffic of those prospective workers who could not participate in the quota system.

By the end of 2000, it became apparent that the main objective of the quota system -importing temporary workers but not permanent settlers - was very difficult to achieve. The number of pateras intercepted rose to 780 and the number of clandestine migrants on board to 14 893 (López, 2001, 129). Even though Spain strengthened border controls against patera traffickers, the traffickers across the Straits, like coyotes on the US-Mexican border, were able to circumvent enforcement by choosing longer and more perilous routes. The attempt to convert illegal flows into legal flows failed because the TFW policies neither served the long term interests of workers nor employers. To certain extent, these policies facilitated illegal flows since they provided an opportunity for the employer and worker to prepare for later illegal migration and employment. In Spain, like in the U.S., former temporary workers often became employers' foremen and recruiters in their places of origin. Employer associations lobbied for the expansion of temporary worker schemes, but in order to benefit

from them, they needed to wrest as much control away from the government as it was possible. This is why pressures for the admission of new workers kept growing and the programs that initially affected few provinces and sectors expanded to the entire country and many new sectors.

As the administration of quotas became more complex, and employers were given more autonomy, the legal status of both legal and irregular workers worsened. In principle, legal migrant workers in Spain are protected by minimum wage and other laws, accrue social security and retirement benefits, and earn vacation benefits. Spanish employers are also obligated to provide transportation and adequate working and living conditions. Nevertheless, forced to compete with cheaper, more flexible and docile irregular workers, legal workers have no choice but forgo some of their rights. Furthermore, the nature of their jobs, geographic isolation and migrants linguistic problems often contribute to the deterioration of rights promised in contracts. For instance, the difficulty of inspections in private houses make it practically impossible to monitor the observance of rights in domestic services; Polish truck drivers in Spain complained about contract substitution and late wage payments; and agricultural workers complained about lack of water and unreasonable work expectations on the distant fields and in remote greenhouses. The post-Cold War generation of temporary foreign worker admissions just like its postwar predecessor tends to channel foreign workers

into the 3 D (dirty, dull, dangerous) jobs. However, the post Cold War concentration of job offers in the small companies (and even in the hands of individual families as it is the case with domestic services) makes the monitoring of migrants' living and working and conditions extremely difficult.

Temporary foreign worker admissions to Spain: 2001-2004

Given the accumulation of irregular workers, the deterioration of their living and working conditions and the pressures of some countries of origin, in 2000 the Spanish government authorized legalization. One year later, following a car accident in La Lorca in which twelve Ecuadorian workers died, the Spanish government authorized one more legalization. However, based on the Aliens Act of 2000, legalizations were supposed to be discontinued after 2001 and the prospective quota workers would have to apply for the admission directly from their countries of origin. The Act reflected Spain's desperate effort to enforce the failed rotation principle, since it aimed to encourage the departure of hundreds of thousands of illegal workers who had accumulated in Spain during the period of nominally temporary foreign worker admissions.

The Act precipitated an unprecedented wave of protests, demonstrations, hunger walks, sit in strikes and petitions which united various civil society groups to call for the extension of migrants' rights. Among migrant allies were

individual citizens, trade unions; left wing parties, migrant, religious, and human rights organizations; and epistemic communities. Even though some became more directly involved than others, their involvement in the common cause demonstrated the emergence of a civil society network supporting migrants.

The post-2001 events were not unique. They were the continuation of civil society dissatisfaction with the unexpected outcomes of the TFW policies which started in the mid 1990s when the images of the first cadavers washed upon the shore after unsuccessful attempts to cross the Straits of Gibraltar prompted debates on migration to Spain. These debates continued in 1997 when a Dominican woman was killed in Madrid and in 1999 when social tensions erupted in Terrasa, a working class neighborhood outside of Barcelona. In 2000, week-long violence took place between migrant workers and Spanish citizens in the agricultural town of El Ejido. The incident broke the silence regarding migrants' deteriorating living and working conditions and sparked scientific and public debate on racism and xenophobia. The frustration experienced by major countries of origin seeking to ensure the amelioration of rights of their citizens abroad, caused them to also become part of the emerging migrant network.

After long years of unilateral recruitment eight of the main countries of origin managed to convince Spain to sign bilateral labor agreements. Whether these agreements will lead to significantly better treatment of migrant

workers than under the unilateral labor recruitment schemes remains to be seen.

Conclusion

Based on what could be judged from a decade long admission of temporary foreign workers to Spain, the post-Cold War generation of TFW policies has followed a pattern eerily reminiscent if this from the postwar era. In both cases the policies proved difficult to administer, resulted in significant migrants settlement and strained bilateral relations between the host countries and the countries of origin. While TFW policies were initiated with little public debate, they quickly became an important social issue transforming host societies more than it had been ever expected.

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(Footnotes)

¹ The 1993 quota attracted only 5,220 foreign workers, 72% of whom requested to work in domestic services and only 1.6% in agriculture and construction (Izquierdo, A., 1996, p. 94).

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