

THE GOVERNANCE OF IMMIGRATION AND INTEGRATION

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Introduction

This paper deals with the question of immigration and integration in Europe through the study of the French and British cases. However, the issues developed here are equally salient in the rest of the world. The globalisation process and its concomitant structural adjustments have exacerbated political and economic crises in the developing world. On one hand it has generated enhanced movements of economic migrants and refugees in Africa, the Middle-East, Asia and Latin America. On the other hand it has meant the further deterioration of conditions of life for migrants in their reception country in those regions: as a consequence migrants often work on the margin of legality without any kind of protection and social rights (Patarra, forthcoming). As for refugees they face the closing of borders and hostile protectionism on the part of reception societies in the less developed countries of the world as a result of a global convergence towards restrictive asylum regimes led by industrialised countries. The latter impose a comprehensive approach aiming to maintain refugees *in situ* or as close as possible to their location of origin; they also spread a culture of non-entrée and non-integration for refugees world-wide.

1. Post WW II period: laissez faire regime

The victory of democratic forces and the building of the Welfare State provide the backdrop to the arrival of large numbers of immigrants in Europe after WW II: social democracy and communism prevailed in Europe while it was entering a period of reconstruction. Economic

expansion and population deficit created an acute shortage of labour force especially in undesirable areas of employment. For Britain and France it coincided with the decolonisation of their large empire and the setting up of privileged links with former colonies: the British Commonwealth acquired new members such as India, Jamaica and others while the Union Française and the Communauté formalised the relationship of decolonising nations with France.

This conjuncture led to the importation of immigrant workers from colonies and Southern Europe/poorer European countries to meet the needs of the economy. This was done through an open immigration policy devoid of any state planning. Recruitment was carried out by institutions and private companies from reception societies; another route was that of spontaneous and unorganised arrivals thereafter regularised.

Neither the reception society nor the migrants themselves at this stage conceived this phenomenon as a migration of settlement: it was viewed as temporary labour migration. The word used in Germany 'Gast Arbeiter' expresses the conceptualisation of immigrants in France and Britain in the very initial stages. There was an underpinning assumption that immigrants did not stay or just assimilated of their own accord so that in practice the institutions of reception societies did not extend any effort to integrate them. Immigrants fared for themselves and remained marginalised while an anarchistic installation took place in bidonvilles, hostels and derelict areas of the inner cities (UK), or *banlieues* (France) (de Rudder, 1989). These groups occupied the lower echelons of the labour market and were disadvantaged in their access to resources (employment, housing, health, education) which led to the coining of the phrase 'underclass' by social scientists (Rex and Moore, 1967).

It is worth noting one British peculiarity and an exception in Europe: Commonwealth immigrants became British citizens on arrival as a consequence of the 1948 Nationality Act which derived from a nostalgic conception of the Empire. This did not mean that the movement was construed as a migration of settlement but it had a strong impact on the evolution of the migrants' situation. This partly explains why in Britain immigration rapidly became a political rather than a purely economic issue as in France in the first decade. This also increased the immigrants' capacity to negotiate their position within society through the political process. However at that stage, the migrants themselves were oriented towards the country of origin and planned to return. The metamorphoses of Nationality Laws in France mean that immigrants acquired the rights of citizens at a later stage. In

Britain one notes harbingers of two major trends in the 60s: social programmes on the one hand and 'racial' limitations to immigration (through the voucher system) on the other hand. France was in the throes of the Algerian war of independence (after its defeat in Indochina) and subsequently undertook a housing programme for immigrants.

Asylum became regulated by the 1951 Geneva Convention and the United Nations High Commissioner for Refugees. An international consensus among Western countries arose as a result of several factors: the presence of one million displaced persons/refugees in Europe at the end of WW II; the guilt engendered by the million of victims of fascist regimes who could not escape because of closed borders; the Cold War which generated dissidents to be welcomed by 'the West'. Refugees became a structural phenomenon and the High Commissioner for Refugees whose post was initially created for 3 years became a long-term position. Historical limitations to the Geneva Convention were removed by the New York (Bellagio) Protocol in 1967 and the geographical limitation can also be lifted. Moreover the number of refugees remained small partly because many came through the open labour immigration channel.

What prevailed was a broadly liberal regime of access and integration (Joly, 1996). The universal and selective criteria of the Convention were concomitant with free access to country and procedure. A high rate of recognition under the Geneva Convention was paired with social rights on a par with nationals and permanent stay in the country of reception. Unlike labour migrants refugees were from the time of their arrival considered as long-term residents to be integrated into reception societies by the latter. Nevertheless a proportion of the refugees themselves only envisaged return as a long-term project.

What can be learned from that period is that a good proportion of 'temporary' workers stay on however much intentions, measures and expectations may indicate the opposite either on the part of reception societies or the migrants themselves. One conclusion to be drawn is that an appropriate reception and settlement programme is necessary from the beginning.

2. Controlled and convergent regime

The 70s brought a brutal end to the liberal immigration policy described above. The oil crisis, the economic recession and rising unemployment brought about the closing of doors to immigrants (with the exception of asylum and family reunion) and in France the promotion of

return. The termination of free going and froing between countries of origin and reception accelerated the reunion of families and the consolidation of immigrants' settlement. One significant development throughout that period is the constitution of immigrants as social actors.

Where the state is concerned in both France and Britain immigration restrictions were coupled with an integration programme. This was explicitly stated in Britain by Roy Jenkins in 1966 (Rex and Tomlinson, 1979, p. 41) and introduced in France de facto (Frybes, 1992, p. 88). The approach adopted was that of policies aiming to redress social disadvantage. According to John Rex it was a case of attempting to deal with racial injustice and inequality 'by stealth' for fear of a 'white' backlash (Rex, 1988, p. 15). In the UK the 1968 Urban Programme and the 1977 Inner City Policy illustrate measures to deal with deprivation in areas mostly inhabited by immigrant minorities. In France the state undertook a housing programme addressing a specific issue pertaining to immigrant workers with the Société Nationale de Construction pour les Travailleurs Algériens (Sonacotra) and a social programme under the auspices of the Fonds d'Action Sociale (FAS) (Frybes, 1992).

In contrast with France where the inheritance of the Jacobin Republic precluded the specific recognition of minorities, Britain developed a race relations paradigm with a subsequent focus on ethnic communities. This was formulated through both immigration and integration policies. Racially based immigration regulations which introduced vouchers in 1962, 1964, 1965 were formalised with the notion of Patriality included in the 1968 New Commonwealth and Immigration Act, and the 1981 Nationality Act (enforced in 1983). Immigration restrictions ran parallel to increasingly strengthened anti-discrimination legislation: the 1965, 1968 and 1976 Race Relations Acts; the creation of the Commission for Racial Equality (1976). An array of specific policies addressing ethnic minorities aimed to redress racial disadvantage, with measures designed to promote equal opportunity, recognise difference and curb discrimination. Although policies emanated centrally, local authorities were devolved the main responsibility to implement them. Section 11 of the Local Government Act changed character: from general subsidies to municipalities which housed a good number of immigrants from the Commonwealth, funding targeted ethnic minority needs such as additional posts in schools for English support or the teaching of community languages. In the 80s local authorities began to act upon Article 71 of the 1976 Race Relations Act which requested them to take on board the question of equal opportunities but had

remained a dead letter until then. High profile reports resulting from national enquiries reinforced this paradigm particularly with regard to education and the police: the Rampton Report in 1978, the Swann Report in 1985 'Education for All', the Scarman Report on the Brixton Disorders in 1981, the Macdonald Report 'Murder in the Playground' in 1988, the Mac Pherson report, the Stephen Lawrence Inquiry in 1999.

The immigrants/ethnic minorities are the main motor of changes in policies noted above. The ethnic minorities have constituted a network of extended families, institutions and communities. They have mobilised through their associations and their participation in the political process. In the UK where they were granted civil and political rights on arrival they have worked through electoral mechanisms; they are relatively more active in elections than the white population and their geographical concentration awards them considerable political clout locally. They have intensely interacted with local authorities mustering now more than 300 councillors. The UK was also the theatre of grave urban riots which hit the inner cities of its main towns (1980, 1981, 1985) as a result of youth pent-up expectations and frustrations; these events cast fear through the establishment and precipitated enhanced initiatives addressing ethnic minorities. They were directly responsible for the frantic interest demonstrated by local authorities at that point (Joly, 1995).

In France smaller scale riots took place in the 80s while youths of immigrant origin organised *La Marche des Beurs* which gathered much support and a high profile. Immigrants associations flourished after the 1981 election of a Socialist government which granted the freedom of association to foreign nationals (de Wenden, 1988). *SOS Racisme* and *France Plus* campaigned against the Front National and against racism, demanding equality. The weaker involvement of immigrants in France was linked to their reduced political rights and to the degree of centralisation which limits local government initiatives. Moreover Republican ideology and the notion of social contract between the citizen and the state made it almost inconceivable for the government to adopt a declared policy singling out populations of immigrant origin: recognising any minority group would have been considered as anathema (Bertossi, 2001). As a consequence national policies remained at the level of general social policies. However, pressure was brought to bear on France to act on the question of discrimination from below (ethnic minority protest) and from above (European Union directives). Anti-discrimination was thus given some attention by the state on a national level (the setting up

of the GELDE and the No 114) while pragmatic local arrangements sometimes began to take into account immigrants' associations.

Immigration and asylum regimes display a discrepancy in the 70s and early 80s as the former mostly derived from domestic concerns while the latter was still informed by international relations and an ethical/ideological consensus of liberalism. Asylum policies thus continued for a time as in the post-WW II situation. Refugees were generally construed positively and benefited from integration programmes. Their settlement often bears witness to the significance of reception society's approach to the refugees: positive experiences tended to result from a positive imaginaire concomitant with constructive and appropriate policies on the part of reception societies (Joly, 1996). The late 80s witnessed a convergence between asylum and immigration regimes, with the development of an increasingly non-integrative and restrictive asylum policy. This will be examined in greater detail in the next section.

The immigration/integration regimes in France and Britain are also informed by the European Union agenda. The latter in turn derives from tugs of war between the various institutions of the European Union (European Parliament, European Commission, Council of Ministers) and among the different member states. While this is not the place to elaborate on their interaction, one can note emergent *lignes de force*. A growing concern for the treatment of ethnic minorities settled on European territory promotes anti-discrimination, equal opportunities and diversity (religious criterion included) as displayed in the Amsterdam Treaty (Article 13) and a number of directives. Equally, perhaps more prominent is the question of border control which has led to the coining of the phrase, 'Fortress Europe'; it is implemented through many conventions, treaties and directives together with 'soft law'.

3. *The schizophrenic regime*

A new regime is being forged which does not make immediate sense to untrained observers. It is fraught with apparent contradictions between the objective needs and the perceived needs in various domains of our societies. Several factors must be taken into account to understand the regime for immigrants and refugees. Different groups of social actors contend to pursue their interests within the constraints of established structural and cultural properties as defined above (Archer, 1995). It is within this context that they must interact with changing economic and ideological developments at national, European and international level.

The face of Europe has been modified with the settlement of immigrant populations who challenge a myth of homogeneous national identity in France and Britain which do not perceive themselves as countries of immigration. Moreover a large proportion of those groups is situated in the lower echelons of society. While migrants of the first generation are often prepared to accept lower wages and difficult working conditions because they derive their status from the country of origin, young people born and brought up on European soil tend to formulate aspirations on a par with those of European origin and resent the discrimination they suffer. Measures and promises promoting equal opportunities have sharpened expectations while discrimination continues; greater frustration is bound to develop among young people of ethnic minority background as happened in the 80s. This situation creates potential for social unrest particularly among ethnic minority youths. The mobilisation of ethnic minorities in alliance with organised sectors of society and some strands in the political spectrum has led to the introduction of anti-discrimination policies in France and Britain. Those will need to be kept up to conform with the Treaty of Amsterdam which has given pride of place to anti-discrimination through its Article 13 and in the UK with the Amendment to the 1976 Race Relations Act (in 2000). The discourse of a diversity policy is manifest at the level of the European Union and in Britain although France is still recalcitrant about it for reasons explained above. Whether such policies will be able to deliver on substantial improvements for ethnic minorities is still to be seen. This conjuncture provides the backdrop to developments which affect the question of migrants.

One important feature of the current situation is the dramatic demographic curve in industrialised countries: the ageing of the population is not counterbalanced by a sufficient production of young people (UNDP, 2000). At the same time the dominant neo-liberal economic project has a direct impact on migration world-wide. The dislocation of societies it produces in the developing world coupled with the need for a flexible labour force its model generates in industrialised countries entail increased migration movements. The fact is that all manners of migrants are needed in large numbers, skilled and unskilled, to sustain the economies of industrialised countries; moreover it is clear that their contribution is necessary to provide pensions for the existing population. Given the stringent immigration policies in place, this gives rise *inter alia* to a flow of irregular migration.

Governments have now realised that they must import large amounts of foreign labour force to support their economy and are thus seeking a for-

mula which allows to meet this demand. However they are not in a position to adopt a laissez-faire regime as obtained after WW II for several reasons. Immigration has become a sensitive electoral issue and all the parties have competed in a bid for the most stringent entry policies during the best part of two decades; they have succeeded in establishing an anti-immigrant anti-refugee cultural emergent property. Consequently it is not so easy for politicians jealous of their position at the helm to declare that they were mistaken and that the truth is the opposite of what they said previously: i.e. in reality immigrants are desperately needed and are a good thing for the country. Governments' predicament is compounded by the phantom of a threat to culture and identity through the presence of an established ethnic minority population, particularly embodied in the Muslim religion. A kind of moral panic strikes through the ranks.

The situation is even more unfavourable to refugees. The demise of the Welfare State has been accompanied by a loss of solidarity values which in the post-WW II world were developed in house and extended to refugees. A new form of welfare state nationalism is spreading in some European countries; it is perceived that fragile welfare benefits could be jeopardised by the additional burden refugees are deemed to represent. The end of the Cold War deprived many refugees of their ideological value whereby the West intended to discredit communist regimes through welcoming its opponents and in addition hoped to gain a *bona fide* liberal image through its refugee policies. This was added to the growing numbers of refugees and the Single European Act (designing a European Union without internal borders) so that it led to an increasingly restrictive regime. What is at stake is the control of sovereignty since signatories to the Geneva Convention cannot impose a *numerus clausus* of refugees on their territory or select which refugees they would prefer to have: only the merit of each individual case is supposed to inform a decision to grant refugee status (Joly, 1999). The image of refugees has become tarnished in the politicians' discourse, the media and public opinion. They are perceived as fraudulent scroungers who both steal our jobs and milk our welfare. The 11 September 2001 events have brandished the dreaded spectre of Islam now associated with terrorism in Western minds. This has added the accusation of 'terrorist' appended to 'refugee'. The US global hegemony and its anti-terrorist/Muslim campaign have constructed a new set of international factors unfavourable to refugees and immigrants. Domestic factors do not compensate for this because of a sentiment of insecurity and individualism caused by the challenges confronting our societies. The

treatment of immigrants and particularly asylum-seekers now borders on the fringe of international illegality and surely flouts ethical and human rights concerns.

The conundrum created by the contradiction between an acute economic need for a foreign labour force and aspirations for an homogeneous national identity has led to an arsenal of seemingly incoherent policies. To quote only one example, it defies the mind to fathom why Britain makes a great deal of efforts to recruit skilled personnel in the developing world while seeking every measure in the book to stop highly skilled asylum-seekers from entering the country. As a matter of fact, it is paradoxically because European countries are opening the doors to labour migration that they must demonstrate toughness on asylum-seekers and irregular migration. This is also the reason why a *laissez-faire* policy is out of the question. Governments have to satisfy their electorate that they are not embarking on a u-turn in policies and that they keep the whole phenomenon under control. In the first place, much of immigrant labour importation is kept quiet; they are almost introduced by stealth. For instance no leading government figure boasts that 200.000 work permits per year are delivered in the UK while alarming fuss is made of the 'excessive' 100.000 asylum-seekers. Secondly many resounding declarations affirm the decision to crack down on asylum-seekers and irregular migrants. Those provoke much unease on the part of governments because they cannot control asylum-seekers or irregular migrants' arrival and must expressly go to great lengths to demonstrate that they do precisely that.

There is an intimate link between immigration policies and reception/integration policies. This reluctant but necessary import of immigrant labour is matched by a double act where integration is concerned. On the one hand, it is made clear in discourse and policies that new migrants are coming only temporarily. A kind of guest workers policy is re-introduced with the assumption that these workers will return home after a while. This approach is paralleled in the field of asylum by the recently established status of temporary protection initially implemented for refugees from former Yugoslavia (1992). A non-integration regime holds sway: asylum-seekers are marginalised; both immigrant labour and refugees are awarded inferior residence statuses and enjoy reduced social rights. On the other hand renewed emphasis is placed on measures designed to ensure the allegiance of refugees and labour migrants: citizenship tests and community cohesion measures (UK), *pacte d'intégration* (France) etc. This approach ricochets on settled ethnic minorities. A

return to some form of implicit assimilationism, and debates on potentially 'unassimilable' cultures and religions question minorities' loyalty to the reception state. Much confusion occurs since many of those concerned are not immigrants at all but nationals of France and Britain where they were born and brought up. An amalgam is operated in the discourse of politicians between immigration and security, between newly arrived migrants and French/British youth of immigrant origin, which is then translated into policies. Throughout the dominant discourse terrorism is the prerogative of asylum-seekers while delinquency is the preserve of ethnic minority youth. This was a central theme to the French presidential election campaign and led not only to untold scores for the FN candidate but also to the creation of a Ministry for Security (Ministère de l'Intérieur, de la Sécurité Intérieure et des Libertés Locales) by president Chirac. In the UK the Conservative opposition proposes the detention of all asylum-seekers while the Labour *Home Secretary* requests that Asians should speak only English at home.

In France the majority of ethnic minority youth come from Muslim cultures and in the UK those who hit the headlines through riots in the North of England in 2001 also have a Muslim background. Their salience is compounded by the 11 September events and campaigns against international terrorism identified as Al Qaida networks. A Muslim paradigm is taking shape in France and Britain according to which the actors concerned stress the Muslim character of those populations. In France the Conseil du Culte Musulman was set up in February 2003 with government support to become its privileged interlocutor representing Muslims, whereas a harder line is adopted vis-à-vis the youth of the *banlieues*. In Britain where Muslims have to an extent made a place for themselves in society a hostile backlash could encourage an attitude of enclosure among their communities. In both countries Muslims demand greater recognition and facilities (Joly, forthcoming).

The prevalent message imparted by the body politic and the media promotes the control of immigration and conveys a negative image of ethnic minorities; this takes place against the backdrop of migrants' arrivals in large numbers for a certain period of time. The contradiction between discourse and reality is pregnant with serious social and political problems: it feeds the propaganda machine of extreme right-wing parties undoubtedly enhancing their popularity; it could engender a backlash from white populations and runs the risk of causing serious social cleavages, fractures and possibly further riots.

What is to be done

There are no easy answers to the immigration/integration dilemmas facing our societies. The matter is urgent and needs careful attention. In the first place it is essential that anti-immigrant propaganda and all elements which feed it should cease. Courage and transparency from governments and politicians is on the order of the day. If as seems beyond doubt, immigrants are to be brought in, a fully-fledged, detailed and clear immigration policy must be spelt out and explained publicly. A planned and organised policy is required accompanied by a positive discourse. None of this is in evidence so far; on the contrary the hysteria triggered off in public opinion by declarations and measures designed to keep out asylum-seekers obtain the opposite. Further speeches against international terrorism probably designed to justify a war against Iraq laid settled Muslim populations open to enhanced prejudice. Immigration policy also needs to be paired with well-thought out reception policies. The scenario of limited stay for labour migrants and refugees is a fallacy. All the history of migrations demonstrates that a good proportion of temporary stays invariably turn into permanent stay. This adage was verified again in the post-WW II period. Armed with this knowledge, governments have to adopt a long-term vision and propose conditions of settlements which will promote the best conditions for both the society of reception and the migrants enabling them to do good for themselves and contribute optimally to society. This means the end of deterrence measures and marginalisation for asylum-seekers and the awarding of full social rights and long-term residence permits to labour migrants. Above all the negative image perpetuated about asylum-seekers has to be reversed as it has already led to levels of violence which democratic societies cannot countenance: a young Kurd knifed to death on an estate in Scotland and two persons dying in the hands of the police while being deported from France.

In the meantime appropriate policies regarding established minorities must be pursued informed by what can be learned from experience. Anti-discrimination and equal opportunities policies have to become effective rather than virtual lest they arouse greater discontent. It necessarily means addressing both racial and social disadvantage and one has to combine general social policies with specific policies directed at minorities. The problem is that this raises general societal issues pertaining to class and deprivation. The state must be particularly careful to develop, at the same time, programmes for autochthonous white populations which share the

same social handicap; otherwise a backlash of hostility and prejudice motivated by relative deprivation will be instigated. It has been shown also that local and national policies are best put in place together: the two are necessary. National legislation and policies enforce country-wide implementation while local policies ensure greater capacity of involvement on the part of minorities: their initiatives and participation in the process are central to a successful outcome (Lapeyronnie, 1993). Young people merit particular attention and a sensitive approach is called for to restore their hope in the future and their confidence in a life project. Research indicates that young people of ethnic minority origin are often better equipped than white youths of the same socio-economic background: through their transnational family and community networks, through their potentially greater sense of identity, through their sharper analytical capacity (Wieviorka 1999; Joly, 2001). They should be given the opportunity to deploy those resources.

Whether new migrants or established minorities are concerned, it is not a declaration of allegiance or mastery of the national language which will ensure the loyalty so desired by governments but the stake they have in their society of residence.

Finally the debate on assimilation versus multiculturalism deserves a few comments. It is frequently perceived, primarily in France that permanent settlement entails assimilation while the maintenance of homeland culture signifies temporary stay and return. It is assumed that equality and difference are exclusive of each other and that the creation of ethnic communities is a sure sign of non-engagement with wider society. This dichotomy must be exploded. Whereas in some cases segregation paired with inequality and poverty may lead some form of ghettoisation (Oldham and Burnley in the UK), the constitution of ethnic communities and associations more often demonstrates integration and active participation in societal institutions (Joly, 1995; Rex and Drury, 1994). In this way minorities evidence a desire to make a place for themselves as individuals and as collectives in the fabric of national societies. Meanwhile, France has not resolved the contradiction between on one hand, the myth of the universal citizen equal in rights paired with the non-recognition of minority groups and on the other hand the reality of 'unequal' citizens resulting from discrimination and prejudice against ethnic minorities (Bertossi, 2002). This goes against the grain of general trends which point to an ethnicisation world-wide and in Europe. The most desirable formula is undoubtedly that of both equality and difference but it cannot be achieved without a concerted effort.

Conclusion

The face of Europe is undergoing striking transformation derived from diverse sources: the presence of substantial ethnic minority populations, the acceleration of European integration, the globalisation process generated by the neo-liberal economic project and its cortege of privatisations. We are coming to a cross-road: the continuation of current policies promises social fractures and instability not to mention ethical and human rights questioning whilst an appropriate and transparent policy could help reception societies and population of migrant origin to reap great benefits. While drawing on a good deal of research which cannot be developed here this chapter has merely summarised the main issues pertaining to governance of immigration and integration. It endeavours to present the challenges facing contemporary societies and the risks incurred; it will hopefully be a useful tool for our debate.

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