

# [Is there a common migratory policy in the eu?](https://assignbuster.com/is-there-a-common-migratory-policy-in-the-eu/)

The European Union is the composition of both political and economic integration, comprising of 28 member states spanning across Europe housing over 700 million people. The Union boasts an exemplary model of integration with the establishment of a single market, a customs union, single currency, free trade area, common passport and exhibits a common foreign policy all through a legally established common institution. Politics and economics have been the forefront of the regional relationship amongst Europeans having been able to set historical aside differences between powers like Germany and France dating back to the war of 1870, and the onset of both the First and Second World Wars. By setting indifference aside and the member states saw much greaterneed for integrationamongst the region and placed common interest above domestic affairs. The greatest asset of the European Union is not just the ability to integrate law, norms and aligned view to channel political will but also the ability to integrate people; the capability for people of different individual sovereign states to relinquish their nationalist interest for a shared sovereignty for the benefit of the collective. Civilians of the European Union represents the regions’ greatest asset in development and integration, one that inspires collective regionalism in the East like ASEAN as well as Africa with the African Union, although both don’t measure up to the success of the EU. On the other hand, human capital does pose as a struggle for a successful integration and its development for the future when faced with movement of the masses and the policies that surround it. In this endeavor, we examine existing policies and debated issues that surround the movement of this great asset to the EU in terms of security, challenges as well as responding to crisis. The issue is of immigration and migratory policies in the European Union that affects not just the members in the EU but neighboring regions and countries as well, especially those that wish to interact with the Union. Migratory policies of the EU are the capability in managing people within the region and even with a common passport, an overarching common foreign policy, does the Union exhibit a common migratory policy for its civilians? The European Union doesn’t possess a single Common Migratory Policy but rather a mixed approach exhibiting attributes and elements housing a foundation for a common agreement amongst the Union members. The European concern is the necessity in the desire to coordinate national policies to strengthen a common European response to migration and its policies, but warranting no overall migration policy and instead a strong focus on security.[1]With an exploration into the history of the integration, the existing policies that surround the issue of migration, challenges and struggles that poses as threats for the future of the Union, and potential improvements to the status quo of policies, the mixed approach of an EU migration policy without a definite Single Common Migratory Policy reveals itself.

The common migratory policies or attributes of a mixed approach that exist within the EU is the allowance of citizens from countries outside the European Union or Non-EU migrants to work or study in an EU country under conditions and certain occupations. Immigrants of both EU and Non-EU countries split into a few categories; the economic refugees, that account for 1. 372 million as of 2013, ofhighly skilled workerslooking for jobs or studying in their respective fields, immigrants of working class, EU migrants, Ethnic minorities, second and third generation migrants deemed as ‘ foreigners’. The last category that has sparked controversial issues across Europe are asylum seekers and refugees, which as of 2015 have reached 1. 2 million from 250, 000 in 2005[2], which diverges into seeking refuge from armed conflict, and security threat. The controversial and sensitive issue of EU immigration surrounds that of Syrian Refugees and Turkish EU membership. Non-EU immigrants account for 4% of the population numbering 19 million Non-EU nationals, the miniscule percentage of migrants are usually from Turkey, China, India and Morocco seeking asylum with the desired place of migration into Germany, the United Kingdom France and Italy. The EU legislation on Non-EU migrations are pronged into two categories; high-skilled workers and immigrants. Highly-qualified workers, researchers, and students with the additional perk to this policy is that citizens of countries outside the EU are legally able to stay and work in an EU country. The EU legislation on Non-EU migrants offer European Blue Card[3]which offer work permits to the highly qualified professionals up to a one-year contract, alongside this category of Highly Skilled Workers under the 2005/71/EC Directive on Scientific Researchers is the allowance of researchers, students and interns to stay and continue their study for up to nine months. Juxtaposed to the Highly Skilled Workers are the Immigrants, the EU Legislation under the 2004/38/EC Director on freedom of movement enables the ability for Non-EU migrants to bring their family to live with them and eventually become long-term residents. This policy is opportune to those who wish to work in an EU country when their home country is faced with political turmoil or reasons that make employment difficult. The second Directive of 2003/109/EC on long term residents is the offer for Non-EU migrants who have resided in a EU country for up to five years to exercise the same rights as EU citizens. These existing policies and directives for Non-EU migrants within the EU-legislation speaks volumes to the concerns that European Union have for migrants and the potential they pose for the Union. In December 2011, the Single Permit Directive was adopted introducing a work permit for all non-EU citizens. This work permit simplifies migrant’s routines in life when applying for residence and work in the European Union. It also provides an equal distribution of rights amongst Non-EU citizens that parallel those of EU citizenship, this process is due to align with national legislation by early 2014.

A decade earlier, the LisbonTreaty established an ‘ area of freedom, security and justice’ provided theEuropean Union with the strength to develop legislation on matters ofimmigration and asylum-seekers. This treaty ratified in 2005 confirmed the objectiveof a common policy in the area of immigration and introduced co-decision andqualified majority on legal migration and a new legal base for promotingintegration measures. The grant of an area of ‘ freedom, security, and justice’[4]without internal frontiers where freedom of movement is guaranteed is thecoordination approach towards a common migratory policy within theEU-legislation. Althoughthe policies exist within the EU-legislation, there are exceptions, not all ofthe European Union’s members have implemented these policies. The migratorypolicies do not extend to Demark, Ireland and the United Kingdom with reasonsparticular and respective to their own national interests. Denmark doesn’tapply these EU-wide rules which pertain to immigration, visa and asylumpolicies. Ireland and the United Kingdom handpick on a case-by-case basis onwhether or not to adopt EU rules on immigration, visa and asylum-seekingpolicies. These exceptions are evident that some EU members do not share thesame sentiment of welcoming non-EU people into their country nor do they seethe potential for migrants into their country or in another perspective, theysee migrants as a threat to their country and well-being.

Having disclosedthat the European Union doesn’t possess a Single Common Migratory Policy andinstead a mixed approach to EU immigration and asylum policy, the foundationsand historical inceptions of the mixed approaches need to be examine. Theexamination dates to theoretical approaches that aid in explaining theintegration of the European Union as well as the onset of migratory policiesand its elements of a mixed approach as opposed to a finite Single Migratory Policy. The theories in approaching a mixed aspect of migratory policies and theoverarching commonality that stretches across the European Union reflects thatof Neo-Functionalism (Stetter); the process of regional integration and thespillovers that come with it. The theoretical approach of neo-functionalismreflects the relationship between three interactions; the growing economicinterdependence between nations, the establishment of an organizationalcapacity to resolve disputes through the building of an international legalregimes and a supranational market rule that replaces traditional nationalregulatory operations. This approach has been taken as the establishment of theEuropean Union into the one today exhibiting a single market, single currency, customs union, common passport and foreign policy all through a commoninstitution that reflect the conditions and attributes of neo-functionalism. The European Union exercises a supranational ordeal amongst its members with aconsensus approach in policy making and implementation, the establishment of asingle market which led to the single currency of the Euro on January 1 st , 1999[5]is evident of a growingeconomic interdependence under the European Economic Commission, and a responsiveforce to solve problems within the region under the leadership of the EuropeanCommission, an established common institution to oversee the well-being of theUnion. Through the neo-functionalist approach to the European Union, migratorypolicies are established within the free movement through the SchengenAgreement of 1985, pressured the internationalization of European economicswith a reaction to establish a single market resulted in an establishment toaccommodate asylum seekers and immigrants thus enabled policies in response forboth EU and Non-EU civilians. With the push for a supranational institutionmeant a push for a common approach for migratory and asylum policies, whilethis is great in stabilizing and ensuring a balanced policy all throughout theregion, the inefficiencies of different national governments and theintergovernmental cooperation failed to respond adequately to externalities ofmigration and asylum seekers which bleeds into the second theoretical approachthat aids in establishment of a mixed migratory approach – the theory ofIntergovernmentalism.

Intergovernmentalism(Stetter-Hix)[6]provides the second theoretical approach to the European integration andestablishment of a migratory approach. Some view migrants as a threat to thecommon market and more on a societal level a threat to the culture of a givenstate. This threat stems from Islamophobia and scares from portrayal in themedia. This exaggerated portrayal of the movement of immigrants and refugeesfrom Syria and Iraq in the media through the failure of loose cooperationbetween governments, or the lack of efficient actions of inter-governmentalbehaviors have increased public view that immigrants and refugees poses athreat towards the livelihood of the EU. This example is portrayed through themedia of the movement of Syrian refugees by their aggressive movement anddestructive behaviors once entered a country fueling doubt on a successful andaccommodating public view on migratory policies. This exaggerated portrayal in the media isfueled by Islamophobia and the dangers that migrants of Islamic backgroundsposes towards the European Union. In actuality, the media’s portrayal ofmigration is far less than the reality of migrant movement into the EuropeanUnion. The last theoretical approach to explain thephenomenon of migratory movement and accompanying policies is Globalization(Sassen-Mittleman)[7]. In this approach see the heightened interaction of nation states, corporations, governments and individuals as well as the rise of conflict that has had anincrease of outflows of migrants from Least Developed Countries into EuropeanUnion member states. With this movement of people from war-torn countries andconflict-ridden nations like Syria and Turkey, migrants have mobilized to saferregions like Western Europe which gives rise to the reactive term of FortressEurope as a consequence of globalization. Fortress Europe refers to the dumpingeffect of external borders or the description of the state of immigration intothe European Union. The term reflects both an attitude towards immigrationitself as being fortress-like as policies begin to tighten or the increasedsystem of border patrols and detention centers that are used to help presentillegal immigration into the Union.

Handling 510 million people is no easy feat, with theadditional 19 million Non-EU civilians, 1. 2 and 1. 372 million refugees seekingasylum and economic refugees[8], respectively, the EU’s approach to such management of migration effectively isthe tight partnership between the countries or lack thereof. Cooperationbetween countries migrants mobilize into before reaching members of theEuropean Union. Through this partnership, the European Union seeks to maintainthree policy goals to ensure efficient organization of migration for bothdevelopment and security, which pertain to Encouraging Mobility, EnsuringCoherent Policy Making, and Promoting Legal Migration[9]whilst preventing irregular migration. Although this approach of migrationexists outside the dimension of the EU’s migratory policies, this framework fordialogue encourages and tightens partnership and cooperation between the EUmembers and non-EU countries based from the Stockholm Programme 2010. Theinitial key is assurance of the legality of migration to the EU, and simultaneouslyensuring the promotion in the migrant’s home countries in terms of standards ofliving and development. The second policy is the pledge that a global approachto migration is fully integrated into all EU initiatives outside the Union, including development aid work and foreign relations and finally, the last initiativeis the prevention of irregular migration. Although these key goals providestructure in dealing with migration, in the face of a migration crisis like inItaly, this structure easily crumbles. In the event of a migration crisis likethe major influx of migrants in Italy with numbers increasing drastically asmigrants begin to flow into the European Union, things begin to get hectic andchaos starts to unravel and break loose. The rise of concerns is due toincreased migratory behaviors and members of Union have begun to wish forchanges to the Schengen Agreement to re-install border controls between thenations as it increases the flows of illegal migrants but also the flow of criminalsinto their countries as well as presenting an efficient response to a majorcrisis which points to national interest over regional coordination.

Non-EU citizens who live legally in an EUcountry must be treated well and have their rights upheld. EU-wide rules enablenon-EU citizens to become asset to the growth and development the Union ratherthan liabilities by aims to grant these non-EU citizens’ rights and obligationssimilar to those of EU citizens through work and under a legal basis. In 2013marks the establishment of the Dublin Regulation Fingerprint Database ofRefugees[10]that attempt to collect and catalogue the fingerprints of refugees of both EUand Non-EU citizens that flow in and out of EU member countries. Later in 2015sees the establishment of the European Agenda on Migration which houses theresponse to unprecedented influx of refugees through setting agendas to dealwith the inflow of refugees; providing additional funding to rescue operations, creating an emergency system to resettle asylum seekers and finally theregistration of migrants and the dismantling of smugglers’ network within theregion. The sentiment to allow migrants into theircountries is one that provides opportunities for migrants to find security inemployment and finance as well as well-being. The migratory policy is EU-widebut each European Union member determines their own conditions to this policy, they have the authority to decide on the total number of migrants that can beadmitted to the country to look for work, the final decisions on migrantapplications, rules on long-term visas and the duration for stays longer thanthree months. The EU members’ ability to determine admission rates of migrantsfrom Third World countries is evident of the mixed approach to a single CommonMigratory Policy as the admission rates differ from one member to the next. Thehost EU country can set conditions to obtain residence and work permits when noEU-wide rules have been adopted. Migratorypolicies are placed as mechanisms to handle people and the flow of immigrantsinto a country, this includes the inflow of migrants entering a country inorder to seek refuge before migrating into their desired country.

Thepolicies in place is a response to management of the movement of people but itisn’t free of flaws and loopholes in implementation. Challenges that arisesfrom the migratory policies in European is the illegal entry and free flow ofpeople that authorities have not accounted for, without being able to accountfor the people moving in and out of a country they are not subjected to lawsand regulations like everyone else. The movement of people are usually to seek refugefrom armed conflict, security threat or as economic refugees in search of securityin employment. In search of not employment but rather of asylum from a war-tornhome countries breeds problems of their own. Italy has been the target of amajor influx of migration marking it as the worst migration crisis since the SecondWorld War with an extraordinary high influx of immigrants fleeing the wars ofIraq and Syria and some from Africa looking to the escape from poverty andpolitical persecution. As of June 2017, 83, 650 people have reached the Italianshores traveling across the Mediterranean over the course of the year with 2, 030losing their lives in this endeavor. Filippo Grandi[11], the UN high commissioner for refugees have said,

“ These efforts must be continued and strengthen. But this cannot be an Italian problem alone.”

Referring to Italy “ playing its part” in rescuing and offering protection to refugees who demanded it. The commissioner continues with,

“ Europe has to get fully involved through an “ urgent distribution system” of migrants and refugees and should widen legal channels so that migrants can be admitted.”

Grandi’swords reflects the absence of a coordinated approach to responding to amigration crisis, the instilled EU legislation of Non-EU migrants renders mootin this real-world situation of tens of thousands of refugees fleeing awar-torn country, risking lives crossing the Mediterranean in search for a safer life.

The challenges that arises from migratorypolicies is the public view and domestic interest on these issues, the EuropeanUnion operates under a consensus approach to policy making and the portrayal ofmigration and asylum-seekers paints a picture of overwhelming their stay andcrowding their new homes which confirms that mixed approach of a commonmigratory policy as some countries are more desirable to refugees than others. Theoverbearing of national interest still outweighs that of the coordinated approachamongst national policies, when asked on the question of “ does the EuropeanUnion have a Common Migratory Policy or rather are there several nationalpolicies?”, the Director Head[12]of the Secretariat of Delmi, a Swedish-based Migration Studies Delegationresponds with

“ I would say both exist in parallel. There is an EU policy from what is called the ‘ EU acquis’, with Directives and Regulations at the EU level that EU Member States are bound to implement. But, at the same time, especially regarding labor immigration and regulations concerning the rules for family reunification, EU Member States still have their own legal frameworks in place. Also, when it comes to integration, which is more an EU Member State competency. So, I would say both. They both exist in parallel.”

The responseindicates of the existence of national policies that undermine the overarchingcoordination of a single European Union policy on migration, the presence ofboth policies indicates a working in tandem to one another but in asupranational environment like the EU, the collective policy should outrankthat of national interests, but is that the case in regards in migratorypolicies? If so, if marks as a uniformity in a Single Common Migratory Policyin the European Union, having already disclosed that the EU possesses not aSingle Common Migratory Policy but a mixed approach prematurely answers thequestion of supranational policies not superseding national policies. BenjaminWard’s, the Deputy Director[13]of Human Rights Watch’s Europe and Central Asia Division, approach to realityof the asylum-seeking policies between that of the EU and of national policiesis that

“ There is supposed to be a Common European Asylum System, and inherent in that is the notion of common standards of protection and processing across the EU-28. The reality is, as Christos suggests, rather different. And, certainly in the context of the last year or so, we have seen what we have described as a kind of ‘ beggar thy neighbor’ approach, where individual Member States have sought, by building fences and putting in place abusive policies, to redirect flows of asylum seekers and migrants away from their territory and towards the territory of other Member States. That approach is not going to work in the long term, and what we actually need is a system of shared responsibility across the EU-28.”

‘ Beggar thy neighbor’ approach with allits crudeness suggests that EU members not only actively guard themselves fromasylum-seekers but ‘ nudge’ them into that of other members, exercising insimilar regards to Fortress Europe. This is no indication of the abusive natureof the European Union’s member states or their relationship to one another butrather a signal of the importance one member holds over the Union as a wholewhich advocates a mixed approach of migratory policies rather than acoordinated single one.

Withthe proposed elements of the European Union legislation pertaining to migratorypolicies, asylum-seekers and economic refugees, indicates that there is noclear or single common migratory policy in the European Union. A singlemigratory policy exemplifies a coordination in policies across the region wherethe European Union doesn’t exhibit this characteristic but rather a selectivemethodology in practicing and exercising migratory policies established in theEU legislation. This scatter and patchy behavior suggests a missed approach tomigratory policy in the European Union with individual members setting theirown refugee admission rates and selective guard of accepting immigrants andrefugees on a case-by-case basis, the establishment of refugee camps beforeadmission if admitted at all, or before transitioning to another refugee camp. Though the EU portrays a mixed approach to migratory policies, there areimprovements that can be made to inch towards a Common Migratory Policybeginning with the replacement of the Dublin Regulation[14]with a centralized systemin allocating refugees amongst the Union’s members, the extension of the BlueCard to non-skilled workers and not just high-skilled individuals. Thereinforcement of frontex agencies or refugee camps in providing safe and legalentry points for economic refugees and asylum-seeking individuals as well asthe furthering of a developed return mechanism. The latter of the improvementstowards a Single Migratory Policy has posed as a problem on the steps to takein the rejection of asylum seekers, send them back to war-torn countries? Grantcitizenship or transition the problem elsewhere. Problems do arise withmigration but through a reform of existing policies to both improve mechanismsin responding to current refugee and migrant crisis as well as coordination ofpolicies across the region is the appropriate response. In determining the migratorypolicies through examining the historical inception of the region in leading tomigratory policies through theoretical approaches, the exploration of existingpolicies and that actuality in exercising behavior as a region and byindividual national states all suggest that there is no Single Common MigratoryPolicy in the European Union but instead a mixed approach to policies regardingimmigration, refugees of all sorts and asylum-seekers. The movement of people, free or not, immigration will always be a sensitive issue especially with the aidof Globalization. Only until the world is free of conflict then the movement ofpeople will cease to take place. In that Utopian world, people will still findthe need to move , not because they’re content in their place but for thereason that human-made conflict is inevitable in ensuring an exodus of people. ACommon Migratory Policy doesn’t yet exist in the European Union but stepsshould be taken to transition from a mixed approach to respond to war-torncountries, threats to security and safeguard the safety and assurance in themovement of Globalization’s greatest asset – people.

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