

Is there a common
migratory policy in the
eu?



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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 greater need for integration amongst 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

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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, of highly skilled workers looking 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 Directive 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-

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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 Lisbon Treaty established an 'area of freedom, security and justice' provided the European Union with the strength to develop legislation on matters of immigration and asylum-seekers. This treaty ratified in 2005 confirmed the objective of a common policy in the area of immigration and introduced co-decision and qualified majority on legal migration and a new legal base for promoting integration measures. The grant of an area of 'freedom, security, and justice'[4] without internal frontiers where freedom of movement is guaranteed is the coordination approach towards a common migratory policy within the EU-legislation. Although the policies exist within the EU-legislation, there are exceptions, not all of the European Union's members have implemented these policies. The migratory policies do not extend to Denmark, Ireland and the United Kingdom with reasons particular and respective to their own national interests. Denmark doesn't apply these EU-wide rules which pertain to immigration, visa and asylum policies. Ireland and the United Kingdom handpick on a case-by-case basis on whether or not to adopt EU rules on immigration, visa and asylum-seeking policies. These exceptions are evident that some EU

members do not share the same sentiment of welcoming non-EU people into their country nor do they see the potential for migrants into their country or in another perspective, they see migrants as a threat to their country and well-being.

Having disclosed that the European Union doesn't possess a Single Common Migratory Policy and instead a mixed approach to EU immigration and asylum policy, the foundations and historical inceptions of the mixed approaches need to be examined. The examination dates to theoretical approaches that aid in explaining the integration of the European Union as well as the onset of migratory policies and 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 the overarching commonality that stretches across the European Union reflects that of Neo-Functionalism (Stetter); the process of regional integration and the spillovers that come with it. The theoretical approach of neo-functionalism reflects the relationship between three interactions; the growing economic interdependence between nations, the establishment of an organizational capacity to resolve disputes through the building of an international legal regimes and a supranational market rule that replaces traditional national regulatory operations. This approach has been taken as the establishment of the European Union into the one today exhibiting a single market, single currency, customs union, common passport and foreign policy all through a common institution that reflect the conditions and attributes of neo-functionalism. The European Union exercises a supranational ordeal amongst its members with a consensus approach in policy making and implementation, the establishment of a single market

which led to the single currency of the Euro on January 1st, 1999[5] is evident of a growing economic interdependence under the European Economic Commission, and a responsive force to solve problems within the region under the leadership of the European Commission, an established common institution to oversee the well-being of the Union. Through the neo-functional approach to the European Union, migratory policies are established within the free movement through the Schengen Agreement of 1985, pressured the internationalization of European economics with a reaction to establish a single market resulted in an establishment to accommodate asylum seekers and immigrants thus enabled policies in response for both EU and Non-EU civilians. With the push for a supranational institution meant a push for a common approach for migratory and asylum policies, while this is great in stabilizing and ensuring a balanced policy all throughout the region, the inefficiencies of different national governments and the intergovernmental cooperation failed to respond adequately to externalities of migration and asylum seekers which bleeds into the second theoretical approach that aids in establishment of a mixed migratory approach - the theory of Intergovernmentalism.

Intergovernmentalism (Stetter-Hix)[6] provides the second theoretical approach to the European integration and establishment of a migratory approach. Some view migrants as a threat to the common market and more on a societal level a threat to the culture of a given state. This threat stems from Islamophobia and scares from portrayal in the media. This exaggerated portrayal of the movement of immigrants and refugees from Syria and Iraq in the media through the failure of loose cooperation between governments, or

the lack of efficient actions of inter-governmental behaviors have increased public view that immigrants and refugees poses a threat towards the livelihood of the EU. This example is portrayed through the media of the movement of Syrian refugees by their aggressive movement and destructive behaviors once entered a country fueling doubt on a successful and accommodating public view on migratory policies. This exaggerated portrayal in the media is fueled by Islamophobia and the dangers that migrants of Islamic backgrounds poses towards the European Union. In actuality, the media's portrayal of migration is far less than the reality of migrant movement into the European Union. The last theoretical approach to explain the phenomenon 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 an increase of outflows of migrants from Least Developed Countries into European Union member states. With this movement of people from war-torn countries and conflict-ridden nations like Syria and Turkey, migrants have mobilized to safer regions like Western Europe which gives rise to the reactive term of Fortress Europe as a consequence of globalization. Fortress Europe refers to the dumping effect of external borders or the description of the state of immigration into the European Union. The term reflects both an attitude towards immigration itself as being fortress-like as policies begin to tighten or the increased system of border patrols and detention centers that are used to help present illegal immigration into the Union.

Handling 510 million people is no easy feat, with the additional 19 million Non-EU civilians, 1.2 and 1.372 million refugees seeking asylum and economic refugees[8], respectively, the EU's approach to such management of migration effectively is the tight partnership between the countries or lack thereof. Cooperation between countries migrants mobilize into before reaching members of the European Union. Through this partnership, the European Union seeks to maintain three policy goals to ensure efficient organization of migration for both development and security, which pertain to Encouraging Mobility, Ensuring Coherent Policy Making, and Promoting Legal Migration[9] whilst preventing irregular migration. Although this approach of migration exists outside the dimension of the EU's migratory policies, this framework for dialogue encourages and tightens partnership and cooperation between the EU members and non-EU countries based from the Stockholm Programme 2010. The initial key is assurance of the legality of migration to the EU, and simultaneously ensuring the promotion in the migrant's home countries in terms of standards of living and development. The second policy is the pledge that a global approach to migration is fully integrated into all EU initiatives outside the Union, including development aid work and foreign relations and finally, the last initiative is the prevention of irregular migration. Although these key goals provide structure in dealing with migration, in the face of a migration crisis like in Italy, this structure easily crumbles. In the event of a migration crisis like the major influx of migrants in Italy with numbers increasing drastically as migrants begin to flow into the European Union, things begin to get hectic and chaos starts to unravel and break loose. The rise of concerns is due to increased migratory behaviors and members of Union have begun to wish for changes to the Schengen Agreement to re-

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install border controls between the nations as it increases the flows of illegal migrants but also the flow of criminals into their countries as well as presenting an efficient response to a major crisis which points to national interest over regional coordination.

Non-EU citizens who live legally in an EU country must be treated well and have their rights upheld. EU-wide rules enable non-EU citizens to become an asset to the growth and development of the Union rather than liabilities by aiming to grant these non-EU citizens' rights and obligations similar to those of EU citizens through work and under a legal basis. In 2013 marks the establishment of the Dublin Regulation Fingerprint Database of Refugees [10] that attempt to collect and catalogue the fingerprints of refugees of both EU and Non-EU citizens that flow in and out of EU member countries. Later in 2015 sees the establishment of the European Agenda on Migration which houses the response to unprecedented influx of refugees through setting agendas to deal with the inflow of refugees; providing additional funding to rescue operations, creating an emergency system to resettle asylum seekers and finally the registration of migrants and the dismantling of smugglers' network within the region. The sentiment to allow migrants into their countries is one that provides opportunities for migrants to find security in employment and finance as well as well-being. The migratory policy is EU-wide but 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 be admitted to the country to look for work, the final decisions on migrant applications, rules on long-term visas and the duration for stays longer than three months. The EU members' ability to

determine admission rates of migrants from Third World countries is evident of the mixed approach to a single Common Migratory Policy as the admission rates differ from one member to the next. The host EU country can set conditions to obtain residence and work permits when no EU-wide rules have been adopted. Migratory policies are placed as mechanisms to handle people and the flow of immigrants into a country, this includes the inflow of migrants entering a country in order to seek refuge before migrating into their desired country.

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

“ These efforts must be continued and strengthened. 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’s words reflects the absence of a coordinated approach to responding to a migration crisis, the instilled EU legislation of Non-EU migrants renders moot in this real-world situation of tens of thousands of refugees fleeing a war-torn country, risking lives crossing the Mediterranean in search for a *safer* life.

The challenges that arise from migratory policies is the public view and domestic interest on these issues, the European Union operates under a consensus approach to policy making and the portrayal of migration and asylum-seekers paints a picture of overwhelming their stay and crowding their new homes which confirms that a mixed approach of a common migratory policy as some countries are more desirable to refugees than others.

The overbearing of national interest still outweighs that of the coordinated approach amongst national policies, when asked on the question of “ does the European Union have a Common Migratory Policy or rather are there several national policies?”, the Director Head [12] of the Secretariat of Delmi, a Swedish-based Migration Studies Delegation responds with

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“ 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 response indicates of the existence of national policies that undermine the overarching coordination of a single European Union policy on migration, the presence of both policies indicates a working in tandem to one another but in a supranational environment like the EU, the collective policy should outrank that of national interests, but is that the case in regards in migratory policies? If so, it marks as a uniformity in a Single Common Migratory Policy in the European Union, having already disclosed that the EU possesses not a Single Common Migratory Policy but a mixed approach prematurely answers the question of supranational policies not superseding national policies. Benjamin Ward’s, the Deputy Director [13] of Human Rights Watch’s Europe and Central Asia Division, approach to reality of the asylum-seeking policies between that of the EU and of national policies is 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 all its crudeness suggests that EU members not only actively guard themselves from asylum-seekers but 'nudge' them into that of other members, exercising insular regards to Fortress Europe. This is no indication of the abusive nature of the European Union's member states or their relationship to one another but rather a signal of the importance one member holds over the Union as a whole which advocates a mixed approach of migratory policies rather than a coordinated single one.

With the proposed elements of the European Union legislation pertaining to migratory policies, asylum-seekers and economic refugees, indicates that there is no clear or single common migratory policy in the European Union. A single migratory policy exemplifies a coordination in policies across the region where the European Union doesn't exhibit this characteristic but rather a selective methodology in practicing and exercising migratory policies established in the EU legislation. This scatter and patchy behavior suggests a missed approach to migratory policy in the European Union with individual members setting their own refugee admission rates and selective guard of accepting immigrants and refugees on a case-by-case basis, the

establishment of refugee camps before admission if admitted at all, or before transitioning to another refugee camp. Though the EU portrays a mixed approach to migratory policies, there are improvements that can be made to inch towards a Common Migratory Policy beginning with the replacement of the Dublin Regulation [14] with a centralized system in allocating refugees amongst the Union's members, the extension of the Blue Card to non-skilled workers and not just high-skilled individuals. Thereinforcement of frontex agencies or refugee camps in providing safe and legal entry points for economic refugees and asylum-seeking individuals as well as the furthering of a developed return mechanism. The latter of the improvements towards a Single Migratory Policy has posed as a problem on the steps to take in the rejection of asylum seekers, send them back to war-torn countries?

Grant citizenship or transition the problem elsewhere. Problems do arise with migration but through a reform of existing policies to both improve mechanisms in responding to current refugee and migrant crisis as well as coordination of policies across the region is the appropriate response. In determining the migratory policies through examining the historical inception of the region in leading to migratory policies through theoretical approaches, the exploration of existing policies and that actuality in exercising behavior as a region and by individual national states all suggest that there is no Single Common Migratory Policy in the European Union but instead a mixed approach to policies regarding immigration, refugees of all sorts and asylum-seekers. The movement of people, free or not, immigration will always be a sensitive issue especially with the aid of Globalization. Only until the world is free of conflict then the movement of people will cease to take place. In that Utopian world, people will still find the need to *move*, not because they're

content in their place but for the reason that human-made conflict is inevitable in ensuring an exodus of people. A Common Migratory Policy doesn't yet exist in the European Union but steps should be taken to transition from a mixed approach to respond to war-torn countries, threats to security and safeguard the safety and assurance in the movement of Globalization's greatest asset – people.

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