

PART 3: EU MIGRATION STRATEGY: FROM ZERO TO POSITIVE SUM

Rapporteur:

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SYNTHESIS

1. Multifaceted challenges

Over the last years, the world has changed in a manner which has had important effects on the movement of people. The economic downturn, the unrest in the Mediterranean region, the rise of emerging countries like Brazil, Russia, India, China, Turkey, Mexico, and Indonesia, all these elements have had an impact on people's migration. While some people are fleeing conflicting countries, such as Syria, others are leaving their country in order to improve their living conditions. These movements should be taken into account against the background of a deep transformation of the EU which is threefold.

Firstly, the EU is facing an unprecedented crisis whose effects on jobs destruction, in particular in southern states, are massive, and will continue to impact Europe's economy for a while. As a consequence, the EU is not a top destination area for migrant workers and EU citizens may wish to migrate towards other countries. **Secondly**, the economic situation has created the conditions for the development of populist and negative discourses about immigration and the integration of migrants in EU societies. **Thirdly**, both phenomena occur at a critical moment for the EU. It is starting to experience a decline in its demography which will modify the EU labour market and social model. Indeed,

demographic shrinking creates workforce shortages and is accompanied with an ageing society creating new needs. This raises the question as to whether migrant workers are needed to take care of elderly people, fill in labour shortages and preserve EU's social model. (*H. Martens, EPC – p. 146*)

To sum up, whereas current difficulties experienced within the Union tend to fuel 'drawback' reactions, various realities portray a very different picture, calling for more complex answers. Indeed, the preservation of the EU's labour market and social system, the duty to protect people fleeing for their lives, the recognition of the opposition between a shrinking and ageing Europe and its expanding, young and unemployed African neighbour, illustrate the level of complexity of the migration puzzle. It is a responsibility of the EU and its Member States to address this issue in order to properly manage movement of persons to, within and outside the EU.

2. Current situation

Policies developed so far are hardly appropriate for addressing forthcoming challenges.

2.1. Problems deriving from a narrow security-driven policy

The EU is 'trapped' in an imbalanced migration policy where 'security-driven' concerns obscure other problematics related to the movement of people. In concrete terms, the action at EU level has primarily been developed in the fields of external border management, visa and irregular migration. While the issue of refugees has been addressed within the framework of the Common European Asylum System, the latter is still not fully completed. Finally, issues related to admission and legal migration policies have been poorly addressed. These imbalances between irregular and legal migration policies are problematic. On the one hand, they are falling short of providing for appropriate answers to current and forthcoming challenges. There is no EU-wide strategy offering intra-EU mobility schemes to reallocate workforce across Member States in line with the asymmetrical effects of the crisis. Nor is there a long term strategy addressing the question of admission schemes within the perspective of

the EU's current demographic shrinking. On the other hand, these imbalances are reflected in external policy with two main consequences.

Firstly, the EU's external action has followed a narrow, restrictive approach with regards to migration. EU action has primarily been based on the conclusion of readmission agreements with third countries. So far, results of such a policy have been average. On the one hand, and according to the European Commission, European Readmission Agreements are not fully implemented by Member States. The latter prefer to rely on bilateral agreements. On the other hand, whereas 13 EU agreements have been signed, the EU is still struggling to conclude agreements with strategic countries such as Turkey, Morocco or Algeria. Moreover, third-countries have been successful in conditioning their commitment to the possibility of being granted counterparts such as EU visa facilitation or visa liberalisation agreements.

Secondly, the 'one-sided' approach has a legal impact on the EU's capacity to enact its external migration policies. More precisely, under EU law, the EU is competent to act in the external dimension in two specific situations; where the Treaty gives a competence or where the EU has adopted rules 'internally', i.e. in order to continue EU's internal action it is entitled to act in the external field. Given the limitative action in the field of legal migration, EU external action is limited as well. This legal obstacle has made the development of EU external policy intricate and somewhat inefficient.

Indeed, and because the EU has not developed any comprehensive legal migration policy, this issue remains in the remit of Member States. Hence, negotiations with third countries, which claim legal migration counterparts with respect to their involvement in security-driven issues, would normally imply the signature of a mixed agreement involving the EU, the Member States and third countries. Mixed agreements take a long time to be ratified and implemented. In order to overcome these difficulties, the external dimension is based on 'Mobility Partnerships'. But these partnerships present two main weaknesses; they are neither legally binding nor comprehensive as Member States are involved on a voluntary basis. In other words, Member States may choose to get involved or not. This does not help to have a unified and coherent approach. (*T. Maroukis & A. Triandafyllidou, Eliamep - p. 173*)

This intricate picture is portrayed in the main document dealing with the external dimension of EU migration policy under the name “Global Approach to Migration and Mobility”, published in 2011 by the European Commission.

2.2. The use of conditionality

The principle of conditionality has regained some extra space in the field, particularly so since the Arab Spring. According to this principle, third countries will receive economic support insofar as they are delivering properly in fields related to readmission and border control. The attempt to put in place this principle was supported by the UK in the early 2000’s but rejected by a strong group of Member States. It has now returned to the table and should in any case be dealt with the highest attention. Indeed, there is a risk that such a principle, where applied, could be extended to development policies, i.e. development aid would in this case be delivered according to results obtained in the field of migration. But, one should keep in mind that cuts in development aid will in no situation help to address migration issues, on the contrary. (*R. Gropas, Eliamep – p. 182*)

2.3. An unattractive EU

In the immediate aftermath of the Arab Spring, citizens from the southern shores of the Mediterranean Sea saw their newly regained freedom come up against an unfaltering EU external border. The picture of a European continent reluctant to welcome third country nationals may backfire when EU Member States will need to attract low, middle and highly skilled migrants to boost their economy, satisfy labour, skills shortages and structural needs deriving from demographic decline.

On the other hand, the absence of any comprehensive immigration policy, including common admission policies, and the development of negative discourses about immigration and integration at national level does not make the EU an attractive destination. More than that, the lack of ‘common EU policy’ in this field leads to the worst case scenario where Member States are competing against each other, in particular with respect to the ‘global war for talent’.

3. Which way(s) ahead?

3.1. Moving beyond Home Affairs diplomacy

This implies first of all a shift from a security-driven perspective to a more ‘mobility/admission mode’. ‘Home affairs’ shouldn’t be left alone to lead the process. Put differently, and as argued in the Paper, a foreign ministers’ approach could enable to unlock the debate and broaden it up to social, economic and environmental issues. In this regard, the role of the European External Action Service (EEAS) in the external dimension of migration policies should be further strengthened by increasing the service’s institutional capacities in this portfolio and revisiting the division of responsibilities between the EEAS and Commission departments such as DG Home and DG Development and Cooperation. The EEAS should act as prime interlocutor for the Dialogues vis-à-vis the North African states. (*S. Carrera & L. Den Hertog & J. Parkin, CEPS – p. 152*)

3.2. Mobility partnerships as transitional tools to support legal migration

Support to legal migration needs to be further developed. This process could be undertaken within the framework of Mobility Partnerships where groups of states, sharing a similar need for (highly) skilled workers and offering similar working, salary and living conditions, could cooperate more closely to put in place attractive and mutually-reinforcing policies for the recruitment of workers with the right profile (*A. Ette & R. Parkes, SWP & A. Sorroza & C. Gonzales Enriquez, Elcano – p. 162*). ‘Sponsor schemes’ could also be included in Mobility Partnerships. Under such schemes, implemented in Italy some years ago, a citizen could ‘sponsor’ a new migrant providing for accommodation, food, insurance until the migrant finds a job (*T. Maroukis & A. Triandafyllidou, Eliamep – p. 173*). As a general statement, mobility partnerships should be considered as opportunities to develop common and innovative actions. To arrive at the conclusion of a Mobility Partnership, the EU and the North African states should agree on a “Roadmap to Mobility” which would sequence the steps needed from both sides. To ensure an equal partner dialogue, this cannot be a rigid conditionality approach, but rather a way to build mutual trust by offering specific incentives on both sides. Mobility should not be ‘exchanged’ for measures stemming irregular migration flows, but should be used rather to encourage

reforms needed for safeguarding human rights, building independent courts and narrowing socio-economic differences (*R. Gropas, Eliamep – p. 182*). Finally, mobility partnership should not be used to circumvent a legally binding approach based on the conclusion of international agreements establishing rules regarding legal migration.

3.3. Improving existing legal migration schemes

The modification of existing directives is one path to scrutinise. This covers the Blue Card directive which should be modified as its harmonising capacity is rather low. Indeed, the Directive leaves wide margins of manoeuvre to the Member States when implementing it. As a consequence, the Directive does not create the conditions for an effective harmonisation of labour markets. On the other hand, providing incentives for qualified migrants to stay requires reinforcing the links between the student status and access to the labour market. Despite the existence of a solid Student directive, access to the labour market is left in the hands of discrepant Member States' national policies. Redrafting the Students and Researcher Directives in the light of the need for highly skilled migrants could also complement the Blue Card and increase the inclusiveness and attractiveness of EU's migration policy. (*A. Ette & R. Parkes, SWP & A. Sorroza & C. Gonzales Enriquez, Elcano – p. 162*)

3.4. Reinforcing mobility

Another path is to make mobility more of a reality. While the concept of circular migration remains somewhat vague, the development of circular migration programmes based on financial incentives upon the migrant's return to its country of origin, may be envisaged. Another way would be that of linking temporary immigration schemes with options for status changes. This would significantly increase the attractiveness of the EU as a destination in particular for highly-skilled migrants (*A. Ette & R. Parkes, SWP & A. Sorroza & C. Gonzales Enriquez, Elcano – p. 162*). The improvement of intra-EU mobility within the EU is also one option that deserves to be further developed. Currently, non EU-migrants face significant difficulties to move within the EU for employment purposes. This does not make the EU an attractive destination. Making intra-EU mobility more efficient would require removing legal, administrative and bureaucratic obstacles, providing for the portability of pension

rights and social entitlements, developing information sharing and establishing rules regarding recognition of qualifications.

3.5. Developing a comprehensive approach with other EU policies

Several EU policies can help to properly address migration issues in a more consistent manner, amongst which are, notably, development and cooperation policies. These may more specifically aid in developing anti-corruption initiatives and building well-functioning institutions. Indeed, efforts developed in this regard should help improve investment climate and consequently encourage remittances and diaspora investments. Keeping this in mind, the links between development and migration policies should be exempted from the conditionality logic. Engaging more dynamically in a constructive dialogue on avoiding brain drain in countries of origin remains a crucial point for the attractiveness of mobility policies. Platforms such as the Global Forum for Migration and Development (GFMD) can be useful in identifying innovative actors and best practices. Finally, the impact of EU policies such as trade, agriculture, fisheries and development, on (forced) migration should be further assessed. (*R. Gropas, Eliamep – p. 182*)

3.6. Improving integration policies

The development of policies aiming at opening legal channels of migration would fail to meet the expected result so far as these are not accompanied by integration policies aiming at fostering social inclusion of migrants into receiving societies. If common approaches are not possible, the existing system whereby EU Member States could learn from each other when it comes to best practices of integration should be further developed. (*H. Martens, EPC – p. 146*)

It is time to take a broad approach on the external dimension of migration issues. This implies the development of strong, reliable and mutually beneficial relationship between the EU, its Member States and third countries in order to address forthcoming challenges linked to movement of people worldwide.