



# The Pitfalls of a European Migration Policy

Migration and Political Challenges in Times of Crisis in the EU

## Key messages:

- › A European migration policy is hampered by structural and institutional limits on cooperation between the Member States and between different policy fields at the European level.
- › The divisive issues of today's migration debate are fears of alleged "welfare shopping", mixed flows of migration and the secondary movement of migrants, which are all situated in grey areas between the current institutional baskets.
- › Policies should strengthen inter-institutional and cross-sectional cooperation, build public confidence, make better use of migrants' skills and invest in migrants' children.

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## › Europe needs migration

A study by the Population Division of the United Nations in 2012 has projected that without migration in the next ten years, Europe could lose 100 million workers between 2015 and 2050. This would equal three million less people of working age (aged between 20-60 years) a year (Dalla Zuanna 2014). Also considering demographic change, research shows moreover that for the next four decades not even an increase in immigration could substantially compensate for the effects of population ageing (Falkingham et al. 2011). Thus, a reduction in immigration would exacerbate the situation even further. This means: Europe needs migration – for more than just economic reasons.

## › Different effects of the crisis

The start of the economic crisis clearly marks a turning point in regard to the characteristics of migration flows to some EU countries. Before the crisis there was a sharp increase in migration inflows, for example in Spain, where it more than doubled between 2001-2007. Thereafter, migration quickly decreased and today more people are leaving Spain than entering it. In contrast, migration inflows to Germany increased significantly at the same time (Figure 1).

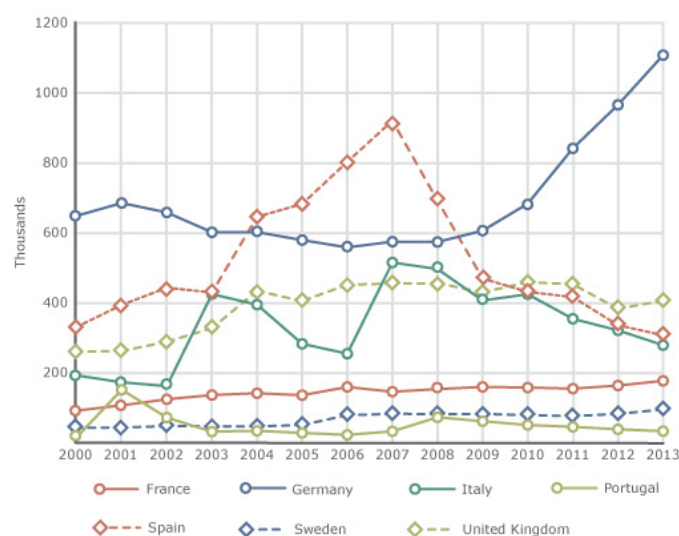


Figure 1: Inflows of foreign population

Source: OECD International Migration Database

Within the EU, the economic crisis has increased the importance of free movement, which enables EU citizens to move to other Member States based on the Schengen Agreement. Here, migration from the South to the North has strongly grown over the last years – especially migration from Italy to Germany (Dumont 2014). Migration from the East to the West, however, is still dominating the flows by far, for example Polish migration to Germany (Figure 2).

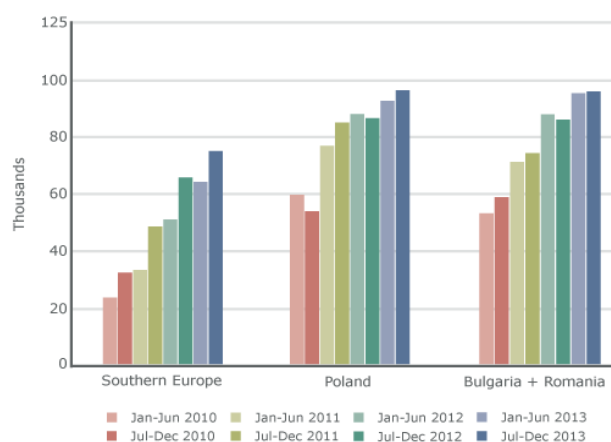


Figure 2: Flows from Europe to Germany by region of origin  
Source: OECD in Dumont (2014)

## › Young, active and highly skilled

According to the 2014 European Union Labour Force Survey, there were 15.2 million foreigners living and working in the EU, accounting for 7% of total employment. Of them, 7.3 million were EU citizens living in another Member State and 7.9 million were non-EU citizens. On average, the employment rate of citizens from another EU Member State was significantly higher (69%) than that for non-EU citizens (53%) and even higher than for nationals (65%) (Teichgraber 2015). Overall, immigrants in EU Member States are, on average, also younger than the native population. In 2013, the median age of the EU population was 42 years, while the median age of immigrants in 2012 ranged from 26 years in the UK to 40 years in Bulgaria (Eurostat).

At the same time, there is a rapid increase in high-skilled immigration in Europe: In ten years, the total stock of immigrants with tertiary education has almost doubled and there are now nearly as many highly skilled immigrants in Europe (28%) as there are in the U.S. (31%) (Database on Immigrants in OECD Countries (DIOC) 2010/11 in Dumont 2014). Intra-EU movers are, on average, even more highly educated than the non-mobile population. The over-qualification rate is nevertheless high, notably for people originating from Central and Eastern EU countries, as more than half of the tertiary graduates from those countries work in low or medium-skilled occupations (OECD and EU 2014).

## › The ambiguity of documented migration

Documented migration is the politically correct term to describe what was formerly known as legal or regular migration. The aim is to prevent the labelling of migrants as illegal or irregular in cases where they are entering or staying in a country not in accordance with the national law. Nevertheless, these terms can be misleading (Hein 2014). There might be persons who have the right to stay without having

any documents (e.g. asylum seekers) or there might be persons who have documents but do not have the right to stay. The latter might be people who, for instance, arrive in an EU Member State and then move to another EU Member State, where they do not have the right to stay, since they are not allowed to move freely within the Schengen zone, even if they have a residence permit from the country of first entry.

## › European Immigration Policy

Defined in a broad sense, European immigration policy is the regulation and management of cross-border movements to and within the EU. It is often questioned whether there is – apart from the national immigration policies – such a policy at the EU-level at all. We argue there is a European immigration policy: From the beginning, however, this policy has been split into three policy domains which leads to structural and institutional weaknesses that may hinder effective and sustainable policy action (Pastore 2014):

(1) **Mobility policy** refers to the free movement of EU citizens within the EU. Established on the logic of the internal market, it also touches upon the policy area of justice and home affairs, as well as the fundamental rights logic. Here, the decisive factor has been **enlargement(s)** of the EU, which now has 505 million potential free movers. The driving principle is: All EU citizens are free to move with only a few limitations.

(2) **Migration policy** is about cross-border movements of third-country nationals to and within the EU. This has traditionally been included in the home affairs domain but there has been an increased overlap with other EU policy domains, e.g. labour and social issues. Here the key factor is the development of the **Schengen area** without systematic internal border controls and a harmonisation of external border control. The fundamental rule is: Each Member State controls its common borders according to common standards but essentially at its own costs.

(3) **Asylum policy** is also part of the area of home affairs. The fundamental development has been the convergence towards common standards. The basic principle is that the Member State of first entry is responsible for asylum applications presented following irregular entrance with only very few exceptions. This so-called **Dublin Principle** is the most controversial rule of the common asylum system.

There is a strong asymmetry in both the Schengen Agreement and the Dublin Principle in geographical terms, since it makes a huge difference whether a country has an exposed external border or not. How could such an unbalanced reg-

ulatory regime achieve consensus in the 1990s? This was possible because of two preconditions: First, there was the common thinking that “we are all immigration states” leading to a common interest to stem illegal inflows and promote legal migration, while at the same time intra-EU free movement was low. Second, back in the 1990s and early 2000s, the Southern shore was “under control” with the so-called “moderate Arab regimes” as helpful partners in the management of migration to Europe.

These two preconditions have radically changed over the last few years. Eastern Enlargement had, due to the economic crisis, a greater migratory impact than expected. As a consequence fears of alleged “welfare shopping” were stoked. In addition, the transitions and violent conflicts in North Africa and the Middle East have increased the migratory pressure and reduced the effectiveness of externalised migration control. We also see an expansion of irregular mixed migration flows of people from outside the EU who are on the move for different reason but who share the same routes or modes of travel (e.g. economic migrants and refugees). Another factor is the asymmetrical impact of the Euro crisis which is hitting countries very differently. In the Southern states it reduces the capacity to stabilise irregular migration flows and to assure an effective integration into the labour market, which increases the incentives for migrants to move to other member states, known as “secondary movement”. The polarisation between core countries and countries situated along exposed external borders together with the de-structuring of the European neighbourhood have undermined the very foundations of cooperation and solidarity in the field of European immigration policy (Henry and Pastore 2014).

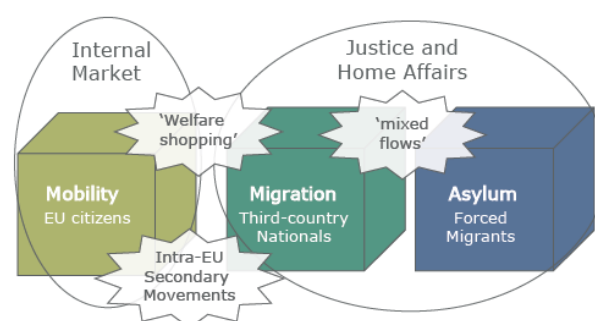


Figure 3: Grey areas in EU immigration policies  
Source: Pastore (2014)

Three of the factors mentioned, in particular, create controversy and divisions amongst EU Member States: fear of “welfare shopping”, mixed flows of migrants and secondary movements. Going back to the three policy domains (mobility, migration, asylum), these issues do not fit in any of these institutional baskets. Instead, they are situated in



grey areas across these formal fields (see Figure 3).

Alleged “welfare shopping” is about EU citizens moving to another EU country and therefore sits between mobility and migration. It is feared that migrants from EU countries exploit the welfare system but in reality they have high employment rates (see above). Regarding intra-EU secondary movements, transit migration also sits between migration and mobility. Looking at mixed flows of migration the question is whether it is migration or asylum. These ambiguities make the three issues highly controversial in the political debate.

## › Policy Recommendations

It is likely that complex situations, which are not easily categorised within one of the three main policy domains of EU immigration policy, will become more frequent in the future. The capacity of the EU to tackle such issues through appropriate forms of inter-institutional and cross-sectional cooperation will be crucial for the overall effectiveness and thus the legitimacy of the EU in the field of migration (Henry and Pastore 2014). The recent launch of a European Agenda on migration by the European Commission might be a good start: “For the first time, managing migration better is an explicit priority of the European Commission (...). Migration is a cross-cutting issue, involving different policy areas and different actors, both inside and outside the EU. The new structure and working methods of the European Commission are a first step at addressing the challenges and opportunities of migration in a truly comprehensive way” (European Commission 2015).

To secure a sufficient political margin of manoeuvre in the field of migration policies it is also important to build public confidence. In almost all EU countries we are seeing a rapid rise in anti-immigration movements. Specifically the economic crisis and the dramatic events at Europe’s Southern sea borders are increasing anxiety in society (Dumont 2014).

Another issue is the so-called international competition for talents. It is not only important to be attractive for these talents but there is also the need to improve policies that enable these people to make better use of their skills. In the EU, the over-qualification rate for migrants with a non-EU education is 25%, meaning that one-quarter is at risk of not working at a level adequate to his or her qualification (Damas de Matos and Liebig 2014).

Finally, we should better prepare for the future and invest in the children of immigrants. Different studies based on PISA results show that there is a school performance gap between children with native parents and those with an

immigrant background. This means that these children will enter the labour market less prepared and will have greater difficulty integrating. If we do not deal with this issue (e.g. difficult school to work transition, intergenerational persistence of disadvantages), we will not only have to face the economic costs of this problem but also the social costs (Dumont 2014).

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