Border Management and Immigration Policy of the EU

EU 408 Session 12
Policy Making in the EU
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1. Immigration challenges
Immigration Trends in Europe

• **Number**: Europe is absorbing 2 million migrants each year

• **Prediction**: increase of migration worldwide by 40% over next 40 years

• **Entries**: Europe borders record roughly 300 million crossings p.a. at around 1,700 checkpoints
Proportion of non-nationals grew in almost all EU-MS

- Non-nationals in the EU: ca. 6%
- Foreign-born persons (OECD): 12%
- Hugh increases in the size of immigration population between 1990 – 2004:
  - Greece: from 1.4 to 8.1
  - Spain: from 1.0 to 6.6
  - Ireland: from 2.3 to 7.1
Legal immigration to the EU

• Admission of third country nationals is governed by domestic legislation

• Admitted for:
  – Employment: 15%
  – Family reunification: 44%
  – Humanitarian protection: 12%
  – Free movement inside EU: 29%
Management of legal immigration

• **Criteria for labour migration**: interests of the national workforce, exhibit job offer, preferential procedures for highly skilled workers

• **Bilateral employment agreements**: meet labour shortages in agriculture, construction

• **Quotas**: govts determine quota by sector, region or country of origin
UN Convention defines the status of Refugees

- Article 1 as amended by the 1967 Protocol provides the definition of a refugee:

  "A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country …"

European Commission 2002: 13 million refugees worldwide – only 15% reside in EU
147 States signed the Genova Convention

Bright green: parties to only the 1951 Convention
Yellow: parties to only the 1967 protocol
Dark green: parties to both
Asylum application and acceptance rate

- **Asylum request**: increased by 12 % in 2008 compared to 2007, total of 383,000 asylum applications (UNHCR report)

- **Low acceptance rate**: Between 60 and 70% of the asylum applications are rejected
Number of illegal immigrants

- European Commission 2007:
  - 8 million illegal immigrants living in the EU
  - additionally 500,000 to 1 million every year
- Two options:
  - short term visas an stay after these expire
  - Illegal border crossing
- ECCHR 2007: 100,000 – 120,000 migrants cross the Mediterranean illegally each year
  - Italy: 36,900 (2008) – alone 32,000 at Lampedusa
Main routes to Europe
Non-refoulment principle violated – conflict of competence

- Refugees found in international waters have the right to apply for asylum – but are often deported back to the African coast
- States dispute about the responsibility for refugees found in international waters
Push Factors in Africa

Emigration pressure

- War and Conflicts
- Overpopulation
- Poverty
- Climate change: crop yields and fresh water supplies are due to drop by more than 20% in 2050
Pull Factors in Europe

• Regularisation:
  – Italy: 1.4 m migrants over the past 25 years
  – Spain: 220,000 persons in 2000 and 2001

• Black economy:

16% of EU GDP
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2. Strengthening the external borders
Schengen created the need for an external border control strategy

- **Free movement of persons**: decided by Single European Act 1986
- **No passport controls**: In the Schengen area borders can be passed without check
- **Members**: Schengen area include all MS of EU except
  - UK, Ireland (opted out)
  - Bulgaria, Romania, Cyprus (not qualified yet)
  - plus Norway, Iceland and Switzerland
Elements of a common external border management

1. Uniform rules and procedures for border check
2. Harmonization of the conditions of entry and visas for short stays;
3. Coordination between administrations on surveillance of borders (staff training);
4. Combat illegal immigration
5. Common rules governing responsibility for asylum applications
6. Hot pursuit for police forces
7. The Schengen Information System (SIS).
The NMS entered the Schengen area in Dezember 2007

• NMS had to prove the effective application of external border control, visa procedures
• EU supported the investment in infrastructure and operational equipment with the Schengen facility fund and the external border fund – almost € 1 billion
• Since accession 2.5 billion dollar invested
The Schengen Information System (SIS)

- A computer network system containing information on wanted persons and stolen objects
  - Persons wanted for arrest
  - Third country nationals to be refused entry into the Schengen territory
  - Missing persons
- Can be consulted by police, border police, authorities responsible for delivering visas
Schengen countries have common rules for issuing short-stay visas

- **Visa Information System**: a biometric database which stores all Schengen visas issued by consulates
- **Aim**: Stop visa shopping = further application for visa despite rejection by another Schengen country
- **No limits**: Third-country nationals can travel with a single Schengen visa throughout the whole Schengen area
Frontex – the EU agency for external border security

- established in 2005, Headquarter: Warshaw

Main tasks:
- coordination of Member States in the field of management of external borders
- training of national border guards
- carrying out risk analysis
- research on the control and surveillance of external borders
- operational assistance at external borders;
- support in organizing joint return operations.
Europol: Fight against human trafficking

- **ILO:** over 100,000 victims trafficked into Western Europe every year – annual profit made by traffickers: $44 billion

- **EU activities:**
  - Europol - European Police Office
  - Eurojust: composed of national prosecutors - enhance effectiveness of national authorities
European Border Fund supports a solidary management of migration

- 1.820 million Euro for the period 2007 – 2013 – distributed according to the burden of each state for external border control and visa policy
- Fund finance national and transnational actions
- Support from the Fund may normally not exceed 50% of the total cost of national actions.
- **Measures**: surveillance equipment and technology, personnel training, data-exchange
Intensified border controls in Spain

- **High tech measures:** allow to recognize boats directly after they leave the Moroccan coastline
- **The Ceuta border fence:** barrier between Morocco and the Autonomous City of Ceuta, in Spain - €30-million razor wire barrier financed by the EU
- **Result:** Number of arrivals by boat halved
Intensified border controls in Poland

- Border guard stations erected in an interval of 12 to 15 miles
- Supported by the German Federal Border guards and financed by EU-funds
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3. Cooperation with Third Countries: Avoiding illegal immigration – facilitate legal immigration
Border Management as part of the European Neighbourhood Policy

- **Aim:** deeper integration – but no membership perspective
- **Tools:** Easier visa procedures in exchange for cooperation on illegal immigration
Joint efforts decreased illegal migration from Moroco to Spain

**Efforts**
- Joint patrols
- In 2005 Moroco agreed to increase surveillance of irregular immigration
- Frontex allowed to operate in the country

**Results**
- Numbers attempting the crossing to the Spanish Canary Islands dropped to 60% in the first half of 2007 in comparison to 2006
Readmission agreements

• Non-EU country agree to readmit its own nationals and people coming from that country – and receive funds in return

• No one may be expelled to a country where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhumane or degrading treatment or punishment

• Bilateral agreements: Italy with Libya 2006, Tunisia 2009
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4. Development of a common asylum policy
The evolution of a common asylum and immigration policy

- **Treaty of Amsterdam 1997**: created community competences
- **Tampere European Council 1999**: decided that a common asylum and migration policy should be implemented
- **The Hague Programme 2004**: A multi-annual work programme in the area of justice, freedom and security which sets the agenda to step up the fight against illegal immigration – and calls for measures leading to the creation of an asylum system by 2010
Features of a common asylum policy: legal instruments

1. **Reception Conditions Directive**: minimum standards - housing, education, health care

2. **Asylum Procedures Directive**: ensure the same minimum standards

3. **Qualification Directive**: criteria for qualifying either for refugee or subsidiary protection status and what rights are attached to each status

4. **Dublin Regulation**: rules about the Member State responsible for assessing an application – prevent multiple demands
Exchange of information

- **Eurodac**: enables to compare fingerprints of asylum seekers or illegal immigrants
- **Aim**: verify whether they have submitted an asylum application in another MS
- **Assessment**: in 2005 16% applied for asylum in several states
Sharing the burden: the European Refugee Fund

- **Aim:** Promote balance the MS efforts in receiving asylum seekers

- **Actions:**
  - capacity building for the asylum systems
  - durable solution to refugees
  - transfer of beneficiaries of international protection from one Member State to another

- **Resources:** 628 million Euro for 2008 – 2013 – distribution related to number of asylum seekers
Common Standards for forced repartition of illegal immigrants

- Fair and transparent procedure
- Limit the use of coercive measures
- Limit the use of temporary custody
The current EU Asylum Policy meets with criticism

**Unfair to asylum seeker**
- No common standards
- Restrictive asylum policy discourage participation in formal migratory channels

**Unfair to certain MS**
- Disproportional pressures on MS with external southern and Eastern borders
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5. Towards a common immigration and integration policy
Europe’s need for skilled immigration

- **Aging Europe**: working age population in the EU will decrease by 48 million (-16%) between 2010 and 2050, while the elderly population will increase by 58 million (+77%)

- European Commission estimates that the EU will need to attract 20 million skilled migrants over the next 20 years to address skill shortages

- Most EU immigrants from Africa and Asia are unskilled - but 50% of migrants to the US
EU Approches: The Blue European Labor card

• Fast-track procedure for issuing a special residence and work permit for high skilled workers
• Passed in May 2009 – MS have two years for incorporation into domestic legislation
• Content:
  – valid for up to two-years, but can be renewed thereafter
  – favorable family unification rules
  – After 18 months of residence in the first member state a move to another member state for the purpose of highly qualified employment is possible
Germany‘s need for a better integration of its immigrants

- 15 million people with migration background – 19% of population
- Every third citizen younger than 6 years with migration background
- 23 % of young persons with migration background have no school leaving certificate, only 14% with high educational level
- Economy complains 2007 a lack of 400.000 qualified labor forces – leading to a macroeconomic damage of 23 billion Euro which reflects one percentage point less growth
EU approaches in the fields of employment and social inclusion

• Integration policy remains a national competence – EU coordinates

• **Financial Instruments:** Structural Funds, European Social Fund, Equal

• **EU-directives:**
  – Recognition of professional qualifications
  – Equal Treatment in employment and work