

PT/CZ

COMPREHENSIVE EUROPEAN MIGRATION POLICY

This paper not only aims to sum up the priorities that are still controversial or open at European level – and thus revising the achievements in this area – but also to start a discussion on a broader vision concerning further direction of the European Migration Policy.

1. Background

The aim of establishing a common migration policy within the European Union in the long term was established in the **Tampere Program**, based on the four milestones for creating a common European asylum and migration policy: partnership with countries of origin; a common European asylum system¹, fair treatment of third country nationals and management of migration flows.

Afterwards, the **Hague Program** also endorsed the idea of a common European migration policy based on the study of migratory phenomena, acknowledging the relevance of legal migration, integration of third country nationals, migratory flows management, inclusion of biometrical data and visa policies, the fight against illegal immigration, return and readmission policies and partnerships with third countries of origin and transit in order to strengthen their migratory flows management capabilities and borders control, and enhance legal migration channels.

Eight years after Tampere, these major milestones of the new community policy have had good progress (global approach to the management of migratory flows, similar treatment of third country nationals and partnerships countries of origin and transit). This can only be reached in the long term, but significant progress has taken place in just 8 years. “Zero immigration” or “fortress Europe” policies have moved onto a global and balanced policy that covers areas of enhanced legal and circular migration, integration, fight against illegal immigration and has a considerable external dimension based on development policies and partnerships with third countries.

While setting up a common migration policy, the EU has now entered a **second stage**; in this regard, we should be able to acknowledge that a consensus has already been

¹ This paper deals only with the migration policy, the asylum system will be dealt latter.

confirmed as regards: political acknowledgement that migratory phenomena are regular and permanent (something that will never cease to exist and will ever be fostered by globalization); the EU must be envisaged as a natural immigration area; policymakers cannot ignore the migratory phenomenon as an independent reality; immigration is both a challenge and an opportunity; hence the need for new forms of governance in what concerns migration policies.

However, challenges remain, such as tackling the persisting problem of illegal migration jointly or, e.g. building up true partnerships with countries of origin. Persisting differences in conditions in Member States as well as in the goals that they are trying to reach continue to represent a fundamental problem in the creation of the Comprehensive European Migration Policy (CEMP). We have to admit that the difficulty in the CEMP structure lies in the different experience and needs of individual Member States in different aspects of migration and in different opinions as to their solution. Our task is to define the needs and to find a common factor.

Trust among Member States and between them and the European institutions is the prerequisite for successful execution of the CEMP. Increasing the trust will, hence, be a necessary task for the post-Hague process. The Post-Hague Programme shall be based on a thorough analysis of achievements and deficits of the recent programmes and the degree of fulfilment of goals set in these programmes.

2. Immigration policy goals for 2014

Well managed immigration can be beneficial to all. Immigration policies are an obvious case of gains brought on by an EU level approach – by means of a Global Migration Policy that will consider all sides from a multidisciplinary point of view and by minimizing losses and maximizing mutual benefits while fully respecting national competencies.

The EU and its Member States will need a well managed immigration in 2014. While remaining faithful to European values it must decisively engage in the future of the EU – as an effective stakeholder in the globalization context – and become pivotal to its social and economic development so as to meet the goals of the Lisbon Agenda.

Labour markets and social systems differ in each Member State. Thus each Member State should retain the responsibility of managing its labour market and of determining volumes of admission of immigrants coming to their territory in order to seek work. Thus, we should determine fields in which a migration management at EU level generates an added value.

A true common migration policy must include a holistic approach that requires the commitment of the entire Government – since it covers various aspects – as well as that of all society, alongside with strong partnerships with third countries (“new

governance”). And enhanced citizens’ trust in such policy will entirely depend on the assurance that migration occurs within, and not without strict compliance with the law and that it is in conformity with Europe’s interests and identity.

That will require simultaneous:

- ensure trust among Member States and between them and the European institutions;
- enhanced mobility within the EU and between the EU and third countries of origin in accordance with each Member States’ labour needs and integration capacity;
- strong integration strategy of legal immigrants, since successful immigration depends on the capability to integrate;
- deepen intercultural exchanges for better understanding, trust and ultimately solidarity;
- relentless fight against illegal immigration and particularly illegal employment that distorts the way the market operates and produces human exploitation;
- deepen and broaden the Global Approach to Migration in what concerns the relationship with countries of origin and transit;
- support information campaigns in the countries of origin and transit as an instrument for prevention of illegal migration and provision of information on the possibilities legal migration.

3. Questions for discussion

- Do we all agree that migration is regular and permanent, that the EU is a natural immigration area and that, well managed and legal migration can be both a challenge and an opportunity?

Legal migration

- Given that the responsibility of managing its labour markets and of determining volumes of admission of immigrants coming to their territory in order to seek work remains in the competence of the Member States, which fields can we determine in which a migration management at EU level generates an added value?
- The aim of establishing a true common migration policy within the EU has altogether significantly moved forward, but should it mean moving to a greater degree of harmonization as regards entry and admission requirements for migrants?
- Since mass regularizations of illegal migrants have an impact beyond the national territory of each Member State (given the absence of the internal borders controls) should an effective mechanism be established at EU level aimed at information exchange, co-ordination of legal migratory flows and assessment of anti-illegal immigration policies, including a control mechanism which could enable to veto a potential intended regularization?
- How can the EU become more attractive to highly skilled workers?

- A common migration policy is beneficial but it also entails risks. Are Member States willing to give legal migrants intra-European mobility, thus ensuring flexibility of the different labour markets in Europe?

Integration

- Should immigration policy be regarded as a true EU common policy or should it include a “Minimum European Integration Agreement”, a kind of catalogue of minimum rights and duties of immigrants and Member States?
- What aspects of integration policy elements can be solved at community level and what should remain under national jurisdiction?
- What yardsticks relating to various areas of integration (e.g. employment rates, quality of housing, education possibilities, etc.) need to be developed to help shape future policies on integration?
- Should Europe also develop a common, rigorous system of evaluation of integration processes in the EU, based on the above-mentioned benchmarks and indicators?
- Should the role of the National Contact Points on Integration (NCPs) be further consolidated and expanded? If so, in what direction?

Illegal immigration

- Is it necessary to support a common return strategy so as to make readmission agreements effective instruments of EU migratory policy?
- Could a coordinated return policy radically increase its effectiveness and at the same time bring about economies of scale? What might be the role of FRONTEX in this area?
- One of the problematic categories of illegal migrants is the category of undocumented persons and the potential security risk such persons present. Is there a need to discuss how the EU travel letter can be put to better use for the purposes of expatriation and be acknowledged by third countries?
- Since co-operation with third countries of origin and transit is essential to manage migratory flows effectively, the EU should be in a position of offering something in exchange in order to develop effective partnerships (“mobility partnerships” and circular migration) – what are we willing to offer, visa facilitation, tax and social incentives for circular migration in exchange for a serious commitment to fighting human trafficking and illegal migration mafias? Which tools do you consider the most effective in cooperation with third countries?
- National experience in some Member States shows that setting up recruitment centres in third countries that offer language training and information on the host country can be an effective tool. Could the EU adopt this approach in its relationship with neighbouring countries?

- The common migration policy should stress co-development. How should JHA policies and Development and RELEX policies be linked together?
- How can we solve the impasse caused by non-compliance with Article 13 of the Cotonou agreement by third countries?
- How can we ensure that, by implementing truly complementary projects, EU financial funds (as regards border, return and integration) produce a true gain for the EU as a whole?
- Do the Member States consider the current forms and the amount of earmarked financial resources in the field of migration policy to be sufficient?