Migration and population mobility are crucial to the economic policies and projects of the European Union. Few EU policies have caused as much controversy in recent years, and few policies have the power to generate such vociferous debate across member states.

Setting the debate in a broad historical context, Boswell and Geddes examine patterns of migration flow since the end of the Cold War, highlighting the key trends in migration across all EU member states. The book then examines the development of multi-level structures of migration governance.

The authors analyse the various types of migration – such as labour, family and asylum; for each, they study the EU framework, policy aims, key debates and issues, implementation, and policy outcomes. Systematic and accessible, this book delivers an invaluable insight into the shape, scope and dynamics of the EU system, and provides readers with a thorough understanding of the policy dilemmas facing European politicians.

**Christina Boswell** is Senior Lecturer in Politics at the University of Edinburgh, UK. She has published extensively on European immigration politics and policy.

**Andrew Geddes** is Professor of Politics at the University of Sheffield, UK. He specializes in European and EU immigration politics.
© Christina Boswell and Andrew Geddes 2011
All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6-10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2011 by
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin’s Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries


This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1
20 19 18 17 16 15 14 13 12 11

Printed and bound in Great Britain by the MPG Books Group, Bodmin and King’s Lynn

Contents

List of Tables, Figures and Boxes viii
List of Abbreviations x
Acknowledgements xiii

1 Studying Migration and Mobility in the European Union 1
   Migration and EU population 5
   Key questions 6
   The EU’s role 7
   The complexities of European migration politics and policy 15
   Organization of the book 18

2 Migration and Migration Policy in Europe 21
   Migration and refugee flows in Europe since World War II 23
   Making sense of migration 28
   Understanding the policy process: policy failure or securitization? 39
   A framework for analysis of European migration politics 45
   Summary 50

3 The EU Dimension of Migration and Asylum Policy 51
   The multilevel setting of EU policy 54
   Relocation, relocation, relocation 67
   Analysing the effects of EU migration and asylum policy 71
   Summary 75

4 Labour Migration 76
   Explaining labour migration policy 77
   Narratives 82
   Political debate 88
## Contents

Administrative practice and implementation 97  
Conclusions 102  

5 Family Migration 103  
The centrality of family migration 103  
The right to family migration? 105  
Narratives 106  
Political debate 112  
Administrative practice and implementation 118  
Conclusion 120  

6 Irregular Immigration 122  
The dark side of admissions policies? 123  
Narratives 125  
Terms and their consequences 128  
Political debate 135  
Administrative practice and implementation 143  
Conclusions 149  

7 Asylum 150  
EU cooperation on asylum: key themes 151  
Narratives 157  
Political debate 161  
Administrative practice and implementation 167  
Conclusion 174  

8 Mobility, Citizenship and EU Enlargement 176  
The EU framework 177  
Narratives 178  
Political debate 190  
Administrative practice and implementation 195  
Conclusion 199  

9 Immigrant Integration 201  
Narratives 203  
Political debate 209  
Administrative practice and implementation 217  
Conclusion 221  

10 Conclusions 225  
Multilevel migration politics? 226  
Europeanization and convergence 232  

Bibliography 235  
Index 250
## List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AN</td>
<td>Alleanza Nazionale</td>
</tr>
<tr>
<td>CARDS</td>
<td>Community Assistance for Reconstruction, Development and Stabilisation</td>
</tr>
<tr>
<td>C.SIS</td>
<td>Central Schengen Information System</td>
</tr>
<tr>
<td>CEC</td>
<td>Commission of the European Communities</td>
</tr>
<tr>
<td>DG</td>
<td>Directorate General (European Commission)</td>
</tr>
<tr>
<td>DGEAS</td>
<td>Directorate General Employer and Social Affairs</td>
</tr>
<tr>
<td>DGJLS</td>
<td>Directorate General Justice, Liberty and Security</td>
</tr>
<tr>
<td>EC</td>
<td>European Community</td>
</tr>
<tr>
<td>ECHR</td>
<td>European Convention on Human Rights</td>
</tr>
<tr>
<td>ECJ</td>
<td>European Court of Justice</td>
</tr>
<tr>
<td>ECRE</td>
<td>European Council on Refugees and Exiles</td>
</tr>
<tr>
<td>EEA</td>
<td>European Economic Area</td>
</tr>
<tr>
<td>EEC</td>
<td>European Economic Community</td>
</tr>
<tr>
<td>EFTA</td>
<td>European Free Trade Area</td>
</tr>
<tr>
<td>EMN</td>
<td>European Migration Network</td>
</tr>
<tr>
<td>EMU</td>
<td>Economic and Monetary Union</td>
</tr>
<tr>
<td>EP</td>
<td>European Parliament</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>EUROSUR</td>
<td>European Border Surveillance System</td>
</tr>
<tr>
<td>FRONTEX</td>
<td>Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU</td>
</tr>
<tr>
<td>GLA</td>
<td>Gangmasters Licensing Authority</td>
</tr>
<tr>
<td>HSMP</td>
<td>High Skilled Migrants Programme</td>
</tr>
<tr>
<td>ICMPD</td>
<td>International Centre for Migration Policy Development</td>
</tr>
<tr>
<td>ICT</td>
<td>Information and Communication Technologies</td>
</tr>
<tr>
<td>IND</td>
<td>Immigration and Nationality Department</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>JHA</td>
<td>Justice and Home Affairs</td>
</tr>
<tr>
<td>LN</td>
<td>Lega Nord</td>
</tr>
<tr>
<td>MEDA</td>
<td>European Mediterranean Partnership</td>
</tr>
<tr>
<td>N.SIS</td>
<td>National Schengen Information System</td>
</tr>
<tr>
<td>NAFTA</td>
<td>North American Free Trade Agreement</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
</tr>
<tr>
<td>OMC</td>
<td>Open Method of Coordination</td>
</tr>
<tr>
<td>QMV</td>
<td>Qualified Majority Voting</td>
</tr>
<tr>
<td>REGINE</td>
<td>Regularizations in Europe Report</td>
</tr>
<tr>
<td>SAP</td>
<td>Stabilization and Association Process</td>
</tr>
<tr>
<td>SCIFA</td>
<td>Strategic Committee on Immigration, Frontiers and Asylum</td>
</tr>
<tr>
<td>SIS</td>
<td>Schengen Information System</td>
</tr>
<tr>
<td>SIS II</td>
<td>Schengen Information System Second Generation</td>
</tr>
<tr>
<td>SIVE</td>
<td>Integrated System of External Vigilance</td>
</tr>
<tr>
<td>TACIS</td>
<td>Technical Aid to the Commonwealth of Independent States</td>
</tr>
<tr>
<td>TCN</td>
<td>Third Country National</td>
</tr>
<tr>
<td>UDC</td>
<td>Unione dei Democratici Cristiani e di Centro</td>
</tr>
<tr>
<td>UKIP</td>
<td>United Kingdom Independence Party</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
</tbody>
</table>
Acknowledgements

Just after finishing the first draft, a new arrival, Imogen Rose, meant that Christina had rather less time to work on revisions. Andrew would like to thank Jacopo and Beatrice Geddes who helped with these revisions by colouring in the map on page 59. They probably now know more about the Schengen area than most 7- and 4-year-olds.

During the writing of this book we were both saddened to hear of the death of Maria Ioannis Baghina whose work has been and will continue to be a major influence on European migration studies. This book is dedicated to her memory.

Christina Boswell
Andrew Geddes

Acknowledgement: Table 8.1 contains public sector information licensed under the Open Government Licence v1.0.

Chapter 1

Studying Migration and Mobility in the European Union

‘It was filthy, we had nothing, no water, little food, but it was our only hope,’ said one asylum-seeker from Afghanistan to describe his experiences in a makeshift camp close to the town of Sangatte on the coast of northern France. He spoke as the French government sent bulldozers to destroy the camps set up by people whose hope was to somehow enter the UK. The Guardian newspaper in the UK condemned the approach of the French and British governments by arguing that the governments acted first and only thought about the consequences of their actions later. It also condemned what it called ‘buck-passing’ between European Union (EU) member states seeking to offload immigration problems onto each other (The Guardian 2009).

What do these events and this newspaper story about them tell us about migration and mobility in the EU? First, they hint at some of the variation in the way different types of migrants are treated in politics and the media. In this case, the migrants in question were people seeking refuge. The story would have been different if the migrants concerned were high-skilled labour migrants or seeking to join family members. Second, asylum-seeking migration has an EU-wide resonance. The story recounted above suggests that this cooperation is actually quite weak, as the French and British seem to prefer to offload problems rather than seek a Europe-wide framework. Third, by making a decision between what it calls ‘thought’ and ‘action’ when discussing the plight of these people, The Guardian alludes to different stages of the political process and to a fairly widespread consensus that migration policies fail because ‘thought’ and ‘action’ do not connect. By failure is meant that policies fail to achieve their objectives, or could actually make things worse.

These perspectives all offer fascinating ways of exploring the dynamics of migration and mobility in the EU: through thinking about different types of migration; exploring policy responses;
analysing the EU framework within which national policies are now located; and considering the notion of policy failure. The challenge that we set for ourselves is to integrate these various elements into a coherent analytical approach that provides a framework for understanding the EU’s impact on migration and mobility (and vice versa). Before we do that, however, there are two important issues that need to be dealt with.

First, we need to specify what we mean by migration. We define an international migrant as someone living outside their country of origin either regularly or irregularly for a period of 12 months or more (IOM 2008:2). We thus exclude tourism and short-term travel, for example for business purposes. Look beneath the surface of the 12-month definition and things get more complicated because there is real uncertainty about the meaning of international migration. Temporary and seasonal migration flows are clearly important, but may not fit within the framework of this 12-month definition that is commonly used by policymakers. Immediately, it becomes apparent that international migration can come in many shapes and forms and be simultaneously represented as a solution (to an ageing population, skills shortages), a problem (because of labour market competition or as a threat to national identity) and, perhaps more realistically, as a natural component of an interdependent and globalized international system.

Of the world’s 6.7 billion people around 3 per cent are international migrants. So with 97 per cent of the population remaining immobile, international migration is in fact a rather unusual condition. One reason for the relative lack of mobility is the various social and psychological costs of migrating to another country. After all, it is risky to leave one’s own country, family and friends and move to another. Another reason is that the countries that receive a lot of migrants – or ‘receiving states’ – have established elaborate schemes to regulate and control international migration. This is partly why population movement within the borders of one country is far more common than international migration. In most countries, such internal movement is subject to few or no restrictions. It is usually only where mobility involves movement between states that it is the object of attempts at control and restriction. It is these efforts to regulate cross-border movement into and between EU countries that are the focus of this book.

Second, as can be seen from this book’s cover, we refer to migration and mobility. We need to be clear from the outset about the distinction that we make between these two types of population movement.

International migration refers to movement from outside the EU by people who are not nationals of a member state. This extra-EU migration is by non-EU or third country nationals (TCNs).

EU mobility refers to nationals of EU member states – exercising their rights of free movement as EU citizens.

The prevailing image for most people when ‘immigration’ is mentioned may well be movement from outside the EU by TCNs. The image then conjured is of the kind of scene we sketched in this book’s first paragraph describing the plight of Afghans living in a makeshift camp in northern France. This is not the whole picture; far from it, in fact. International migration is incredibly diverse, fluid and fast-changing.

The key point here is that there are important legal, social and political distinctions made at EU level between ‘migration’ by non-EU citizens and ‘mobility’ or ‘free movement’ by EU citizens. As we show, mobility rights for nationals of member states/EU citizens are a key feature of the Treaty of Rome (1957) and of subsequent treaties and legislation at EU level.

Extra-EU migration by TCNs is a relative newcomer on the EU policymaking scene, essentially since the Maastricht Treaty came into effect in 1993. And it is only since the Amsterdam Treaty (1999) that migration and asylum have been included in the EU’s main legal and political framework. For this reason, we focus in particular on the period since the Maastricht Treaty and show that there is something new and distinct about the post-cold-war context. We see:

from the end of the Cold War and esp. since late '80s

- greater intensity of migration flows to and within the EU;
- more countries affected by immigration;
- a growing role for the EU; and
- ostensibly new manifestations of the immigration problem, for example growing concern about irregular flows, people-smuggling and human trafficking.

By analysing mobility, migration and asylum in this post-cold-war period, this book deals with a highly topical set of issues whose political salience seems unlikely to decline. In 2005, there were 44.1 million migrants living in western and central Europe. This includes the 27 EU member states, three European Economic Area
(EEA) states of Iceland, Liechtenstein and Norway, Switzerland and two EU candidate countries, Croatia and Turkey. Of these, around 30 per cent originated from other western or central European countries. In absolute terms, Germany was Europe’s largest country of immigration, with 10.1 million migrants living on its territory in 2005. Next on the list was France with 6.5 million migrants, followed by the UK with 5.4 million, Spain with 4.8 million and Italy with 2.5 million. Figure 1.1 shows the migrant population in the 10 central and west European countries with the largest migrant populations, in absolute terms.

Spain and Italy are often referred to as ‘new’ countries of immigration, although migration to these countries accelerated at the end of the late 1980s and early 1990s so the novelty of immigration is waning. In both, there has been a rapid increase in the numbers of immigrants. Between 2000 and 2005, Spain’s migrant population rose by a staggering 194.2 per cent (3.1 million immigrants) while in Italy during the same period the numbers of migrants increased by 54.1 per cent (884,000 immigrants). Both the Spanish and Italian government have been keen to see a stronger EU role in managing migration. In August 2009, the

![Figure 1.1 Growth in the immigrant population in the top ten immigration countries in central and western Europe, 2000–5](image)

Source: Data from IOM (2008:456).

Italian foreign minister, Franco Frattini, called for solidarity among EU member states, by which he meant the proportional redistribution of migrants across the EU (Corriere della Sera 23 August 2009). In February 2010 rumblings of anti-immigration discontent were reported in Spain as the immigrant population had risen steeply from 2 to 12 per cent of the Spanish population (a total of 5.6 million people) in the first decade of the twenty-first century. This was at a time of economic recession and the level of unemployment approaching 4 million.

Newer member states that joined the EU in 2004 and 2007 are also showing signs of becoming immigration countries. In 2005, there was a positive net migration balance (meaning that more people were entering than leaving) in Cyprus, the Czech Republic, Hungary, Malta, Slovakia and Slovenia. That said, in Bulgaria, Estonia, Latvia, Lithuania, Poland and Romania more people left than entered. Of these, however, many were moving to other EU member states – for example Poles moving to the UK benefiting from EU free-movement provisions, but with cheap and easy travel options – a ‘Ryanair effect’ – making return very feasible.

**Migration and EU population**

Migration has been, is and will continue to be an important factor in EU population change. EU-wide demographic data consistently show declining birth-rates and raise concern about the effects of an ageing population. This has led to discussion about the role that migration can play in offsetting the effects of an ageing population. In 2008, the EU population reached 495.4 million, with 4 people of working age (aged 15–64) for each person over the age of 65. By 2060, this ratio is projected to fall to 2:1, that is 2 people in work for every person retired. These changes are not evenly distributed. Poland and Slovakia are projected to see an increase in the median age of their population by 15 years between 2008 and 2060 whereas the increase in the median age is expected to be less than 5 years in Belgium, Finland, France, Germany, Luxembourg, Sweden and the UK.

Table 1.1 shows that migration is projected to remain an important driver of population growth in the EU. Immigration could be part of the solution to population ageing because it means importing younger people, but it is not a magic bullet – no: least
because migrants get old too. This means that high levels of immigration would need to be sustained, as the previous wave of migrants themselves would age. There are other possible solutions such as an increase in the retirement age or increased female participation in the labour market that can also help to address some of these problems. It also seems reasonable to suppose that high and sustained levels of immigration to EU member states would cause some political controversy.

**Key questions**

Thus far we have demonstrated the political salience and complexity of immigration, but to chart a path through them we identify three sets of questions central to our analysis:

- Given that international migration is highly diverse in terms of the forms it takes, how do we make sense of this diversity and relate it to the politics of migration? How can we distinguish, for example, between the ways in which issues such as asylum, high-skilled migration, illegal/irregular migration and intra-EU mobility become social and political issues?
- Given that the politics of migration are complex, how can we make sense of the ways in which migration is articulated as a concern in public debate, in decision-making and, then, in policy implementation?

- Given that these are now issues with distinct EU competencies, how can we make sense of this EU role and understand what it means for the politics of immigration in Europe?

These three sets of questions concern themselves with different but closely related aspects of the politics of migration and mobility in Europe. They take seriously the distinctions between different types of migration; different stages of the political process; and the multilevel context of EU politics.

**The EU's role**

There is a common EU migration and asylum policy, which has been further consolidated by the Lisbon Treaty after it finally limped to ratification in December 2009 (it was signed by national leaders in December 2007). EU policies do not cover all aspects of migration and asylum (admissions policy being a very notable exception), but they have had important effects on border controls, asylum and irregular migration. EU action has also played a key role in policy change and adaptation in southern European countries such as Greece, Italy and Spain and was a crucial component of adaptation by the 12 countries that joined the EU between 2004 and 2007 (10 of them in central and eastern Europe).

The EU Treaty framework established back in the 1950s for what we now know as the EU provided mobility rights for workers holding the nationality of a member state. This provision for free movement for workers has since been extended to a more general right of free movement (CEC 1997; Guild 2005; Favell 2007). Mobility rights for EU citizens are central to the framework for economic integration established back in the 1950s.

In contrast, migration from outside the EU by TCNs was not part of the founding Treaty and was not included until the Maastricht Treaty came into effect in 1993 and, even then, only in a loose, informal way that kept member states firmly in the driving seat. A key impetus for cooperation between EU governments at Maastricht was fear of large-scale migration in the aftermath of the cold war. Europe's post-1989 geopolitical shakeup played a key role in driving EU action on migration because the understanding of Europe changed, becoming wider – as too did the perception of migration potential from the south and east to the EU.
Box 1.1 A potted history of EU mobility, migration and asylum policy

Mobility rights
Free movement for workers was a key provision of the Treaty of Rome (1957). An EU-wide law introduced in 2004 replaced 10 previous pieces of legislation to create a common EU-wide framework specifying that all EU citizens have a right to move to another member state, to take family members with them and to become resident in that state, provided that they are able to support themselves.

Immigration and asylum policy
Cooperation on internal security developed in the 1970s, but there was particular acceleration in the 1980s linked to single market integration in the form of the Schengen Agreement (1985), initially between the Benelux countries, France and Germany, as well as looser forms of intergovernmental cooperation within the EC.

The Maastricht Treaty formalized cooperation by creating an intergovernmental 'pillar' dealing with Justice and Home Affairs. This pillar was intergovernmental because it was based on unanimous decision-making, largely excluding a role for supranational EU institutions such as the Commission, Parliament and Court of Justice.

By 2009 and the ratification of the Lisbon Treaty both migration by TCNs and mobility by EU citizens had become central components of EU action. They must be analysed together if we are to understand how national responses have developed and, moreover, how these national responses mesh with the developing EU framework. Box 1.1 provides a potted history of key EU developments before the Lisbon Treaty and introduces themes that will be covered in more detail in the chapters that follow. What is demonstrated generally is the intensification of EU action since the end of the 1990s.

The Lisbon Treaty was agreed in 2007, but was only finally ratified at the end of 2009. It was rejected in referenda in the Netherlands and Ireland and encountered strong opposition in other member states too. As Box 1.2 shows, the Lisbon provisions mark a further development of the EU's common migration and asylum policy. They are consistent with the direction of travel established by the Amsterdam Treaty and have a strong focus on those forms of migration defined as unwanted by member states' policies, such as asylum and irregular immigration. Box 1.2 specifies Lisbon's key provisions.

The Amsterdam Treaty, which came into force in 1999, was important because it moved this intergovernmental cooperation by taking migration and asylum out of the JHA pillar and putting them alongside free movement in a new Title IV of the Treaty covering free movement, migration and asylum. This created a legal base for EU action on migration and asylum policy, as well as extended jurisdiction to the Commission, European Parliament and European Court. Articles 62-4 set our Community competencies in the area of internal and external border controls and conditions for the ability of TCNs to travel within the territory of the member states.

In particular, article 63 set out Community competencies in the area of asylum and immigration policy:

- responsibility for assessing asylum claims;
- minimum standards on reception of asylum-seekers;
- minimum standards on qualification as refugees;
- procedures for granting or withdrawing refugee status; measures on temporary protection and displaced persons;
- conditions of entry and residence for TCNs;
- procedures for issuing long-term visas;
- action against illegal immigration;
- defining the rights of legally resident TCNs.

The Nice Treaty (2001) made provision for use of QMV and co-decision in areas of migration and asylum.
Box 1.2 The Lisbon Treaty

The Lisbon Treaty marked the full incorporation of migration and asylum within the Treaty framework.

Migration and asylum would become 'normal' EU issues with qualified majority voting in the Council, co-decision with the European Parliament and a full role for the Court of Justice to consider annulment of legislation, to rule on failure to act on the part of EU institutions and in cases of infringement where member states have failed to fulfil their obligations.

Articles 77–80 set out provisions on borders, asylum and migration:

- Article 77 (1) provides for the absence of internal border controls, checks at external borders and an integrated approach to border management.
- Article 77 (2) provides for the following measures:
  - Common policy on visas and short-term residence permits;
  - Checks to which those crossing external borders are subject;
  - Conditions under which TCNs are free to travel within the EU;
  - Gradual establishment of an integrated management system for external borders;
  - The absence of controls on those crossing internal borders.
- Article 77 (3) provides that where it is necessary to facilitate mobility rights, the Council may adopt measures on passport, identity cards, residence permits and other such documents. The Council must act unanimously and consult the European Parliament (i.e. this is not covered by co-decision procedures, under which the Parliament has more powers).
- Article 78 deals with a common policy on asylum, subsidiary protection and temporary protection comprising:
  - A uniform status of asylum for TCNs valid throughout the EU;
- A uniform status of subsidiary protection for TCNs;
- A common system of temporary protection for displaced persons in the event of a massive inflow;
- Common procedures for granting and withdrawing uniform asylum or subsidiary protection status;
- Criteria and mechanisms for allocating responsibility for asylum claims;
- Standards concerning reception of applications for asylum or subsidiary protection;
- Partnership and cooperation with third countries to manage inflows of persons applying for asylum or subsidiary or temporary protection;
- Article 79 sets out a common immigration policy comprising:
  - Conditions for entry and residence and standards on the issue of long-term visas and residence permits;
  - Definition of the rights of TCNs legally residing in a member state including free movement and residence in other member states;
  - Illegal immigration and unauthorized residence;
  - Combating people trafficking.
- Article 79 (3) allows for the conclusion of readmission agreements between the EU and third countries.
- Article 79 (4) provides for the possibility of incentive measures to promote integration of legally resident TCNs.
- Article 79 (5) states that measures on immigration 'do not affect the right of member states to determine volumes of admission of TCNs coming from third countries to their territory in order to seek work, whether employed or self-employed.'
- Article 80 provides for 'solidarity and fair sharing of responsibility' in the areas of migration and asylum.

Multilevel politics

We need to think about what ‘multilevelness’ might mean, how it is made manifest and its implications for understandings of immigration policy and politics that have often been seen as closely bound by the national contexts of particular European states. EU politics are multilevel, but this doesn't get us far because all political systems are multilevel to some extent. To move beyond stating the obvious, we have to decipher particular aspects of multilevelness as they impinge on EU migration politics. This means looking at the distribution of power and authority in the EU across levels of governance, thinking about the actors involved in these processes and about interactions between levels and actors.
The rise of the EU has been described as amounting to a ‘rebundling’ of authority (Ansell 2004) with important implications for borders, territory, territorial relationships and population control. This rebundling can help to generate some questions that specify key aspects of multilevel politics:

- How, why, when and in what form have EU governance structures emerged and developed?
- How do they impinge on policy areas that are closely associated with national sovereignty?
- Which actors have been empowered within this multilevel system?
- How does this multilevel distribution of power and authority play out across different types of migration policy, as in some areas there is a strong EU role (for example asylum) while in others the EU role (for example admissions policy) is less developed?
- How do EU member states seek to shape and influence EU policy, but also, how has EU action affected policy in member states?

In addressing these questions, we show that the EU framework is partial, as it does not cover all aspects of migration and asylum policy, and differential, in that its effects are more pronounced on some member states than on others. We show significant variation by policy type and that this then helps us to better understand:

- relationships between member states and the EU;
- the partial nature of EU mobility, migration and asylum policy, with some areas more highly developed than others; and
- the differential effects of EU mobility, migration and asylum policy, with more impact on some member states than on others (and impact varying by policy type too).

The paradox of Europe’s borders

This focus on multilevelness also points to the paradox of Europe’s borders: the EU and its member states are simultaneously removing some borders, relocating others and building new ones. This paradox could actually be seen as an EU-level reflection of responses to population control and immigration that developed at state level from the nineteenth century, as internal consolidation of territory associated with state-building was accompanied by moves to regulate access to that territory (Bade 2003). Such processes were integral to the establishment of sovereign authority (Krasner 1999). This is one fairly obvious reason why member states can get so worked up about immigration and its effects, as immigration goes to the very heart of their self-definition as states. Member states do not passively observe these developments; they are key players.

It is the borders of states that make international migration visible as a distinct social process. If there were no such things as state borders then there would be no such thing as international migration (Zolberg 1989). It is the categories and meanings attached to international migration at Europe’s borders that are central to the analysis that follows. We need to understand how organizations and institutions ‘make sense’ of international migration (Weick 1995). One way they make sense of international migration is to put migrants into categories – high-skilled migrant, low-skilled migrant, family migrant, and the like – that each determine conditions of entry, residence and associated rights and entitlements. As Bowker and Leigh Star (1999:5) put it:

Each standard and each category valorizes some point of view and silences another. This is not inherently a bad thing – indeed it is inescapable. But it is an ethical choice, and as such it is dangerous – not bad, but dangerous.

Categorizations that occur at Europe’s borders are central to the understanding of migration as a set of issues and concerns within the EU’s multilevel system and to the constitution of a European political space. They can have a profound resonance that amounts to far more than just their representation as lines on maps. As Walker (2006:57) points out:

Almost all the hard questions of our time ... converge on the status of borders; of boundaries, distinctions, discriminations, inclusions, exclusions, beginnings, endings, limitations and exceptions, and on their authorization by subjects who are always susceptible to inclusion or exclusion by the borders they are persuaded to authorize.

Similarly, Balibar (1998) writes of how Europe’s borders have ‘multiplied and reduced ... thinned out and doubled’. 


Where are the borders at which these categorizations occur? They are most obviously territorial (land, air and sea), but they can also be ‘organizational’ (governing access to, for example, the labour market and welfare state) and can be ‘conceptual’ (concerned with questions of identity and belonging) (Geddes 20056). In 2010 there were 1636 land, sea and air border crossing-points in the EU, but we can add to these social security offices, housing authorities, healthcare providers and a wide range of other organizations and institutions that give meaning to international migration by determining who can enter the territory of a state, on what basis, for what duration and, once they have entered, the rights, entitlements and responsibilities they will have.

In 2010 the 27 EU member states had external land borders of around 8000 km and sea borders of 80,000 km. The EU does not itself have external frontiers because it is not a state. Instead the external frontiers of its southern and eastern member states have become the focus of much EU activity designed to strengthen and enhance border control capacity. Tables 1.2 and 1.3 show the extent of the EU external land (‘green’) and southern European sea (‘blue’) borders.

Borders are central to the analysis of migration, but they are not some natural and immutable presence in the global order. Borders as powerful social constructions govern access to resources and signify a powerful relationship between controllers and those who are controlled (Sack 1986). They tell us something about relations between ‘us and them’. Borders are intrinsically and inescapably political and are our route to the analysis of migration and mobility in the EU.

The complexities of European migration politics and policy

Having just staked out how important all these issues are, we could immediately run aqford as we hit a pretty serious problem. Migration and mobility are rather diverse and complex, debates play themselves out in different ways in various EU member states and it’s all very ‘multilevel’. Moreover, the nature and type of these debates may have changed over time. To make things even more complicated, the EU and its institutions are now heavily involved
in this policy area, which means that we need not only to understand their role, but also to penetrate the sometimes rather peculiar and complex ways that the EU itself has of describing its activities (the issuance of ‘Directives’ and ‘Regulations’, the use of ‘qualified majority voting’ (QMV) and so on). If this wasn’t enough, we then need to think about how the EU connects with these domestic debates.

We think that it is important to create a framework that cuts through this complexity without being so simplistic that we lose analytical value. There are three possible ways to go about this:

- We could analyse how, why and when national responses to immigration have changed, but we choose not to do this because this would downplay the ability to look across these countries and pick out points of similarity and divergence.
- We could analyse the rapid development of EU policy and look at how, why and when these competencies have developed, but we choose not to do this because it would tend to separate the EU from the member state contexts that have been so central to the evolution and development of European integration.
- We could analyse migration types – labour, family, asylum, irregular, EU mobility as well as debates about immigrant integration – in order to look at how specific types of migration engender particular forms of political response and at how these play out across the various levels of the EU’s multilevel system connecting subnational, national and supranational/EU levels.

We choose this third and last approach because it actually encompasses the other two by allowing analysis of variation by policy type, drawing from experiences in member states and accounting for the EU’s role.

We focus on migration types but recognize that there are powerful overlaps or linkages between migration categories. We also recognize that categories are fluid and that people move between them with different legal, political and social implications. Someone arriving to study may stay on to work and then be joined by family members. We explore these linkages because it allows us to also analyse the ways in which categories are contingent, conjunctural, interlinked and can change. By doing so, we go to the core of many policy dilemmas that EU states face. We also see that the term ‘immigration’ is too broad-brush and has very limited analytical usefulness.

To sum up, we focus on different forms of migration for four reasons. First, these are precisely the categories that EU states have developed and use to make sense of international migration. Second, changing understandings of migration are made evident through the redefinition of categories. Third, the forms and types of politics can differ quite substantially by migration type – with, for example, the politics of high-skilled labour migration differing greatly from those for asylum. Finally, the EU uses these categories to make sense of its role in relation to migration and mobility policy.

In the chapters that follow, we will not seek to immerse the reader in all the various complexities of migration policy in all twenty-seven EU states across all main migration types. Nor will we launch into detailed paragraph-by-paragraph analysis of various EU missives (and there are a lot of them). Rather, our objectives are to:

- create a framework for analysis that distinguishes between types of migration; aspects of the policy process; and the extent to which these aspects of the policy process and types of migration have become part of a wider EU framework for the management of migration and mobility;
- draw from examples from across the EU to show how these debates pay out;
- assess how, why, when and with what effects the EU now plays a role in migration and mobility and the extent to which this changes the ways in which debate occurs, decisions are made and policies implemented.

Thus, by providing a map (through, for instance, empirical analysis of different forms of migration and associated forms of politics) and a method (the framework for analysis of migration policymaking and the multilevel EU setting that we develop in Chapters 2 and 3) we can help the reader negotiate and understand these important issues. What should also become clear is the extent to which we have moved from a politics of migration in Europe to a European politics of migration with some common elements and the EU as a source of pressure for some convergence; but without pretending that member states have somehow been swept helplessly along by the pressures of European integration.
Organization of the book

In Chapters 2 and 3 we set out a framework for analysing migration policy based on concepts drawn from public policy analysis. After laying the ground for our analysis of European policymaking, Chapters 4 to 9 address different areas of migration policy. Chapter 4 analyses one of the most important forms of immigration, and one that dominated European policy in the decades after World War II – labour migration, or migration for the purpose of paid employment. We show how approaches to labour migration have fluctuated over time and still vary widely between different European countries. While some governments have promoted labour migration as a means of addressing skills and labour shortages, many politicians and sections of the public remain concerned that labour migration can have adverse effects on the domestic population by displacing 'native' workers. The chapter also charts how the EU has attempted to increase its competence in this area, with somewhat limited results so far.

If labour migration can form part of a conscious recruitment drive on the part of governments or industry, Chapter 5 deals with a form of migration which tends not to be actively promoted: that of family migration. Family migration has actually often been seen by governments as an unwanted byproduct of labour migration, as immigrant workers bring their families or new spouses from abroad to settle in their country of residence. Often seen as a 'back route' for immigration, governments and the EU have had to grapple with conflicting considerations in developing policy in this area: the need to respect various international human rights and constitutional provisions on the rights of the family and their increased desire to 'select' migrants based on their perceived economic contribution. We show how attempts to introduce restrictive policies are often thwarted in practice and that we need to explore the form taken by the politics of family migration if we are to understand why this is the case, particularly the role played by courts as guarantors of rights.

European countries have found it difficult to enforce watertight control over immigration flows. Chapter 6 deals with the issue of irregular migration by those unable to enter European countries through legal channels. This can be seen as the 'other side' of legal migration flows because it is only by defining certain forms of migration as legal that others become defined as illegal. The EU is strongly committed to what it calls 'the fight against illegal immigration' (CEC 2006b). It is also a phenomenon that is difficult to observe and measure, which means that governments often have limited knowledge about these migratory dynamics. The OECD estimated that the irregular population was between 1 per cent and 4 per cent of the total population. On this basis, in 2005 the Netherlands estimated that it hosted between 125,000 and 230,000 irregular migrants, Spain estimated 690,000 while Italy calculated a figure of around 700,000 (figures cited in IOM 2008:467). Chapter 6 also analyses some of the assumptions made by policymakers about the causes and levels of irregular migration, and how they address it through various forms of border control and internal checks; sanctions on those transporting, smuggling or employing irregular migrants; and, more recently, cooperation with some of the non-EU countries from which irregular migrants originate or through which they travel.

Chapter 7 addresses another thorny area of migration: asylum and refugee policy. European countries have a long history of granting asylum to refugees, but in the 1980s and 1990s, as the number of asylum applicants in Europe increased, governments introduced a gamut of measures to try to restrict or deter such flows. Asylum came to be seen, along with family migration, as the 'weak link' in the national immigration control chain. This is an area in which EU cooperation is highly developed, so the chapter considers the complex interplay between national and EU policies, including how far the EU has influenced the nascent asylum policies of 'new' asylum recipients in southern and central Europe.

Chapter 8 analyses intra-EU mobility. EU nationals have the right to reside and work in other EU countries, an entitlement enshrined in the Treaty of Rome. Although originally a measure to ensure the more efficient operation of labour markets, mobility rights have been given a more political and civic spin, as the EU has developed since the Maastricht Treaty the concept of 'EU citizenship'. The chapter explores the impact of these provisions on migration between EU countries and how they impact on immigrants from outside the EU. It also considers how, why and when mobility rights became controversial as new member states joined the EU in 2004 and 2007.

Turning away from different types of migration, Chapter 9 explores how EU states have sought to 'integrate' the migrants who settle on their territory. The background for this is the 'crisis' or
'retreat' of multiculturalism – or, at least, multicultural policies given that many EU member states are multicultural societies – and a renewed emphasis on socio-economic integration and linguistic adaptation by migrant newcomers. We examine the various frameworks that have developed and the resonance of various ‘national models’ in the face of convergence pressures (Wimmer and Glick Schiller 2002). To tie in with the analysis in Chapter 8 we analyse how the EU now intervenes in these debates and how the promotion of EU mobility has also created some space for EU measures on the rights of long-term residents that are not EU citizens and to combat discrimination on grounds of race and ethnicity. We also consider the many variables that intervene in the relationship between ‘integration policy’ and ‘integration outcomes’. By doing so, we see that migration policy is not just about migration. By this we mean that the organization of welfare states and their interactions with labour markets are crucial variables. If we think about these broader factors that influence the organization of welfare and work we can see that migration is not just about the people that move to the EU; it’s also about how EU societies are organized, how they change and about self-understandings. If we don’t see this, then we don’t see the effects of migration (whoever ‘we’ are).

Chapter 10 is a concluding chapter that ties together some of the themes dealt with in earlier chapters to draw conclusions and consider the implications of our analysis both for the study of migration and for the development of the European politics of migration.

Chapter 2

Migration and Migration Policy in Europe

This chapter sets out the approach that we adopt to the analysis of European and EU migration policy and politics. It begins by providing some data on the main forms of migration and then developing a critique of existing approaches to the analysis of European and EU migration and mobility. We then specify key features of the approach to be developed in this book.

The movement of people across international borders is nothing new. Despite the recent resurgence of interest in the effects of globalization on migration, people have relocated to seek new opportunities, colonize territory, or escape persecution since ancient times. Well before the consolidation of the European state system, architects, artists, technicians, seasonal labourers, tradesmen, soldiers and sailors were moving between different parts of Europe to ply their trade (Bade 2003). In some cases, whole communities were encouraged to settle in other regions of the continent, often as part of colonization. Europe also saw flows of refugees seeking asylum from religious persecution from the late fifteenth century onwards (Marrus 1985). Flows of migrants and refugees in Europe continued throughout the nineteenth and twentieth century, including mass emigration from Europe to the New World. The postwar years produced several million refugees fleeing the Holocaust, ethnic persecution, fascism and communism. A massive 30 million people were displaced by the Second World War.

Seen in this historical context, European experiences of immigration since World War II appear less dramatic. Another important aspect of context is to think about European migration flows in relation to those in other parts of the world. The International Organization for Migration (IOM) reported on migrant populations by region and by countries hosting the largest numbers of migrants (Tables 2.1 and 2.2). In this IOM analysis Europe is far wider than the 27 member states of the EU and encompasses all 47 members of the Council of Europe. Table 2.1 informs us that both