



UNIVERSITY INSTITUTE FOR
MIGRATION STUDIES

SCRIBANI INTERNATIONAL CONFERENCE 2010

European Migration and Asylum Policies: Coherence or Contradiction? – An Interdisciplinary Evaluation of the EU Summits of Tampere (1999), The Hague (2004) and Stockholm (2009).

8th, 9th and 10th September 2010.

University Institute for Migration Studies
Comillas Pontifical University – Madrid, Spain.

CONCEPT NOTE

On 15 October 2008 EU heads of State and government endorsed the “European Pact on Immigration and Asylum” prepared by the French EU Presidency. The Pact seeks to balance EU and member states’ competences on the issues.

In general terms, the Pact calls for stricter control of migratory flows while at the same time it pleads in favour of development of countries of origin and the respect of asylum seekers’ rights. However, the regulations and tools to be used in order to achieve the first objective do not seem to be compatible with the second purpose and the full respect of international law on human rights.

Moreover, the 17th of June 2008, the European Commission published two Communications: one regarding “A Common Immigration Policy for Europe: Principles, Actions and Tools”, and the other concerning a “Policy Plan on Asylum – an Integrated Approach to Protection across the EU”.

Both the Commission’s Communication and the Pact intend to shape a European common approach to both legal and illegal migration:

- regarding legal immigration, the policy is trying to restrict low-skilled immigration and to attract qualified migrants. As part of the latter, it has been recently adopted the 'Blue Card' Directive for skilled migration;

- regarding illegal immigration, the EU is on the idea of setting standards “to send them all back”, as established by the so called 'Return Directive'

Being aware of the significance of the new challenges raised by the European asylum and immigration policy, the Scribani Network proposes to launch an international conference on the following subject: an **evaluation of European immigration and asylum policies from an interdisciplinary point of view**. Therefore, we expect to gather contributions from sociology, anthropology, economy, law, political science, etc. in order to tackle these main topics:

1. Legal Migration and Integration:

The EU approach to legal immigration recognized that the needs and the capacity of each member state are to be respected. The EU Blue Card initiative might be in contradiction with the declared purpose of mitigating brain drain effects on countries of origin.

Despite these facts, we can find another contradiction based in the EU's labour market structure: immigration, especially of unskilled immigrants of working age, increases the workforce and partly compensates for the low participation (retirement age comes earlier in Europe than in Canada or the United States, women employment-rate is much lower in Europe) of the native population. So, unskilled immigrants are still necessary in the European labour market. Additionally, there is a lack of effective portability of wages and experiences throughout the different member states.

Moreover, EU institutions stress the significance and benefits of circular migration. Whether this circular migration is a realistic idea or not needs to be analyzed. If destination countries develop policies and programs which both facilitate and encourage migrant workers to interact with their home country, this may lessen the pressure for those migrant workers to bring their family to, and settle in, the destination country. Reduction of the difficulties and transaction costs associated with sending remittances, easing the availability of re-entry visas for migrant workers etc. are all things that may facilitate circular rather than permanent migration. This does not mean, of course, that temporary migration cannot be the prelude to permanent settlement in a destination country. Indeed, for some migrants, temporary entry may still be the consciously planned initial stage of an intended relocation. There is some evidence that some student migration may in fact fit into that category, especially now that some nations may be giving preference to foreign graduates of their own institutions in settler selection. What better way to ensure that migrants are able to be readily accepted into local labor markets?

Regarding the integration issue, the Commission's proposal on requiring integration conditions of migrant workers or of their family members before their entry into the EU, needs to be analyzed vis-à-vis human rights commitments (refugee law, children's rights, family life, etc.) The idea of an "integration contract" encountered strong opposition from some member states (including Spain).

Differences faced by member states in the composition of immigrant populations, institutional differences in education and labour markets and also differences in outlook

reduce the possibilities of EU members' agreement on this area. Consequently, it is necessary to think about EU competences on integration, as most of them would be regarded as a national issue.

2. Irregular Migration and Border Controls:

The centerpiece of this section is the organization of repatriation of illegal immigrants.

This policy area is mainly covered by the recently adopted 'Return Directive'. The EU institutions call on member states to further enhance co-operation by organizing joint return flights, improving readmission agreements and increasing the fight against human trafficking. Are these policies compatible with the European tradition on protection of human rights?

The mass regularization of illegal immigrants will not be allowed any more. What kind of individual regularization practices could be considered in order to respect human rights and to avoid inhuman situations?

Regarding border controls, the EU is determined to empower the EU agency FRONTEX even further and suggests the establishment of two separate permanent bodies of command, one for the Southern and another for the Eastern member states. To respond to the requests for shared responsibility in managing external borders, the Pact stresses the need to strengthen FRONTEX and allocate more resources to border management. At the same time, FRONTEX and certain African countries are concluding arrangements of doubtful legality from the point of view of international law and human rights law.

3. Right to Asylum:

Member states are expected to develop common guarantees on asylum, to set up an asylum support office by 2009 as well as a single asylum procedure by 2010. The common EU asylum policy will comprise common guarantees for asylum seekers and a shared definition of refugee status. Nevertheless, the development of an "external dimension of asylum" and some restrictive practices regarding procedures and asylum rules could constitute an obstacle to the right to ask for asylum, enshrined in the UDHR of 1948.

4. EU migration, development policies, and the fundamentals of the integration of nations and regions.

Within the above mentioned European Pact, the synergy between migration and development for the benefit of all countries concerned, and for the migrants themselves, is a highly relevant issue.

Apart from bilateral agreements on fostering legal migration adapted to the labour market situation in the member states and the control of illegal immigration, migration and development policies must be more effectively integrated. It must be examined how such policies may benefit the regions of origin of immigration, in coherence with other aspects of development policy and the Millennium Development Goals. Sectoral priorities should be identified with the partner countries on solidarity development projects aimed at raising the living standards of citizens, for example, in the areas of nutrition, health care, education, vocational training and employment.

Co-development actions should be promoted to enable migrants to take part in the development of their home countries. Some of these actions are focused on supporting specific financial instruments for transferring migrants' remittances. Others aim at negotiating EU and bilateral agreements on migration and readmission with countries of origin and of transit, as well as Pilot Mobility Partnerships.

