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Policy Proposal on EU Migration Policy

Strategic Guidelines for the Area of Freedom, Security and Justice

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Working Group: EU Migration Policy

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STUDENT FORUM MAASTRICHT

Student Forum Maastricht (SFM) is an annual student conference held at the Maastricht University Campus in Brussels. The 2014 edition of SFM took place from April 9th to April 13th. The conference is co-organised by the European Studies Association Concordantia, Maastricht University and the European Commission. The participants are post- and undergraduate students with an academic focus on European Union related studies and a strong involvement in civil society. In small working groups of 10 participants the students develop policy proposals for pressing topics within the Commission. Each group is provided with a problem statement from the European Commission which constitutes the basis of the proposal. Throughout the conference, the groups were guided by academic tutors who provided necessary background information and overall support. In addition, experts from civil society and interest groups from Brussels working in the relevant fields visited the groups to share their insights and opinions on the topics with the participants. The topics of this year's conference were Youth Unemployment, EU Migration Policy, the European Neighbourhood Policy, Sustainable Development and EU Free Trade Negotiations. For more information on Student Forum Maastricht, please visit: www.student-forum.eu

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Executive Summary

Migration to the European Union (EU) is a reality that cannot be neglected and a phenomenon that is unlikely to halt within the next decades. Perceiving migration mainly as a “problem” that has to be tackled disregards the manifold benefits it can bring to European society and in fact the urgent need for it. Statistics on demographic change and employment indicate that Europe faces a labour shortage regarding both high and low skilled workers. In this context, the EU has adopted numerous Directives focusing on specific aspects of migration. However, by targeting only narrowly defined groups of migrants and by employing a sectoral approach EU migration policy appears to be highly fragmented. Consequently, a coherent and uniform framework is lacking. To address these shortcomings, this proposal suggests action to be taken in three main areas which could serve as strategic guidelines for the future EU migration policy.

Firstly, it is proposed that an effective and efficient migration policy requires successful integration of migrants into society. Therefore, existing forums and projects for exchanging best practices among Member States with regard to integration should be further strengthened. In addition, local initiatives devoted to fostering integration should be supported. In this way, the multi-level dimension of integration as well as migration would be acknowledged.

Secondly, negative societal perception is identified as one major obstacle hindering a successful EU migration policy. It is, thus, suggested that EU citizens should be informed about costs and benefits of migration based on statistical evidence. Moving the public discourse from emotionally-grounded to fact-based could contribute to raising awareness and enhancing understanding.

Thirdly, the ultimate objective of EU migration policy should be to establish a coherent and uniform framework respected by all Member States. Therefore, it is proposed to enhance the channels for regular migration by ensuring the correct implementation of existing legislation. In addition, the design and content of new legislation to fill present gaps should be explored.

Following this suggested three-fold approach would arguably strengthen the current fragmented EU migration policy. Integration as point of departure is essential for improving public acceptance and for reducing non-substantiated prejudices and bias in European societies towards migration. Finally, successful integration together with a more positive societal perception could enhance channels for regular migration which constitutes an uncontested benefit for the EU.

Introduction and problem statement

With the Stockholm Programme ending this year, the European Council will adopt new Strategic Guidelines for the Area of Freedom, Security and Justice in June. In light of the election results and considering the current political climate in Europe where far-right parties are on the rise, anti-immigrant movements are gaining ground and a large part of European citizens is very sceptic towards immigration, the time is ripe to re-fuel the discussion on the EU's role in the area of integration and immigration.

Whereas this policy area remains a contested issue, immigration to Europe has become a social reality. Therefore, EU citizens, policy makers and civil society actors have to ensure that migration “works” for the entire society. One of the EU's great challenges is consequently to foster social cohesion, protect minority rights and create equal opportunities for natives and migrants alike. Yet, if migration policies are to contribute to a more equal and tolerant Europe, concerted efforts are needed in three key areas.

Integration

Higher unemployment, lower educational outcomes and less civic participation among migrants are clear indicators that integrating newcomers into the host society remains a challenge. However, rather than seeing social inclusion, educational equality and civic participation as the key aspects to focus on, societal debates too often remain stuck on blaming each other for not being tolerant enough or not willing to adapt lifestyles. It is therefore crucial to adopt a more positive approach that highlights best practices, discusses what works in integration and why and empowers migrants to be the driving force in such discussions.

Public perception on immigration and integration

Many EU citizens are highly critical towards immigration simply because they are misinformed. These misunderstandings range from overestimating the numbers of migrants in the country, crime rates and abuse of social welfare provisions to underestimating their educational attainment, labour market participation and willingness to integrate. Lack of information and awareness are one of the main factors contributing to segregation, xenophobia and discrimination. Policy implementation will remain highly difficult if public misunderstandings are not clarified and fears not taken seriously.

Strengthen pathways for regular immigration

Reducing irregular migration has been among the top priorities both for the EU and its Member States. Yet, deterrence policies such as increased deportation rates and enhanced border control have proven to be ineffective measures that make migrants take alternative and more dangerous migration routes. In addition, raising living standards in countries of origins, for instance by increasing international aid, has shown to have little impact on migration flows. The most promising policy approach for reducing irregular migration is therefore to open up channels for regular migration. The EU has adopted an important set of Directives, yet more has to be done to promote their often piecemeal implementation in the Member States. Furthermore, it is crucial not only to improve current legislation, but also to think about additional mechanisms for regular entry of Third Country Nationals.

Proposed strategic guidelines for the area of freedom, security and justice

Three main areas can be identified as crucial factors contributing to a comprehensive and successful EU migration policy. The following three strategic guidelines intend to strengthen existing frameworks, but also go beyond current policies in place. The first guideline presents a revised approach to societal integration of immigrants and their children, facilitated by local and individualised action as well as strong institutional support of such initiatives. The second guideline focuses on public perception of migration and integration within the EU Member States, proposing measures to improve current efforts in shaping societal perception of migrants. Finally, a third guideline suggests that the EU should take on a proactive role in enhancing regular migration, outlining problems of effective implementation of existing Directives, and further elaborating on new channels of regular migration to the EU.

1) Integration

This proposal conceptualises integration according to the Zaragoza indicators, taking into consideration employment, education, social inclusion and active citizenship. The EU can enhance such integration of immigrants in two ways: by strengthening existing tools and by empowering immigrants. The following policy recommendations intend to create conditions for prosperous, civic and cohesive societies that are based on the principles of solidarity, diversity and trust. Although integration policies are most efficient on a local level, the EU nevertheless has a crucial role to play in supporting such initiatives while simultaneously developing frameworks for exchanging best practices.

Enhancement of existing tools

The EU shall better facilitate and take advantage of the already existing frameworks and practices, which once fully implemented and improved, could constitute a strong and coherent framework for achieving the full realisation of the immigrants' capacities.

Forums and resources

Instruments such as the European Integration Forum, the Handbook of Integration, the European Integration Fund and the European Web Site on Integration present an important step in the right direction as they enable exchange about best practices, offer a forum to discuss common obstacles to implementation and bring together different stakeholders. The EU should strongly support these forms of policy learning by providing adequate funding and offering more platforms that give space for innovation and policy experimentation in this field. In addition, the EU has an important role in promoting existing tools, communicating their value, and urging Member States to make use of them. In this context involving migrants and NGOs can only be an asset. For a policy to work, it is essential that experiences from the field are discussed and incorporated.

Human Rights mechanism

Successful integration policies need to be based on advocating for equal opportunities for all despite differences in race, ethnicity, age and sex. Therefore, the Charter of Fundamental Human Rights of the EU as well as the Racial Equality Directive, the Employment Equality Directive and the Equal Treatment Directive are crucial instruments to facilitate the integration of immigrants into society at large and the labour market more specifically. Yet, understanding, appreciation and implementation of these mechanisms vary greatly among Member States. The EU should therefore encourage more dialogue between Member States to find common ground and agree on priorities to ensure a more comprehensive approach towards combating discrimination of migrants. Furthermore, current anti-discrimination legislation needs to be implemented more thoroughly. Thereby the EU has a crucial role to play in monitoring policy developments and following up on piecemeal implementation.

Local initiatives

Integration works best on a local level. Instead of promoting abstract and often outdated ideals of nationhood or national virtues, successful integration policies manage to create a sense of belonging to one's neighbourhood, city or region, increase social and

political participation and create empathy and solidarity among citizens. Although there are already promising initiatives across Europe, two aspects need to be strengthened.

Firstly, the threshold for private individuals and public institutions to take action on a local level and implement integration projects needs to be lowered. Still too little is known in municipalities and among citizens about funding opportunities and information channels. Therefore, the EU should work towards more accessible and understandable information services, such as more user-friendly websites, online forums and hotlines. As NGOs also play a crucial role in promoting integration and social inclusion on the ground, the EU and its Member States should support such initiatives both financially and politically, particularly in times of high unemployment and economic decline.

Secondly, local actions are often not sufficiently evaluated, mostly due to limited funding or expertise in project management. Assessing their impact, however, is highly important to enable informed policy making and to learn from past successes and failures. Therefore, the EU should put more emphasis on project evaluation and impact assessment of local initiatives.

Empowering immigrants

Successful integration strategies are adapted to specific local contexts, but also employ a bottom-up strategy. Empowering immigrants by avoiding to talk *about* them or to offer well-meant solutions to their perceived lack of integration, but rather by letting them speak for themselves seems crucial to promote social cohesion and integration. More needs to be done to create space for immigrants to share their experiences, voice their needs and contribute to public debates. Such active involvement can in turn create a sense of belonging and civic responsibility, which in the long run would contribute to a better representation of immigrants in civil society and the political sphere. Two key elements are crucial in empowering immigrants in Europe: the facilitation of access to citizenship and lowering the educational achievement gap between native and foreign-born children.

Facilitating access to citizenship

There is strong evidence that naturalisation promotes social integration, labour market participation and active citizenship¹. Particularly for long-term residents and children of immigrants it should be easier to acquire citizenship as it is a means to enhance integration. It would also send out the strong signal that immigrants and their children are considered part of a community that embraces diversity and further empowers

¹ http://www.migpolgroup.com/wp_mpg/wp-content/uploads/2013/08/ACIT_Report.pdf

them to be active members of this community. In addition, it would enable them to vote, thereby facilitating active political participation and a better representation of citizens with a migration background in political decision-making. Whereas citizenship requirements and procedures fall under national competences, the EU should still promote the advantages of naturalisation among its members, for instance on EU integration forums, and facilitate policy exchange.

Tackling educational inequalities

Empowering immigrant communities will remain difficult as long as educational systems disadvantage migrants. PISA results have repeatedly shown that children and young people with a migration background perform significantly lower in school than their native peers, are more likely to leave school early and are underrepresented in higher education². These differences decrease, but still persist after adjusting the socio-economic background. Empowerment, therefore, has to begin with improving educational opportunities for immigrant children, not only in light of the need of skilled workers, but also considering societal integration.

2) Public Perception

There is an urgent need for the EU to influence public perception on migration and integration. Interestingly, citizens' attitudes towards immigration vary considerably across the Member States. Whereas in Sweden only 22 percent see migration as a problem rather than an opportunity, these numbers skyrocket to 64 percent in the UK. Similarly, almost 80 percent of Portuguese citizens think that first generation immigrants are well integrated, yet only 53 percent of French people would agree on this³. While recent election results may have been rather disheartening, these numbers leave room for cautious optimism. They show that politics and policy making have an influential role to play in shaping public discourse on migration.

Raising awareness - sharing knowledge

To influence public opinion, first and foremost, citizens need to be better informed. As immigration is a policy topic where feelings often run high, it is crucial to steer the debate towards a more fact-based approach. This begins with the rather simple task of better communicating migration statistics. When asked about the percentage of immigrants living in their country, citizens across Europe strongly overestimate these numbers. In the UK, people believe that about a third of Britain's population is foreign-

² <http://www.oecd.org/education/school/Untapped%20Skills.pdf>

³ http://www.gmfus.org/wp-content/blogs.dir/1/files/mf/1376944979TT2013_complete_web.pdf

born, whereas in fact it is only 12 percent⁴. Furthermore, there is the need to clearly communicate that domestic economies are facing serious labour shortages in the future due to aging societies all over Europe and a lack of skilled workers. Therefore, there is a compelling argument to be made, namely that immigration is necessary to maintain the country's prosperity and economic power. However, in countries where immigrants are less likely to be employed, governments also have the task to address these challenges and propose policies to tackle these issues, such as improving educational opportunities for children of immigrants, recognising foreign diplomas more easily and providing re-qualification and up-skilling measures for adults. Yet, getting across the message that immigration is necessary for Europe's prosperity and informing citizens better about its advantages requires concerted efforts.

Changing perceptions on migration

Governments, NGOs, migrant organisations, academics and the media need to enhance cooperation amongst each other in order to send out a determined and credible message. To reframe the immigration debate, more public campaigns are needed that manage to strike the balance between emotions and facts. Whereas creating empathy and solidarity by showing the "human side" of migration and personal hardships of migrants remain an important aspect of human rights based campaigns, one has to be careful to avoid preaching to the choir. Convincing the sceptics is a difficult task, yet it seems that those are more likely to be influenced by factual arguments such as outlined above. Lastly, it should not be forgotten that individual politicians and other public figures can have a considerable impact on how immigration is perceived. This can be achieved by strongly speaking out against discrimination and hate crimes as well as actively combating persistent myths such as high crime rates among immigrants. In addition, an open debate about immigration seems to be rewarded. In countries where politicians do not shy away from the public debate, openly talk about challenges and successes in integration and manage to portray a nuanced, fact-based picture on migration, public perception on immigrants significantly improves⁵.

3) Opening up regular migration channels

As presented above, statistics show that the EU is in need for labour force and this need will increase as the population is aging. Indeed, in 2013 out of the population of the 28 EU Member States, 27 percent was inactive⁶ and the projection for the next decades predicts that this figure will increase considerably up to more than half of the

⁴ http://www.gmfus.org/wp-content/blogs.dir/1/files/mf/1376944979TT2013_complete_web.pdf

⁵ http://www.gmfus.org/wp-content/blogs.dir/1/files/mf/1376944979TT2013_complete_web.pdf

⁶ <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tsdde510>

population needing economic support by 2080⁷. This inactive population will be a heavy burden on the active parts of the society and will need to be compensated with an increase of the labour force. Migration is the best approach to contribute to a long-term solution to the problem.

With that objective in mind, a proactive stance, through enhancing of regular channels of migration is crucial. The improvement of the existing framework should be further considered in order to ensure coherence and to obtain a comprehensive European migration policy.

Improving existing legislation

Improving existing legislation implies correct implementation, less discretion for the Member States, better interaction between Member States and the Commission and better enforcement by the Commission. This will contribute more effectively to a coherent approach to EU migration policy.

Labour migration

The Blue Card Directive, initially presented as an ambitious and forward-looking approach to skilled labour migration, now is in need for substantial improvement. This Directive is a prime example for the existing disparities between the transpositions of each Member State. The Blue Card Directive is an opportunity to attract high-skilled immigrants to work in the EU. Yet, in reality, it almost does the opposite. In order to actually attract high-skilled migrants there is a need to abolish the existing differences between the national policies in terms of conditions. A simplified common migration procedure with common standards across the EU is necessary to speed up the admission procedure. This will decrease differences in implementation among Member States firstly by reducing the existing barriers for these types of regular immigrants and secondly by reducing the delays in the abovementioned transpositions. In addition, it is imperative to prioritise the EU's regular migration channels over national ones and reduce tensions between diverging legislation. More specifically, the idea is to enhance the attractiveness of the EU labour market by reducing the existing competitiveness among the national policies and the EU directives. Thereby, disparities between national versions of the Blue Card would be harmonised. Furthermore, the difficulty of having foreign diplomas recognised is a major challenge for the Directive's effectiveness. Therefore, the EU should enhance its common policy on recognition of qualifications. Although Member States are often reluctant to make room for the EU to

⁷<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tsdde511>

take action in this policy area, the EU should nevertheless take on a proactive stance and insist on the necessity of moving towards a more unified migration policy.

Family reunification

The 2003 Family Reunification Directive, allowing temporary residents to be joined by their family members, was a first step towards harmonising legislation. Yet, as the initial proposal was heavily debated and subsequently amended, the current Directive contains a large number of ‘may’- clauses. Harmonisation has therefore been slow as Member States are given large discretionary powers in implementing the Directive. Minimum common standards on eligibility and lax implementation have further weakened the Directive’s impact. Hence, it is highly important that the Commission ensures the full implementation of the existing provisions and starts infringement procedures where necessary. Up until now, the Commission has refrained from such actions⁸. Therefore, the EU should initiate procedures to revise the Directive, remind its Member States of their initial promise and urge them to live up to their duty of implementing the Directive.

Expanding European migration policy

A fundamental aim of EU migration policy should be to articulate a new vision on immigration, finding a balance between the ambitious and the achievable. At the moment, European migration policy targets different categories of Third Country Nationals in specific situations. Correspondingly, this sectoral approach underpins a fragmented legislative framework that lacks coherence. Therefore, alongside the effective implementation of the existing provisions the ultimate goal should be the creation of a coherent and comprehensive policy avoiding the development of a piecemeal of legislation. The main idea should be to allow Third Country National workers not only to move freely within the EU but also to guarantee equal treatment. A first step can be accomplished by applying both the EURES and the EU Skill Panorama to Third Country National workers. Nevertheless, it is essential to take into account the importance of rigorous analysis of available data and projections to create a common policy. Whereas a common policy can increase the effectiveness in the labour market movements, there are key challenges and priorities each country addresses differently. Therefore, the role of the EU in the harmonisation of the migration policy agenda is essential.

⁸ “Communication from the Commission to the European Parliament and the Council on guidance for application of directive 2003/86/EC on the right of family reunification”, COM (2014) 2010 final.

Conclusion

Migration to Europe has been a social reality for centuries and will not halt with the implementation of stricter policies. In addition, for the EU to keep current standards of living and its economic strength, aging societies across Europe are in need for immigrants to fill labour market gaps. The EU should therefore play a strong role in the debate on how to make migration “work” for an entire society, thereby focusing on three key aspects when adopting the new strategic guidelines for the area of freedom, security and justice.

- 1) The EU should promote **integration** by
 - a. encouraging the use of existing tools such as Integration Forums, Handbooks and exchange of best practices,
 - b. working towards better implementation of human rights mechanisms and anti-discrimination legislation in its Member States,
 - c. supporting and funding initiatives that are embedded in the local context,
 - d. empowering immigrants to be part of the public debate, voice their concerns and share their stories,
 - e. encouraging its Member States to facilitate access to citizenship for long-term residents and their children as a means to promote societal integration and political participation,
 - f. tackling educational inequalities and provide high-quality education for native and foreign-born children alike.

- 2) The EU should contribute to a more **fact-based, rational debate about immigration** by
 - a. clarifying public misunderstandings about net migration rates and providing information about immigration statistics
 - b. communicating the need for immigration to fill labour market gaps in ageing societies
 - c. supporting campaigns that strike a balance between creating empathy and solidarity as well as providing evidence-based information
 - d. funding campaigns that bring together migrant organisations, governments, academics and NGOs.

- 3) The EU should work towards a more coherent policy framework for **legal migration** by
 - a. urging Member States to fully implement already existing Directives,
 - b. continue working towards harmonising standards and entry requirements, in particular for the Blue Card Directive and the Family Reunification Directive,
 - c. moving away from the current sectoral approach towards immigration and opening up more comprehensive and coherent migration channels for legal immigration into the EU.