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EU Migration Policy

European Studies

**The Master Thesis has been written for receiving the academic degree of
MA in European Studies**

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Tbilisi, 2010

Contents

Annotation

Introduction.....

1.1 Migration and Europe. Historical Review.....

1.2 Current Situation.....

2. Alternations in Migration Related Legislation. Trends.....

3. Concerning Drawing out EU Legislation and Migration
Policy.....

4. Action Plan of Legal Migration.....

5. Foreseen Initiatives under Action Plan of Legal Migration.....

6. Global Approach, Mobility Partnership and Circular Migration.....

7. Africa.....

8. Asylum.....

9. Borders.....

10. Circular Migration.....

11. Development Aid.....

12. European Migration Pact.....

13. Free movement and Expansion.....

14. Provoking Factors of Migration. Global Approach.....

15. Highly skilled Labor.....

16. Illegal Migration.....

17. Integration.....

18. Justice and Home Affairs.....

19. Lisbon Treaty.....

20. Mediterranean.....

21. Neighborhood Policy.....

22. Population.....

23. Quotas.....

24. Remittances.....

25. Schengen.....

26. Trafficking.....

27. The UN Refugee Agency.....

28. Visas.....

29. Illegal Immigrants.....

30. Communication for Collaborating Unified Immigration Policy.....

Conclusions.....

Enclosure.....

Annotation

Migration has become a major global phenomenon in recent decades. As well as permanent migrants and their families there are seasonal and temporary workers, frontier workers, illegal immigrants and asylum seekers. In Africa the traditional movement of traders and seasonal workers has been obscured by the large number of refugees from political conflict. In Asia there has been temporary migration from the Indian subcontinent to meet the labor shortages of the Middle East. In Europe the long established migration patterns from ex-colonies to the UK and France, and of Turks to Germany, has been supplemented by new flows into the traditional countries of emigration such as Italy, Spain and Portugal. At the same time the political changes in Central and Eastern Europe have created new and substantial immigration pressures upon the Community.

The following papers describe the changes that took place in national immigration policies in the 1970s, current situation, changes in EU legislation, factors causing migration, The Policy Plan on Legal Migration; How EU tries to manage migration flows establishing common policy and resolve problems – illegal migration, trafficking – using different approaches; How to facilitate legal migration and thus promote economic and demographic problems, eliminate the shortage of workforce.

Summary

All EU member states have influence of international migration flows. Member states agreed to create common migration policy on EU level. EU Commission had sentences according to this policy development and its parts mostly became a part of EU legislation. The main goal is to arrange better managing of migration flows on the basis of coordinated approach that takes into consideration economic and demographic conditions. Regardless restrictive immigration policy that takes place from 1970 years, a big number of legal and illegal immigrants and at the same time asylum seekers still continue to reach EU. Trafficking and contraband networks have stretched all over Europe and they use these kinds of people's conditions. According to the existing situation it became obligatory mobilizing of recourses to fight against illegal migration, especially contrabandists and traffickers. At the same time, it is known that EU needs migrants in specific regions and sectors to handle with its economic and demographic demands.

After World War II, there was a deficit of labor force and because of it many north European countries implemented "Guest workers programs." On the basis of this program they were hiring manpower. The goal of the program was to handle with the temporal deficit of labor force. They didn't think much about wider conception of migration, for example about integration necessity.

After understanding that a new approach was necessary for migration governing, EU leaders of European Council in October 1999 year in Tampere (Finland) represented common Immigration Policy elements. Common approach that was agreed in Tampere in 1999 year was proved in 2004 year by adopting "Hague Program" that is defining goals of 2005-2010 years for freedom strengthening, security and fairness.

1.1 Migration and Europe. Historic Review

During last 50 years, many European countries that were emigration countries more than 20 centuries became immigration countries. According to 2005 year data all the west European countries have sedative remainder of migration as well as six EU new states (Cyprus, Czech Republic, Hungary, Malta, Slovenia and Slovakia).

After World War II there was a labor force deficit and because of it many countries have adopted "Guest Worker Programs." On the basis of this program they were hiring workers. The reason of this program was to handle with the problem of temporal manpower deficit. They thought less about a wider conception of migration, for example about the necessity of integration. As a result of oil crisis that was begun in XX century of 70's and because of the changed economical condition, there was stopped active hiring of labor force through "the program of guest workers." After that labor migration is characterized with its restricted forms mostly in all European countries.

Aging of European population and decreasing of population made more feasible immigration necessity. Survey shows us that recently European population increase was resulted of immigration. According to United Nations information, in 1995-2000 years European population would be 4.4 million less than they were before if there hadn't arrived 5 million migrants.

Immigration theme is more frequently discussed nowadays in European Institutes and EU member States because of feasible results on different systems of demographic factors and social maintenance. Regardless, legal migration is encouraged with the factors of existence of labor force deficit in specific sectors and globalization. As far as it becomes more and more apparent that without migrants Europe won't be able to have the same standards, there should be formed appropriate attitudes towards legal migration. Mostly, labor migration support is discussed as a tool to avoid demographic factors bad results.

1.2 Current Situation

Nowadays, yearly there are more than 2 million migrants arriving in Europe and relatively to its population number, this is the biggest number in the world, even if we compare it to North America. This flow is more changing composition of the member states than birth and death rates. Increased migration in Europe is a trend of global tendency. Cheap traveling and more information encourage experienced and inexperienced labor force to go from a poor to rich countries. According to United Nations' prediction based on contemporary trends, migrants' number will be 40% more in the next 40 years.¹ In most European countries immigration topic became a subject of political debates. After EU expansion in 2004 year, the biggest inner migration flow that was recorded during two years in these countries was in UK and Ireland.

During the last 10 years official number of immigrants in Spain has grown of 400%. Italy was worrying about 100 000 Romanian immigrants who were supposedly unemployed. In some cases, economical increase and unemployment shortened worrying about immigration damages towards local labor force markets. Regardless this and economists warnings that Europe would need more migrants in next years, surveys show us this issue mostly as a problem and impossibility. Migrants' recipient counties should attentively take into consideration crossing borders. None of the countries can handle with the problems resulted of migration independently. Regardless this, it is not always apparent if various organizations – United Nations, G-8 or other international financial institutions should be involved in it or not and how. EU has an interesting role; it is described as a migration reason, also its reducer. Europeans are agreed with that EU attempt to arrange migration is not only desirable but also obligatory to preserve people's free movement that is inevitable for Common Market. The leader of France wanted to promote immigration policy during EU presidency in the second half of 2008 year. Nicolas Sarkozy considers that EU should be unanimous when it is discussing migration issues with other countries.

¹ United Nations, „Trends in total migrant stock: The 2005 revision“, 2006

Despite discussions and initiatives that were continuing during years, immigration policy still is not defined. The reason is that the member states can't consent to distinct political goals and problems of immigration policy. Some countries consider that EU migration policy will let them to prevent strict national debates. Some of them would like to put pressure on other non-EU Member States with a pan-European immigration policy to take back more illegal entrants. For some European Federalists "Common Migration Policy" is very attractive. All of these can encourage the idea of EU as a united state that will provide "European Citizenship" not only for existing population but also to newcomers. Above-mentioned different motivations make more difficult EU initiatives related to migration. For example, EU and governments of EU speak to promote circular migration of African countries and to create "Cooperation Platforms" but they try to understand what it means in practice and what kind of success can be achieved on European level. At the end, EU response about society demand to "do something" about migration was that they emphasized on policy that was directed to the immigrants' origin countries. This is also a tool to "handle with problems" in Europe: European Commission proposals to adopt immigration procedures in EU are often ended up gridlocked.

Regardless there is no coherent policy EU cooperation encourages exchange of experience and new ideas about managing migration. The emerging consensus amongst member states is that European countries manage migration in a better way when at the same time they work with the migrants' country of origin about all issues, from borders control to development issues; have well-advertised, easily-understandable schemes for qualified migrants; provide bright and fair way to get citizenship for newcomers; to use the right mixture of sticks and carrots for newcomers in order to make illegal immigrants leave the EU. However, achieving these goals is still on their beginner level.

2. Alternations in Migration Related Legislation. Trends

Promoting selective immigration tendency came with alternations in several member states political course and legislation. Actually, during this project existence period (from December 2006 until December 2007), at the same time during the year before, there were implemented important alternations almost in half EU member states migration legislations or there were presented legislative initiatives with these kind of alternation proposals. Regardless, immigration related discussions nowadays have accompanied the faith that EU approach towards this issue must in accord and consecutive. As a result of these, legislative activity on EU level became more intensive and it will be continued even in the future; if it will be needful they even agree to this issue and it is possible EU directives to be carried in national laws. The main anxiety for the politicians in the member states is how to attract highly skilled labor for the standpoint of labor migration promotion that has advantages for national economics. At present, sufficiently solid number of highly skilled labor apply for special immigration schemes. These schemes mostly implicate procedural simplification to get working and lodging rights; also the schemes implicate shortening the experimental period and at the same time giving more rights for highly skilled labor (for example, simplified procedure for family unification). In October 2007, European Commission represented a proposal about highly skilled migrants' directive issue and its goal was to draw out common policy in this sphere. EU member states do everything to find out well-balanced and multilateral approach that will be appropriate for various goals achievement such as highly skilled labor attraction, avoiding illegal migration and migrants' rights defense. Initiatives proposed on EU level is an attempt of realization such widen approaches as "Mobility Partnership" and "Circular Migration" that is targeted for the third countries participation. However, surveys for analyzing this showed that just several states cooperate with the third countries actively nowadays. As it seems, this is relatively a new sphere and member states start coping it now, for example, Spain has signed several bilateral agreements with the third countries and this is for Spain massive state policy collaboration instrument. These agreements contain with the purpose of work for the third countries regulation of immigration and prevention of illegal migration.

3. Concerning Drawing out EU Legislation and Migration Policy

Free movement of workers is a part of a human's four rights on which basis European Community was established in 1957 year. It is right that European court makes more interpret of those rights and firstly it was focused on European citizens who were involved in economical activities. At the same time, there existed some special rules that were extended to their family members.² Nowadays, these rights are extended to every citizen in EU (European Treaty, article 18) and does not exist any need of demonstration of economical activities from the people who would not like to move from one country to another. The third country citizens with their rights do not follow these primary rules and neither the rules that are regarding to free movement of EU citizens. Member states regulated immigration and shelter related issues on the basis of the Ministry of Justice and Ministry of Internal Affairs documents that was collaborated according to the agreement about EU establishing ³ and was acting on the basis of the governmental cooperation. Member states will was coordination of political strategies and sharing common positions. All of these kinds of decisions should be adopted according to absolute consent and during this the European friendship institutions will have a secondary role.

² Nowadays "Transit agreements" limit free movement of labors from the EU new member states. This agreement allows member states to postpone for the new member states free movement of labor regulations establishment maximum they will be members during seven years.

³ A treaty of EU establishment was signed in Maastricht on the 7th of February in 1992 year and came into force on the 1st of November in 1993 year.

States did not want to change migration and borders, concerning these two questions states did not want to reduce their national rights instead of the whole approach. It happened only in 1999 during the signature of Amsterdam Treaty, when changed the approach in connection with the every person even with the citizens of the third countries.

This issue was about free movement, visa, asylum, immigration and other political points and from Justice and Internal Affairs program moved to the fourth chapter of European Commonwealth, (agreement about establishment of European Community, articles 61-69) so changed the attitude of creating intergovernmental politics.

This agreement demanded from the Council to adopt “such rights, aim of which would be free movement according to the Article 14 in connection with the other rights about external border control, granting asylum and immigration”, during five years after its coming into force (agreement about establishing European Community Article 61 (a)).

Points 61 and 63 include the articles on the third country citizens’ legal norms of immigration. In 1999 on 15th and 16th of October at Tampere’s Council meeting was drafted five year program of justice and internal affairs, which included the whole policies of immigration and asylum and it was helping the aims of Amsterdam treaty, which meant the creation of the environment of freedom, security and justice.

According to the conclusions of Tampere in the system was arranged the issues of immigration, borders and asylum in four categories:

- a) partnership with the countries of origin;
- b) the entire European system of asylum;
- c) honorable behavior towards the third countries citizens ;
- d) management of migratory streams.

During the period of Tampere’s program execution concerning the third countries’ citizens, the main achievement was the reunification of family and also it included the issue about the status of persons living during a long period in the EU.

As for the relations with the third countries according to the conclusions of Tampere, agreements of readmission⁴ were signed with several third countries and negotiations continue with the other countries. Also, the European Parliament and the Council adopted the resolution on which basis created (AENEAS) program of financial and technical assistance of third countries in the sphere of migration and asylum. However, it was considered that conclusions of Tampere were too ambitious and was a lot of work remained to be done for 2004 by the successor of Tampere – the Hague Program.

In the Hague program, which is created by the Council of Europe in 2004 (November), there is defined plan of immigration policy from 2005 to 2010. Its aims are more detailed but less ambitious than the program of Tampere.

The program underlines the necessity of multilateral approach through the every step of immigration. In the program about the legal migration is mentioned: “legal migration will play an important role in the knowledge-based economic growth in Europe, providing in economic development and by this way will contribute in implementation of Lisbon Strategy. It can play its role in the partnership with the third countries.

The Council of Europe underlines, that determination of number of labor migrants defines competence of member states”. (The Hague Program, 2004, p.10). That’s why the integration of the citizens of the third countries as an important factor for the social stability and unity, the program considers the creation of common fundamental principles. (The Hague Program, 2004).

In the program of Hague there was accepted a directive on providing an acceptance of students and researchers in the EU. It should be mentioned that after the existing demand in the Hague Program, the Commission presented Communiqué on assessment of EU policy on freedom, security and justice.

⁴ Successfully finished negotiations with Hongkong (2001, November) , Makao (2002,October)., Shrilanka (2002, May), Albania (2003, November) and Russia (2005, October).

4. Legal Migration Action Plan

In 2005 the Commission has renewed⁵ its debates on the third countries citizens' employment in order for adoption common rules by introducing the necessity of consideration of the submitted proposal (the so-called "Green Book") means.

In December 2005 these consultations were resulted in adoption of Action Plan of Legal Migration. (Action Plan of Legal Migration 2005), which determines how to direct the Hague Program in the remaining period (2006-2009). It is in compliance with the Lisbon Strategy⁶, which takes roots from the Lisbon session of the European Council (March 2000).

Labor Migration is considered as a component part of full package of the Lisbon Strategy aimed to increase the competitiveness of the EU economy. The Action Plan includes various measures in order to consistently carry out the EU legal migration policy and is represented by time-related schedule provided by the commission to implement the activity. There was represented a general framework providing general rights of the all third country citizens legally employed in the EU. Also, there were represented 4 special directives concerning about entering in the country and living conditions for the highly skilled workers, seasonal workers, internal corporate legatees and paid additional training course participants. Besides there are also considered other activities that are related to knowledge and information, integration and cooperation with the countries of origin.

5 Commission in 2001 made a proposal about acceptance and living directive in the country for the third country workers in the country and making the life of the Directive. However, the member states divided opinions on this issue and law wasn't adopted as a result of negotiations, so later, this proposal has been withdrawn.

6 It is declared in the Lisbon European Council board conclusions that the Lisbon strategy aimed at the EU economy to become the most competitive in the world and to achieve full employment by 2010.

5. Foreseen Initiatives under the Action Plan of Legal Migration

Offer to the highly qualified migrants' directive. On October 23rd, 2007 the European Commission presented a proposal "Council directive on attractive conditions for the admission and residence of the third country citizens for highly qualified employment " (Offer to the highly qualified migrants' directive). As well as the Lisbon Strategy, this proposal aims to increase the competitiveness of the EU economy in order to meet the changing demands for highly qualified labor force, to fill the deficit of qualified workers in this category in the country, to receive and harmonize the EU labor market, their effective distribution and promotion through re-allocation.

However, this proposal does not offer the right of accepting: access to the labor market is still subject of member states controlling. Proposal also emphasizes and strengthens the principle of the community preference.⁷ Among them the most important elements are the accelerated procedures of accepting in the country,⁸ which are based on common criteria: work contract or binding job offer, the professional qualification, the minimum salary level, which must be at least the triple amount of the state minimum salary or the triple amount of minimum income, according to which social support will be given in the member states. After the adoption in the country workers are taking the residence right in the country, which is called "EU Blue Card" mentioning the conditions on which they are allowed to work accordingly. If the labor contract is for short term period, the EU Blue Card will be issued for 2-year period.

⁷ The principle of primacy of the Community serves to protect an internal labor market. This is confirmed by the Council resolution, which reads as follows: In order to receive workers Member States only consider the requirements of their area in the workplace, which did not fill by the national and community citizen workers of member states, or workers who are not Commonwealth citizens, but legally reside in this member states and they are permanent members of the labor market part.

⁸ Take a decision and inform them about the application within 30 days.

Blue card allows its holder to enter, re-enter the residence and stay in other member states, as well as cross the territories of other member states in order to benefit from these rights. Unemployment is permitted for three months; during this period EU Blue Card holders have the right to find and start work. This blue card proposal also allows owners in certain conditions after they will live legally living during the last two years to move to another member state for work purposes.

Workers have the right to have the terms in two or (maximum three) member states in order to have permission for the long-term residence status in the European Community territory. This proposal also provides unification of the families in case of a temporary living in the country.⁹ It also takes into account the fact that family members should follow some rules for national integration after entering the EU territory.

This proposal can be considered as a gradual process in the event, aimed to become EU a more attractive place for highly qualified workers and therefore more competitive as well. If it was received, it will be the first step in terms of the general policy towards labor migration in the field, which would facilitate inflow of skilled workers.

Transparent general conditions, expeditious procedures and possibility of an immediate family reunification will provide attractiveness of EU for the highly qualified third-country citizens. Another advantage is the fact that the proposal includes measures that will facilitate qualified third countries citizens to move in different member states. In addition, notable is the fact that the Article 15 of this proposal gives the same guarantee of equality for the EU blue card owners and the EU citizens concerning on a number of issues.

Moreover, the proposal uses the principle of a multilateral approach and demands the introduction of such instruments, which will facilitate circular and temporary migration, in order not to weaken the developing countries' abilities and aspire to achieve the Millennium Development Goals.

⁹ Residence permit for family members will be given after 6 months from the application filling date of six months and the labor market access right will be granted to them from the beginning.

It can be said that the lower margin of minimum salary is almost fully in line with the level of the existing governmental laws, which refers to adoption of highly qualified third country nationals on the territory of country.

Proposed directive about adoption of the single application procedure for a single permit and the common rights.

With the proposal on the highly skilled migrants' directive, the Commission's initiative also was "Council Directive on the third country citizens of member states, their living and work permit issuance procedure and the application of one member state and the introduction of legally residing third country workers' rights on the common directive." Through this proposal the Commission wants to institute general framework document of the Fair Labor Migration and to provide approach based on rights. (Proposal about adoption of a single permit and the common rights Directive, explanatory Project).

Proposal provides a procedure for filling an application, which means that an application for a residence permit and demand the right to work are united in one application, and are presented in this manner. (Proposed directive on the rights, Article 4)

States should identify the authorized body, which will be responsible for making an application and issuance of the combined permits. This should be issued no later than three months of the day of filling (Article 5).

Member States should grant work and residence permit and no one should have the right to grant any more permits. This principle also applies to a residence permit, which issues not only for work, but also for other purposes. Permission on work with any information should be specified in the residence permit (the Article 7 of the project).

By means of a permit third country nationals are granted the right to enter and again stay in the EU member state, across the territories of other states in order to fulfill granted permission in their activities (the Article 11 of the project).

In the Article 12 of the project proposal is following list of rights, according to which third-country nationals of member states enjoy equality regime like citizens. Fields where can be restricted such equality are listed in the Article 12 (a) of Project.

It should be noted also that the article 14 of the project proposal, according to regularly updated information about the third country citizens in the country for access fees on conditions, should be available for the general public.

If the proposal is accepted with existed form, which aims to protect the rights of citizens of the third countries, it will be a serious promotion in the process of creating of migration policy in EU. The application and the permission will provide to attract all kind of potential employers and immigration from the third countries, also it will contribute European employers.

The article 12 of the project proposal has a significant contribution to protect the migrants' rights where the nationals of the third countries enjoy with equality regime. Though the person, who has the right to refer the application is not clear. However, in this proposal it is not evident who have the application filling right. In the project explanatory memorandum it is defined that the citizens of the third country or the potential employers have the right to refer the application but in the Article 5 this issue not clear enough.

6. Global approach, mobile partnership and circular migration

On October 27, 2005, in the Hampton court, which is located in the United Kingdom, near London, EU leaders made a call for a multilateral approach in order to find solutions to migration related issues. On November 30, 2005 in response to this appeal, the Commission presented the concept of a global approach towards to the phenomenon of migration in its communication "priority activities in response to migration related problems: first steps following the Hampton court." It highlights the importance of "balanced and comprehensive approach, aimed to promote co-action between migration and development and it is based on long-term strategy to be forced to explore the root causes of migration." Approach in the initial stage focused on Africa and the Mediterranean Sea regions, but later focus moved to the East and South-Eastern regions as well, located to the vicinity of EU.

Global approach can be interpreted as an approach, where is given equally migration, external relations and development policy, in order to solve migration related issues by integrated, comprehensive and balanced way, through the partnership with third countries. It includes all issues of migration, including legal and illegal migration, combating trafficking in human beings and illegal transfer of migrants through borders, improvements in the protection of refugees' and migrants' and strengthening positive connections, which take place between migration and development. It emphasizes sharing of the fundamental principles of partnership, solidarity and responsibility and policy improvement and its implementation in order to use "concept of the migration route." (Global approach in 2007).

In May, 2007 the Commission presented its communication about "circular migration and mobile partnership between the EU and third countries." It is based on the earlier initiatives, especially, communications about Migration and Development and legal migration plan of 2005 and is trying to give operational meaning to EU's global approach to migration (Communication about circular migration and mobile partnership, 2007). In addition to the recognition of the fact that the EU's sustainable and comprehensive policy about migration is possible to achieve only in cooperation with the third countries, the Commission is trying to provide tools to establish such cooperation.

Mobile Partnership is seen as the joint framework document in order to create the different types of legal control of movement between EU and selected third countries, where are gathered together the offered opportunities of Member States and of European Community.

As for the legal issue, the Commission proposed "mobile partnership will be of a complex legal character, as far as it will include many components, some of them will be sent to community and some of them to the member states" (Communication about circular migration and mobility partnership, 2007).

We can conclude that it is not envisaged to give mandatory legal form to the mobile partnership. However, the Commission, what kind of obligations there can be? - presumably they for the different cases will be different, but it will include, for example: an effective readmission obligations, initiatives for prevention of illegal migration, strengthening effort of border control and management, cooperation and exchange of information with the relevant authorities, the EU member states, as well as concrete measures and initiatives for migrants at the borders and combating trafficking.

As for the obligations of EU and participating Member States , defined by certain situations, there can be more favorable conditions for a third-country citizens for legal migration, that should have as a basis the demand for labor force in Member State and at the same time, the full compliance with the principle of the Commonwealth of superiority, supporting coordination in management of legal migration , to promote brain drain risk reduction activities, and circular or return migration support, as well as citizens of third

countries for short-term visa issuance procedures for improvement and simplification. While the goal of mobile partnership is cooperation between the States, one more tool - circular migration - includes the development of legal measures for the third-country nationals on individual level. According to Circular Migration and Mobile Partnership Communication, circular migration can be interpreted as a form of migration, the management which provides a legitimate opportunity to move forward and backward legally between the two countries on a certain level.

To the contrary of mobile partnership, Commission here intends implementation of supportive legal measures for circular migration in forthcoming legislative documents, as well as amending existing ones in the same way for the same aims, binding legal document creation, which will facilitate circular migration and receiving those third country nationals in the country, who has been living in EU before. In the abovementioned Communication, the Commission suggests a number of legal measures, which can be included in proposals, about receiving seasonal migrants in country and about paid professional training takers directives. As for the previously existing legal documents, the commission may consider the proposed corrections bill in the Directive about the persons, living for a long time in a country, the education and professional training directive, as well as, scientific - research directive (in communication circular migration and mobility partnerships, 2007). The Commission believes that a multilateral approach to the next stage of practice in the conditions and security measures will be necessary to ensure that circular migration effectively serves its purpose. These legal measures will aim supporting of circularity, encouraging effective return, circular migration monitoring, and brain drain risk reduction activities in partnership with third countries and with bilateral agreement conclusion, which is a useful addition to the EU framework document and policy for promoting secure and stable circular migration.

It is a positive trend in every aspect to strengthen multilateral approach to migration phenomenon by new initiatives being put forward by the proposed instruments, which will allow this approach to be implemented in reality.

Cooperation with third countries has a great importance in strengthening multilateral management of migration. However, mobile partnership and circular migration concepts - as it is presented by Commission – needs more discussion and refinement, especially in the

practice of testing and implementation, as well as on the basis of pilot projects. We should mention that some third country and the region enjoy with privileges from EU about which there are implemented special legal institutions. The European Neighborhood Policy applies to the land and sea immediate neighbors (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, and Libyan Arab Jamahiriya, Moldova, Morocco, Palestinian Authority, Syria, Tunisia and Ukraine). European Neighborhood Policy strategic document was published in May 2004. "Priority sectors of cooperation," including the fight against illegal immigration and legal migration management. European Neighborhood Policy is intended to offer neighboring countries deeper political relationship and economic integration. Instruments for the implementation of this reform is agreed upon action plans, which are spelled out in three to five years and provides a detailed commitments, which are connected with the promotion of economic modernization, the rule of law, democracy and strengthening respect for human rights, cooperation with major foreign policy goals to be achieved.

In recently developed Communication for External Relations and European Neighborhood Policy Commissioner represented what steps should be taken by the Member States, especially in the fields such as trade, mobility and the frozen conflicts in neighboring countries. There are planned a number of activities during 2008, aiming implementation of sector reforms in neighboring countries. In December 2007 there was held Africa and the EU summit in Lisbon, where heads of EU and African states and governments defined Africa and EU Joint Strategy. Lisbon Declaration of the European Union and African leaders have openly declared their decisions, which means a new strategy in the future - a political partnership to develop, as it is presented in the joint EU-Africa strategy and in the common values and objectives. The long-term strategic partnership of four major objectives in one a common problem, including solving the issue of migration.

7. Africa

Africa is a continent that is most worried about the EU policy-makers, who are working on migration issues. Member States can do little things to manage increasing number of Africans migrating in Europe without support of African governments.

The European Union requires African countries to strengthen border control, to take back illegal immigrants, to increase the employment opportunities and to protect refugees. Therefore, the migration was an important issue of the agenda when European Union and African leaders met in Lisbon in December 2007. ¹⁰

At the summit - the first EU-Africa summit since 2000 – there was decided that it was necessary to move beyond making declarations on migration to serious action. Previous meetings were held about in the same manner: European Union and African ministers, responsible for migration, development and finance issues met in 2006 to make the joint plan, for better management of people, moving between Europe and Africa.

At meetings in 2006, held in Rabat and Tripoli, European Union and African immigration Ministers agreed on actions in the region against trafficking.

In addition, some EU governments have offered Libya some money and knowledge, experience in order to help patrol its 4000 km land border and 2000 kilometer sea border. Libya, Mauritania, Senegal and Morocco are a gateway to Europe for thousands of sub-Saharan migrants.

In others meetings, which were held in Burkina Faso in 2006, European Union and African governments presented plans to create jobs in those African regions, where from most of migrants originated.

¹⁰ European Union and African Union, "Africa-EU partnership on migration, mobility and employment", December 2007.

EU has pledged to finance educational programs and trainings that would focus on local needs. On its part, African governments agreed to help migrants to find jobs close to their homes, close to each other for opening their labor markets, and to elaborate EU-Africa "employment centers".

These centers, offices will make illegal migrants aware of migration difficulties and disappointments. They will also provide trainings, assist in transfer of money from diasporas abroad and help returning migrants to find jobs on the local labor market. The first EU job centre opened in Mali in 2008.

It is necessary to have such kind of attempts, but the newly set cooperation should be further developed in future years.

Despite the effort made by European countries to stop illegal immigration, more powerful forces causing African emigration and are strong enough to go on. It is expected to increase level of African population in next 20 years.

According to UN projections, climate change is the most negative effect on Africa. Because of increased temperature in a small amount, African crop yields and fresh water supplies will decrease by more than 20% by 2050. ¹¹

¹¹ United Nations, „Climate change 2007: Impacts, adaptation and vulnerability“, Intergovernmental Panel on Climate Change, 2007.

8. Asylum

Every year millions of people are leaving their residence because of war, natural disaster or persecution, seeking for asylum elsewhere. International law establishes rules for treating newly-arrived refugees under the 1951 Geneva Convention on the Status of Refugees.

People do not have a right to refugee status if he/she is simply poor or very poor. However, the migrants often try to ask for asylum after the refusal for the visa, or because other legal forms of migration is not a desirable place to move. Such kind of attempts reduces belief in asylum getting process and makes life of real refugees' extremely difficult.

There is a problem arisen before governments, either to be open for asylum seekers or prevent using the openness for economic migration. They also worry that migrants are sending application simultaneously in different countries, hoping that one of them will accept. Therefore, only half of asylum applications get a positive response.

EU member states set asylum policy on common rules and the Geneva Convention. Officials argue that the common asylum system will decrease abuse and ensure a fair approach to refugees in Member States. The basic law of European Union, the basis for this policy, is so-called Dublin Regulation. It was adopted in 2003.

Regulation requires that the member state which receives potential refugees firstly should take care of them. Thus, the economic migrants will be able to have the shelter system by using one EU member country to enter and move in better working conditions and social security. These laws for action immigration offices have access to the common EU-wide database with Eurodac, containing applicants' fingerprints. This helps them to return back those migrants, who have sent application in many countries and those who were refused

primarily. However, in some countries, in geographical peripheries - Cyprus, Greece and Malta think that because of Dublin Regulation they have to cope with disproportionate number of refugees and want the law reviewed in 2008. Some countries also wanted to find illegal immigrants through Eurodac who returned after having tried to penetrate into European Union, this time in another member state.

A common asylum system must have meant that the EU member states provide refugees with the same necessary services on arrival, assess their needs equally, use the same laws to granting and withdraw refugee status. However, refugees are still being paid in different Member States. Partly, the problem is poor implementation of the asylum-related legislation.

Franco Frattini is the EU Commissioner - responsible for Justice Policy which includes asylum and migration. In December 2007, he noted with regret that the 20 out of 27 EU member countries - has failed to accomplish the proper processing for refugee applications in European Union on agreed standard. Only six member states: Austria, Britain, Bulgaria, Germany, Luxembourg and Romania got it right.

The member States are discussing the EU asylum rules to improve the situation. However, the harmonization of the laws can not be still achieved. EU will establish an asylum support office in 2010.

The scope of the debate is still going on. At a minimum, The member States are discussing the EU asylum rules to improve the situation. However, the harmonization of the laws can not be still achieved. The office should offer trainings on EU asylum procedures, database of refugees about the conditions in the country of refugees' origin, and to have interpreters, any member country might not have sufficient quantities.

9. Borders

On the borders of Europe, on 1700 check-points, there were recorded approximately 300 million crossings per year. Frontex, the EU's fledgling border agency is responsible for a big part of European border management coordination. The agency came under the first public attention in 2005, when tens of thousands of Africans began arriving on the South shores by makeshift boats. EU governments addressed the Frontex that they would intervene, coordination of member states has been provided for coastal patrols and humanitarian and medical support, for those who have been in the sea for the long time. Frontex-reached an agreement with Libya, Senegal and Morocco and they have permitted the agency to move many ships back (containing some 4,000 people) in waters controlled by the countries.

On paper, Frontex has plenty of patrol emergency equipment for use: 21 aircrafts, 27 helicopters and 116 boats. But the agency does not have an adequate budget (€ 68 million in 2008), has problems in finding staff and does not have a center of operations in South America, where it is necessary. Director of Frontex - Ilkka Latinen says that society should not expect very much from the agency, because it does not have resources and power to solve the European border control: "Frontex does not have its own vessels and can not afford deployment of a large number of units in the chosen region." 12 EU governments want Frontex to take responsibilities and resources to increase over time. In 2007, along with the European parliament, they agreed to increase its budget by € 30 million. By the new package of border control proposals from the Commission, Frontex inspectors may receive the right to issue orders to improve control of the border where it will be necessary. Commission also wants Member States to establish electronic records to everyone who enters and leaves the EU and to create a pan - European border surveillance system – Eurosur – that will connect National Coastal surveillance systems using the European Union's Galileo satellite systems.

12 Ilkka Laitinen, „Frontex – facts and myths“, November 2007, <http://www.frontex.europa.eu>

10. Circular Migration

The main problem which the EU governments have is that their immigration policies do not defy so-called "brain drain" from poor countries. On the one hand, EU governments want qualified immigrants in their labor markets to fill the deficit.

On the other hand, when the country is losing its best staff, it is bad for its economical development and in future this will be result of the unqualified and illegal migration.

One way of the resolution is to encourage circular migration. This will help migrants, to move to-and-fro between the working places in their own country and abroad.

Some EU national government officials believe that the adaptation of national immigration and visa regimes and authorization of the circular migration would solve many problems of migration: there will be no lack of manpower, and migrants regularly will return with money, experience and ideas.

African countries do not lose doctors and other qualified workers, which they need. It will reduce illegal immigration, because temporary workers may return at home by their desire, if they know that they will be able to go back in a case of necessity.

The International Organization for Migration (an agency, which works with governments and migrant communities around the world) believes that companies should offer regular sabbaticals at home, in order to promote circular migration. It also argues that governments should make available resident status and dual citizenship for many migrants and establish a more flexible visa regime.

In 2007, the EU has reacted to this and some other ideas and agreed that the Member States should offer better visa plans to their partner countries within of so-called “Mobility Partnership”. The idea is to raise closer cooperation on illegal migration with partner countries, in return for such privileges, such as long-term, multi-entry visas and work visas for their citizens. To test this idea the Commission agreed the trial co-operation with Cape Verde and Moldova in 2008¹³.

One problem with the circular migration is that this term has different meanings for the EU member countries.

Some countries are ready to allow circular migration only for high-qualified migrants; others think it better fit the idea of seasonal migrants who return every year according to the seasons, to work in agriculture, construction and tourism industries. But this should not be a problem during the formulation of common immigration policy.

The Commission should put a combination of multiple different types of visas from various member countries in one package in order to conduct negotiations with the countries who wish to cooperate closely on immigration issues with the European Union.

¹³ Council of the European Union, “Justice and home affairs council meeting”, December 2007, <http://www.consilium.europa.eu>

11. Development Aid

Development Aid to Africa and other poor regions is an important element of EU efforts in order to better manage migration. In principle, the EU must be prepared to link development programs to its migration purposes. The European Union with its Member countries is the largest donor of the Official Development Aid (ODA) in the world. Almost half of the aid comes from the European Union.

In 2006, the EU spent €48 billion, which is 0.42 percent of gross national income, compared with 0.17 percent in the United States and 0.25 percent in Japan. France, Germany and the United Kingdom are the largest donors of the EU in absolute index. In 2006, the United Kingdom has spent approximately € 10 billion for the Official Development Assistance, France – € 8.3 billion and Germany – € 8.2 billion. However, if we consider official development assistance by the percentage of Gross Domestic Product we get a different picture: Denmark, Luxembourg, the Netherlands and Sweden are the most generous EU member countries.

In practice, the EU has failed to link systematically its aid and migration policies. For example, officials and development workers believe that improve of economic links between the migrants and their homeland is a crucial part of more effective development policies. Migrants, from the same city or from the same region, in the host country are in conjunction with each other through the associations and community groups. Such groups may help governments to raise and finance aid projects in their region. They also want to organize migrant diasporas to do more for their countries and to promote entrepreneurship¹⁴.

¹⁴ Steven Vertovec, „Circular Migration: The way forward in global policy“, Working paper 4, International Migration Institute, University of Oxford, 2007

12. European Migration Pact

The interior ministers of Britain, France, Germany, Italy, Poland and Spain meet each other every six months at the so-called G-6 in order to strengthen cooperation between the biggest security and immigration services of the EU. These countries want that the EU to adopt a "European pact on migration" in October 2008 during the French presidency.

One of the main goals of the pact is to stop amnesty for illegal immigrants throughout the EU. For example, northern EU countries were apprehensive in 2005 when Spain gave residency (and thus free movement through the EU) to 750.000 illegal immigrants. North European countries believe that this amnesty is a "pull factor" which caused a massive migration to Europe. But Spain and like-minded Mediterranean countries wanted to use this theme and have the benefits in the form of money and other resources, which will help them dealing with the problems caused from being the EU's gateway. Cyprus, Greece, Malta, Portugal and Spain criticized the European Union for not helping them to deal with the large-scale migration from Africa and the Middle East.

European migration pact will probably mean an end to one-off amnesties for illegal migrants; there will be joint action to strengthen borders, which includes the adoption of similar technology; the European Union will make more and more pressure on Africa, Eastern Europe and elsewhere to take back illegal entrants.

13. Free Movement and Expansion

Since 2004 the EU adopted new 12 member states: the eight Central and East European countries, as well as Cyprus and Malta joined in 2004 - and then Bulgaria and Romania in 2007 – bringing members to 27. In recent years, almost half of Western Europe's immigrants have come from these countries. However, some internal movement of the EU is not related to its enlargement, for example, about 750,000 UK citizens moved to Spain in recent years. In contrast from the immigrants of non-member countries, the EU citizens can move freely and live in other Member States without the need of visas and residence permits.

European Union citizens and their family members have the right to live in any EU member country for three months. Three months later, they should be working or studying, or be financially independent if they want to stay. Five years later, this right becomes permanent. European Union country can expel another member state citizen only if approved that it poses a threat to public safety. These rights are established circumstantially in the 2006 European directive on the free movement issue.

Freedom of movement does not automatically mean the right to work in other member state. Existing members of the European Union had given a seven-year transitional period, to open their labor markets for new members. Nowadays, the majority of them have no limits for workers from the countries that joined the EU in 2004. But most of them preserved restrictions for Bulgaria and Romania. The exceptions are Cyprus, Estonia, Finland the Czech Republic, Latvia, Lithuania, Poland, Slovakia, Slovenia and Sweden. From 2014 transition period will be finished and will be completely free movement of workers in all member countries. However, EU member countries can still close labor markets in emergencies, if the Commission agrees with this decision.

14. Provoking Factors of Migration. Global Approach

Effective Policies of migration are taking into account and trying to make effect on the factors that cause migration. Officials and experts of migration are dividing this into the two categories: “push” and “pull”. Politics related to pushing factors study forces which are constraint migrants to leave a certain place. Pull factors are forces for which they go to another place. A push factor may be political instability, poverty or unemployment. Pull factors include prosperous economy, the demand on the cheap workforce, higher salaries, better working conditions and prospects for family reunification.

In recent years, the EU is trying to have a “global approach” to these factors. This means that Member States are trying to put together policies related to migration. This includes the fight against illegal migration, management of the demand on qualified workers and action against traffickers. Currently the priority issues of global approach are Africa and a non-EU country in Eastern and South-Eastern Europe. Some officials believe that in strategy should be considered Asia, as well as the number of Asian migrants is increasing in Europe. The main issue with the European Commission negotiations is a simplification of visa regime and helping governments in these regions, to train border guards and immigration services. Another important issue for the EU is to develop a focus on poverty and to reduce the level of push factors that are enhancing migration.

This strategy is more an aspiration than reality. At the beginnings, for any government, not to make into consider the European Union, it is very difficult to unite the various policies to reach strategic goals. Also, the Commission should be able to offer aid and visas to African countries which are ready to take back a large number of undocumented migrants. But these issues primarily are responsibilities of the Member States. Some critics think it sounds gross, seeing it as meaningless or an attempt to become Europe “fortress”. Some indicate that a truly global approach must consider that the subsidization of the EU farms and a large number of fish catch in the waters of Africa not giving opportunity to provide income to those who otherwise might stay at home.

15. Highly Skilled Labor

European economy needs highly skilled workers, such as information technology specialists, business managers, doctors and nurses. But now the European Union is failing in global competition with Australia, Canada and the United States to attract the workforce.

The largest part of the immigrants from Africa and Asia has low qualifications. For the comparison, 50% of the migrants from the United States, who are from the same regions, are highly skilled.

Commission forecast that the European Union will require attracting 20 million skilled workers during the next 20 years to resistance with the deficit of qualified personnel in the European engineering and computer sectors.

Proposed solution by the commissioner Frattini is an EU "blue card" – a common working visa for attracting young, highly skilled workers in the Europe. By the device, visa holders will receive two-year resident status of any member country where the job offers. Job salary should be three times higher than local minimum salary and must be guaranteed for at least a year.

The main benefits for the migrants from the "blue card" will be the possibility to extend the stay after the first contract and to continue working in any EU member country¹⁵.

¹⁵ *Jakob Von Weizsäcker, 'What should a cautious EU immigration policy look like?'*

Commission should not have the authority to decide how many workers should allow the member countries. Governments do not want to give up this right. But the commission should establish the criteria to get the “blue card” and should have the power to ensure health care, tax and pension rights, as is the entire European Union.

EU “blue card” send a strong signal to European citizens that the Union can contribute to effective immigration policy. It also will complement emptiness in countries which do not have own appropriate system of the legal migration.

However, some member countries are unenthusiastically about this idea. The UK, one of the most popular places in Europe for the non-member countries workers, is using its own "points system" for the legal migration management, and therefore has opted out, as well as Ireland and Denmark.

Austria worries, that everything will be “very centralized”. Almost all EU Member States, including Germany and France, do not want the Commission to have any influence on the rules of immigrants’ acceptance. This is why a “blue card” obscures the fate of time as far as the EU continues to decide labor migration issues by unanimity. (JHA/Lisbon treaty.)

16. Illegal Migration

Since 2005, governments were discussing about law, which forbade any illegal immigrants in any member state to re-enter the EU territory. The Commission argues that this "return directive" is important for the EU which is attempting to establish a common approach to illegal migration. But seem that member states do not like this offer. The majority believes that the EU institutions should not have effect on that how they expel non-EU citizens.

EU governments find it more practical to focus on the development of the other instruments to prevent illegal immigration, such as negotiations on the so-called readmission agreements. This explains the procedure of return illegal migrants to where they came from and this may be a transit country rather than their native land.

Over the years, countries with the high-index of illegal migrants - France, Germany, Greece, Italy, Spain and the United Kingdom - conducted negotiations bilaterally. But often is difficult to make conclusions on agreements.

Poor countries such as Mali and Senegal have not understood, why should bear the costs of returning migrants or enter into agreements with their former colonizers. As well as many countries are afraid that they may have a large number of illegal migrants from other countries.

Member countries are pleased that the Commission uses the collective weight of the EU for concluding better readmission pacts.

When the EU negotiate readmission agreements, the earliest bilateral agreements become invalid, replaced with new one.

At this time, the EU has signed a readmission agreement with Albania, Hong - Kong, Macau, Moldova, Russia, Sri - Lanka and Ukraine. Negotiations are continuing with China, Pakistan and Turkey.

Other ideas, which the EU member states have yet to use is the post - colonial ties, and other special relations with each other by sharing each other's bilateral readmission agreements. In other words, the Netherlands may be illegal Indonesian migrants return instead of the Portuguese in exchange for a similar action.

France and the United Kingdom to conduct experiments with different approaches: Illegal immigrants encourage a return home voluntarily, and they offer a considerable sum of money there to help start a new activity.

In 2006, Britain returned 6000 illegal immigrants back. Despite the fact that this is a simple and inexpensive way, more illegal immigrants will be attracted with such kind of threat scheme and potential migrants will arrive in the country to the intent that the money will be paid back to go home in return.

17. Integration

The EU will be able to better cope with the increasing number of immigrants if the Member States will further contribute to their integration. It is possible to do this on local and national levels. Member States are drawn to each other certain integration strategies. A bad approach towards minorities in one European country can easily lead to upset and instability in other countries and move them to force other EU countries, where they appear much better.

President Sarkozy aimed to use the France's EU presidency and to lobby other member states to adopt an idea from his days as interior minister: national integration "contracts" between immigrants and host countries. Immigrants would be required for have an agreement to study local language and to respect national institutions and values in return to have certain guaranteed rights. Presumably, the best way to integrate immigrants to citizenship is to obtain a clear route to citizenship and to promote a feeling of being a stakeholder of the country where he/she is settled. But some EU member states effectively block grant citizenship for migrants. In some countries migrants have to wait ten years before they will have the opportunity to make the citizenship application. And even in this case, they must prove that they do not represent the financial cargo for the country. In addition, their children and spouses legal status can not be preserved for many years.

A "Migrant Integration Policy Index" is the European integration policy survey, which is funded by the European Commission. It is ranking the EU countries according to how effective their integration laws are. This includes laws on family reunification, residence rights, and access to labor markets, political participation, access to nationality and anti discrimination. According to the top of the index are Finland, Sweden, the Western Mediterranean, Benelux and the United Kingdom. After this are coming the policies of the Baltic Republics, Denmark, and the Eastern Mediterranean and Central European countries¹⁶.

¹⁶ Jan Niessen and others, "Migrant integration policy index", British Council and Migration policy Group, 2007

18. Justice and Home Affairs (JHA)

EU Policies on immigration, asylum, border controls and crime are summed under the term "Justice and Home Affairs" (JHA). JHA-related Policies include almost 40% of new laws coming from Brussels. Since the JHA-Policy can be politically sensitive, initiatives in this area should be careful to maintain balance and promote cooperation in the protection of national sovereignty. Therefore, still a few years ago, all JHA policies were decided unanimously and the EU institutions role such as the European Parliament and Justice of the European Court was very small.

In 1997, the European Union will join the Schengen agreement on a borderless travel (originally signed by a smaller group of Member States) Amsterdam Agreement. Thus, border and immigration-related cooperation has become legally binding and still required unanimity. Ireland and the UK abstained from the Schengen Agreement. Together with Denmark, they agree that their participation in EU initiatives on border, immigration and asylum will be according to the desire and will not be compulsory.

Shortly, after the Amsterdam Treaty entered into force, the EU leaders agreed on the detailed list of goals for the EU asylum and immigration policies that was called the Tampere Program. In 2004, the governments summarized the results and added new goals, and renamed the Hague Program. The following changes will take place to the JHA area on the basis of the Lisbon Treaty.

19. Lisbon Treaty

In December 2007, the EU member countries signed the Lisbon Treaty. It was ratified on the 1st of December, 2009. According to the treaty, all the EU resolutions about the asylum, migration and integration is determined according to qualified majority votes. (It consists of new laws about the non-EU nationals who want to join the EU).

Though it's clear from the treaty that the only member countries have the exclusive rights to determine the amount of permissible foreign citizens and the collaboration on integration is supplementary and its aim is not to harmonize the laws.

The European parliament and the ministers of the member countries had the equal rights in the issues such as the EU legislation dealing with immigration, border and visa. But under the treaty it will gain more rights in the issues of legal and illegal migration. Britain, Ireland and Denmark were detaining from lots of policies related to the migration and it will not change after receiving the new treaty.

In Lisbon Treaty there is the first time marked that the member countries will help the member of the EU which will stand in front of unexpected influx of refugees. But there is no concrete definition how this obligation will work in practice. The text also intensifies the legal standing of Commission to negotiate with home countries in order to take back illegal migrants.

20. Mediterranean

The EU member-states and also the Europe Mediterranean coastline have the mass migration in the latest years. These arrivals have shocked the authorities not only because of the quantity but also it was too unexpected.

Coastal patrol services were overwhelmed and the medical services were not ready to handle with the resulting special humanitarian emergency.

Canary Islands (Spain). The Canary Islands situated on the west cost of Africa and is the basic staging post of mass migration. More than 31.000 African migrants went to the islands in 2006. Though, the strict border control and collaboration with the countries such as Senegal and Morocco has decreased the quantity of illegal migrants.

In 2007 Spain arrested 2 times less illegal migrants than previous year. It is important not to boast these numbers: the quantity of illegal migrants from Africa consists of only 5% of Spain immigrant population.

Malta. The population of Malta consists of 400 000 people. It is the smallest EU country, but it is the most affected with the North African migration.

In 2007 the country rejected to receive the migrants who were stranded off its coast. They were proving that no one should have the hope that their small coastguard will patrol Europe's international waters. Though, the EU interior ministers rejected a Maltese proposal that member countries must share responsibility for migrants rescued at sea.

Lampedusa (Italy). The small Italian island Lampedusa is the nearest geographical point for the migrants who want to come to the Mediterranean in order to penetrate into the EU from North Africa.

Every year thousands of people leave Libya and Tunisia by the boats. According to the Italian Interior Ministry, 178 vessels came with about 10 000 people in Lampedusa in 2006. In Lampedusa there is no condition to handle with such humanitarian emergencies.

Samos (Greek). Greece is the porous gateway of the EU with the wide coastline stretched out over thousands of islands. Different from the western Mediterranean, Greece felt the increase of illegal migration in 2007.

From January to August the Greek police arrested nearly 70 000 illegal migrants up a quarter from the previous year. Most of them were Albanians, but there also was the sharp increase from war-torn countries, such as Iraq and Afghanistan.

The island of Samos, one of Greece's 3 main detention centers for migrants in Greece received the highest flow, which consisted of Iraqi, Afghan and Palestinian refugees.

¹⁷ Niki Kitsantonis, „Greece struggles to curb influx of illegal immigrants”, International Herald Tribune, October 4th 2007.

21. Neighborhood Policy

The aim of ENP is that the EU's east and south become more stable and successful. The EU is doing this by offering the aid, market access and collaboration on different policies, but instead of this it requires from the partner countries economical and political reforms. The EU signed the bilateral action plan with 12 partners (Armenia, Azerbaijan, Egypt, Georgia, Jordan, Israel, Lebanon, Moldova, Morocco, Palestine, Tunis and Ukraine) as part of the European neighborhood policy. Other plans are in the process of composing.

Migration is the important issue in these plans. Projects about the border control reinforcing are financed from the European neighborhood policy budget; improving the conditions for refugees; fighting against illegal migration and trafficking in partner countries. For example, the Europe experts train the authorities in the issues of how to rule migration flow, including refugees. In Morocco, the EU finances the efforts by the National Agency for Employment to make the reintegration of the returned immigrants.

The EU officials help the local Moldavian authorities to fight the human trafficking through €8 million border mission assistance. The EU wants to deep the collaboration in the bounds of ENP and is negotiating about the additional agreement, in order to simplify visa regime with the partner countries. In return for, the EU is expecting from the ENP countries more collaboration on migration issues and the improvement of refugees' conditions in these countries.

22. Population

At present the EU population is 500 million. But it will begin to decline if the Europeans don't have more children. The duration of human life has increased, in other words, the European society is ageing and the pension systems are under strain. The enlargement of EU did little to rejuvenate Europe, because most new member countries also have the adult population and the low birth-rates. This tendency, if there is no alternations will weak the EU possibility to compete with the formed economies with large and young workers. ¹⁸

Economists often argue and think that countries should have higher levels of immigration in order to relief the European demographic problems. Though, in order to maintain a ratio of workers and pensioners in Italy and Germany, where the birth-rate level is very low, high number of migrants would be necessary. It's difficult to have an idea that any of the country can or wants to allow such scale of immigration. In any occasion, even the migrants are growing older and their own birth-rate levels approaching with the hosting countries' indicators during the time. From this we can tell that, immigration can't be panacea for the challenge of Europe's ageing population. ¹⁹

¹⁸ Katinka Barysch, "Why Europeans don't have babies," CER blog, June 2007

¹⁹ Alasdair Murray, "Growing old gracefully: How to ease population ageing in Europe," CER essay, January 2008

23. Quotas

Many European countries do not have the precise system of attracting legal migrants. According to the information provided by the local bodies, employment and social affairs ministries and employers' associations, countries that have corresponding systems are using quota systems in order to give work visas due to the country demand of the migrant labor force. For example, in 2004-2006 in Italy supposed to allow the entry of 79,500 foreign workers. Therefore, he has allocated quotas of those countries which have signed cooperation agreements with Italy about immigration issues, among them: Albania, Egypt, Morocco and Tunisia.

The Czech Republic, Germany and the Netherlands used the "green card" or work permit systems in collaboration with the employers in order to attract highly skilled labor power. In 2008 the United Kingdom became the first European country which established a "points-based" system based on the Australian and Canadian model. In this system, the United Kingdom will give working visas according to the knowledge and skills that are lacking in the labor market. Those accumulating the highest points, job offers will not even need to get a visa. Some economists criticized the points systems, consider that it is and ineffective and bureaucratic. But, the advocates of this system declared that it is more improved than the quota system for identifying, attracting and retaining the workers.

24. Remittances

Development experts think that the money that migrants send home has a great potential to reduce poverty and to promote the development of poor countries. Migrants send to home countries about \$400 billion in remittances annually, which is four times higher than those on assistance from the West. ²⁰

Remittances also predominate over the foreign investments in the poor countries. But the remittances transfer worth can be very high - companies and governments may reserve up to 40% of the sum.

Development ministries can do a lot of things in order to help migrants not to be duped and no one to deceive them by giving the information about how to find the best transfer rates.

France's immigration minister, Brice Hortefeux, wanted to do more and to establish an International bank for Remittances, which would help the migrants to save and send money at home in the minor expenses, supplemented with the European development budget.

²⁰ Philippe Legrain, 'Globalisation: A liberal response', CentreForum, winter, 2007

25. Schengen

Most EU members belong to the Schengen area, where passport checks and border control have been abolished. On the 21st of December 2007 was a historic expansion of Schengen zone in the east, took in new EU members Estonia, Hungary, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic.

Schengen zone also consists of 3 non-EU countries: Iceland, Norway and the third one is Switzerland, which is now joined by the end of 2008. Britain and Ireland decided to maintain their own border controls, but Bulgaria, Cyprus and Romania aren't ready to join the Schengen zone, while Bulgaria, Cyprus and Romania are not yet ready to join.

The EU gave almost 1 billion euro to the new members in order to equalize their borders and visa regime up to Schengen standards and it always inspected their border controls. It was important for the confidence of the west Europeans because now the EU common border reaches the Balkans, Belarus, Russia and Ukraine.

Despite above-mentioned fact, the Schengen Interior officials reported that the number of illegal migrants immediately increased as soon as the control abolished. This increase was probably inevitable after the dissemination of information about Schengen expansion.

Regardless, all these facts, the new security challenges of the wider free movement area, also the agitation about the mass migration on the southern border of the EU, will compel the Schengen countries to think about finding ways how to coordinate with the internal control in order to detect illegal migrants.

Schengen zone does not mean simply to abolish the border controls. Police and judges work closely in the Schengen zone, sharing information through a single computer system (Schengen Information System, or SIS).

Police have extra powers to stop crime and carry out surveillance across the borders. For example, Dutch officers can observe the suspects in Germany any time without prior notice. Austrian policemen can chase drug smugglers in "hot pursuit" in Slovakia before the local police come.

The SIS new version is in the process of development and its capacity and possibilities of changing data will be much more. Despite the fact that the SIS II should be ready for 2007, due to the constant delay in the development and testing of the new system will only be used from the end of 2009.

Ireland and the UK, which are free travel zone, they have each other, can join the Schengen zone, but they decided to maintain its own border control. However, the United Kingdom planned "e-border program" - air, sea and rail travelers monitoring system, which requires formal checks of passports to be introduced in 2009 in the UK and Ireland.

After a long process of the European Court of Justice in 2007 concluded that the Schengen members have the right to block Britain and Ireland from joining the board of Frontex - the Council of the Union, because they do not participate in the common system of border control.

26. Trafficking

Migrants, who are willing to get in Europe, often become victims of traffickers and smugglers. According to International Labor Organization, at any moment in time the world's 2.5 million people are in the hands of traffickers. Trafficking is the most rapidly increasing criminal activity. This is a terrible form of modern slavery which brings winnings for international criminal organizations.

There are approximately 100,000 victims taken to Western Europe every year. Organized groups, especially from Albania, China, Romania, Russia and Turkey, created a complex network, which is often borrowed from drug and arms smugglers. This is a very profitable business: according to calculation of the International Labor Organization's annual profits of the human trade in worldwide is \$ 44 billion. ²¹

The European Union fights against trafficking of human beings on three main fronts: cooperation through Europol, with its offices for the Police Co-operation and with Eurojust – its executive unit; common law, which prohibits trafficking in human beings and encourage victims to give evidence, and agreements with non-EU countries immigration offices about cooperation to destroy trafficking networks.

²¹ International Labor Organization, "Forced labor and human trafficking: The profits", 2006

27. The UN Refugee Agency (UNHCR)

Last rough wars and not peaceful environment in Africa and the Middle East in Europe increased the number of asylum seekers. In 2006, Iraq has become the main source of asylum-seekers in Europe. However, refugees who need mostly help from outside are blocked in their native regions, they do not have the necessary resources or can not travel to Europe for a long time.

UNHCR might be the UN's most powerful agency that plays a crucial role in helping to ensure that aid reaches with the refugees in the most crisis situation. However, the agency strictly criticized common European asylum system's course. It believes that the procedures for asylum failed seekers for return demands to determine whether the recipient country safe for those who are rejected asylum.

However, the EU Member States are working closely with the agency, providing long-term financing through the so-called regional protection programs through the agency of refugees in places such as Tanzania.

Some EU member countries give the right to the agency to develop their asylum requests for the most damaged places through the so-called resettlement programs.

28. Visas

After the expansion of the Schengen zone, the citizens of non-EU countries can move from Trondheim (Norway) to Warsaw without passport control. Therefore, immigration services in countries of Schengen have entire rules code for borders control and issuance of short-stay visas.

In recent years, EU countries have begun putting a new biometric data into passports and visas such as digital photos, fingerprint and eye-scans image. This is part of a global trend: with the recommendation of the International Civil Aviation, all countries should be taken to begin the using this expensive technology for travel documents. Europe's immigration service representatives, as well as the United States also believe that new technology is important for determination to know who crosses their borders. By the 2011 all the passports and visas of the EU will have biometric data. In 2008, the Immigration Department started using the new biometric database - Visa Information System (VIS).

Base consists of the entire Schengen visa, issued by the European consulates, which is likely to be automatically checked information. European Union countries, which are not Schengen zone, Ireland and the UK, like them do not have full access on visa but can check the records of the traditional challenges about illegal immigration and asylum applications to elaborate. Through the new database will be available to stop: send several requests to the countries for asylum, visa requests in Schengen countries elsewhere despite rejection by other Schengen countries and use of fake passports.

Commission would like to open the Euro Consulates during next several years, offices in foreign zones for Schengen visas application. This may help reduce the costs of those countries that are trying to secure their services consulates worldwide. Several member countries: Belgium, Britain, France, Germany and the Netherlands are as well cooperating in order to save the necessary funds for collecting biometric data.

29. Illegal Immigrants

The Commission concluded that on the territory of the European Union are approximately 8 million illegal immigrants and this number grows by a half or one million every year. Most of them went legally firstly with short-term visas and stayed after the expiration of the term. Most of them started work in “Shadow Economics” in Europe, which is rife and the European Union GDP is about 16%.²² This attracts workers to Europe with hope that they will be able to work illegally in construction, agriculture, cleaning and other industries. In generally, most of them work in dangerous and low-paid places.

Commissioner Frattini wants to solve the problem with making laws strict that is related to the undeclared jobs. In 2008 year, the Commission adopted a directive, which imposes fines and imprisonment for giving jobs to illegal migrants and the sectors where this kind of situations are common will be checked stricter.

All member countries have legislation on the black labor market, but the Commission believes that they are not performed strongly enough.

²² European Commission, "Towards a comprehensive European migration policy: Cracking down on employment of illegal immigrants and fostering circular migration and mobility partnerships", May 16th 2007.

30. Communication for Collaborating Unified Immigration Policy

The Commission in its 2007 year unified communication for collaborating unified immigration policy nominates the various initiatives and makes conclusions about what was done and what remained to be done. The Commission said that "the legal mandate inspired with Tampere immigration approach was very ambitious, but this strategy is not too complete." The Commission emphasizes that any type of immigration policy of the integration policies should be coordinated. As for the external areas of distribution, in this case, the Commission uses global approach related to migration and outlines the important moments, which are necessary to improve the quality of future policy. This communication is the first call for a new commitment to take unified European policy towards finding immigration policy. Commission cited argument that "there is clearly a need for avoiding immigration policy a market where people are moving freely." Foundation, which has been established, should be used in Europe to build a common immigration policy. According to the Commission, a new commitment must be based on the member states of migrants condition assessment, including current and future needs, as well as practice in the defects of assessment, it should define the plan, the result will be the general opinion about what kind of immigration Europe needs and with accompanied legal measures that are necessary to ensure the normal integration, it must ensure the continuity of state policy, as well as the EU level, as well as a logical connection between the various sectorized policies. It must continue the immigration policy towards foreign policy plans.

This communication is an appeal to common political strategies and to agree on, however, supports the efforts of creation the EU Immigration unified directed framework document. Of course, the socio - economic context and capabilities of the immigration for the EU is very important matter. Field in the EU's common policy is necessary and proper, is a step forward, which is based on the existing achievements. Among these achievements are the existence of a single market and free movement of persons on the territory of the European Union.

Conclusion

Evaluating the achieved success in the sphere of migration and EU it is notable that there is a strong tendency to create a unified policy. While the Tampere Programme, the unified immigration policy for some of the citizens of third countries have already acted. For a long time Member States did not want concession of their authority in the field of labor migration.

Due to the Action Plan 2005 of Legal migration, the two proposal and the activities to be carried out in the future, we have the enough grounds to suppose that such tendency will be changed.

Communication of the Commission “to create unified immigration policy” calls upon to act in order to create a unified policy. It should be mentioned that in the EU agenda it has more and more important role in the area of the migration.

Summarizing the positive effects of the circular migration, there was recognized that it has a great importance for destination and origin countries, as well as for each migrant and their families.

On this grounds there was created the conception on Mobility Partnership, which presents the very instruments to strengthen of the migration management and the social - economic development. At this stage it is important that the initiatives put forward by the member states must be actually implemented.

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