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## **Three challenges for tomorrow's EU migration policy: fairness, mobility and narratives**

### **Discussion Paper**

**for Session 3 of the BTDD 2015**

**Brussels, January 28, 2015**

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#### **Introduction**

Migration and mobility bear an enormous potential for the European Union, migrants, and also the countries of origin. For the EU and its Member States, migration can help to reduce the shrinking working-age populations, contribute positively to state finances and social security systems and create innovations and entrepreneurial potential. On the individual level of the migrant, well-managed migration means development: Migrants can improve their standard of living, expand their personal skill-set and qualifications and realise upward social mobility in the country of destination. Countries of origin may benefit from remittances, knowledge transfer, investments and the establishment of new business relations.

However, in reality, these benefits are often not – or only partially – realised; inadequate regulatory frameworks for mobility and integration lead to suboptimal results. In the EU, badly managed migration may cause wage-dumping, a lack of efforts to increase the labour market participation of the domestic working-age population and a sceptical public opinion on migration as well as populist politicians exploiting and fuelling this scepticism. Migrants may not work commensurate to their qualifications. Moreover, they might suffer human rights violations through exploitation by corrupt employers or are even pushed into irregularity and the arms of traffickers, for instance, due to an absence of adequate legal migration channels. For countries of origin, negative effects of badly managed migration may include reduced development chances and a smaller pool of talents (brain drain).

In the years to come, migration pressures on the EU are likely to rise. According to UN calculations, in Africa, the working population will grow until 2050 by 910 million persons and, in Asia, by 517 million, while Europe will record a decline of 96 million. Migration pressures will also be augmented by

urbanisation and economic development. That creates an urgency for policy-makers to realise the positive outcomes of migration and reduce policy failures that lead to harmful effects. What is needed, is an EU migration policy that is fair and sustainable and based on partnership with countries and regions of origin.

The paper highlights three important challenges for tomorrow's EU migration policy and proposes measures to deal with them: First, ensure a sustainable and fair labour migration policy which is purposefully designed to take into account the needs of the origin countries, as well as the needs of the migrant workers themselves – in addition to the needs of the immigration countries. Second, increase mobility of third country nationals to and within the EU with a focus on the EU's close neighbours. Third and finally, change public opinion towards immigration by building a new discourse and promoting it through mainstream media.

### **Fair mobility needs to be an integral part of migration policy**

*Matthias Mayer, Project Manager, Bertelsmann Stiftung*

To realise the positive effects of migration to the greatest extent possible, a fair and sustainable migration policy should consider the needs of the migrants, the countries of immigration and the countries of origin. The concept of *triple win* attempts to capture that trinity and can be used as a point of reference for designing migration policies. This section highlights three cornerstones of a fair migration policy that seeks to pursue a *triple win* as a policy outcome.

#### ***The mobility decision needs to be made by the migrant***

At the centre of a fair migration policy is that the mobility decision has to be made by the migrant. Due to certain economic, political or environmental circumstances, the act of migration might not be entirely voluntary. However, labour migration policy should avoid offering migrants non-renewable temporary residence permits. Temporary migration programmes are only useful if they cater to certain seasonal or temporary demands. For instance, they should not be directed to fill long-term labour shortages. Another aspect of facilitating self-determined mobility is the non-expiration of residence titles in case of a temporary absence from the country of immigration. If a migrant decides to return to her country of origin for a certain period of time (or decides to move temporarily to another country), the respective residence title should not expire – if all other conditions under which it was granted are still in place. Moreover, temporary periods of absence from the country of immigration should, as a general rule, not disrupt the accumulation of periods of residence needed to be eligible for a permanent residence title or to apply for naturalisation. A final factor to foster mobility is the transferability of social security claims, for instance, by means of national regulations or bilateral social security agreements.

#### ***Migration policy needs to consider the entire migration cycle***

Migration policy needs to consider the entire migration cycle, i.e. selection and preparation, integration, diaspora engagement and potential return. Integration measures should already start in the countries of origin, i.e. before the actual act of migrating. Pre-departure orientation offered online or by country offices (EU countries could pool resources to establish EU migration country offices) can help to ease the process of migrating and integrating. These preparation activities should be supplemented by face-to-face meetings with migration/integration advisors. Preparation measures should be linked

systematically to integration instruments in the country of destination, for instance, by means of individualised action plans. Mentoring programmes are an additional way to help migrants to start the integration process ahead of the actual act of migrating. Another benefit of pre-departure measures is that they help to make sure that migrants hold realistic expectations about the process of migrating as well as the country of destination. In supply based migration systems, pre-departure measures highly increase the chances that the migrants are matched to an employment that is commensurate to their qualifications. Migration routes need to provide clear possibilities for obtaining permanent residency and citizenship. Migrants need to work according to their qualifications (matching). Therefore an effective selection system (ideally a hybrid system combining supply and demand based selection mechanisms) and the recognition of professional qualifications are crucial. Migration policy should also foster diaspora engagement in the respective countries of origin to increase the developmental impact of migration, e.g. through knowledge transfer or even investments. This can happen by means of establishing networks or databases. Another way to increase the positive effects of migration is to reduce the costs of remittances and to make them more reliable. Finally, innovative ways of diaspora engagement should to be explored, for instance diaspora bonds.

### ***Bilateral agreements should supplement national regulations***

Bilateral agreements constitute a third pillar of fair migration policy. Partner countries for bilateral agreements need to be carefully selected, according to certain criteria. These criteria include: demographic and economic factors, stance of the government towards labour migration, a functioning and transparent administration, compatibility of the education system, historical ties to the EU and the valorisation of migration for development. A certain type of bilateral agreement are global skill partnerships which link qualification measures in the country of origin with a labour recruitment agreement. Global skill partnerships should be implemented as pilot projects and meticulously evaluated. Moreover, bilateral agreements can help to establish platforms to assist migrants who intend to return to their countries of origin – either temporarily or permanently. The EU mobility partnerships provide an excellent framework for specific bilateral agreements between EU member states and certain partner countries.

### **Mobility of third country nationals to and within the EU: the lost agenda?**

*Yves Pascouau, Director of Migration and Mobility Policies, European Policy Centre*

Whether we like it or not, migration will remain a hot topic in the years to come. With no chance of it decelerating worldwide, it will become increasingly central at EU level in particular due, but not solely, to the demographic changes beginning to be experienced in the “old continent”. Hence the question as to whether we need migration is outdated, and should be replaced by one that should drive the EU migration agenda: how can it be managed?

The question may seem a little awkward, especially as the EU has been taking action in this field since the entry into force of the Amsterdam Treaty in 1999. When looking closely into the achievements it is clear that only two aspects have received great attention: a) irregular migration and b) asylum, while the issue of legal migration, i.e. how the EU and its Member States admit third country nationals, has been treated in a somewhat peculiar manner. More precisely, Member States have refused to address this issue comprehensively at the same level as in other fields and instead have opted for a selective

approach, targeting specific categories of migrant workers. As a consequence, this policy field has regularly been portrayed as the “poor child” of EU policy in the field of immigration.

While a number of Member States, Germany taking a lead role, are firmly opposed to any EU action regarding admission of third country nationals, reality worldwide and notably in the EU surroundings make this position untenable. If the EU and its Member States want to play a key role in the management of human mobility, which is becoming more than ever integral part of the “world citizen” behaviour, common action at EU level is needed. This would require taking action in three specific domains: intra-EU mobility, legal admission schemes and real partnership with third countries.

### ***Intra-EU mobility: lost in translation?***

While EU citizens benefit from the right to freedom of movement, a limited share of third country nationals legally residing in the EU are entitled to intra-EU mobility rights, i.e. the right to enter and reside in another Member State for a period exceeding three months. This does not make much sense when looking at the objective to set up a single European labour market. Indeed, if the EU and its Member States want to fully profit from the benefits of a single labour market where the workforce is allocated according to needs, allowing legally residing third country national workers to get a job in another Member State, under defined conditions, should become a priority.

However, it is striking to underline that the strategic guidelines adopted by the European Council in June 2014 do not even mention this issue amongst the priorities for the years to come. Lost from the radar, while still discussed in legislative negotiations on the Student and Researchers Directive, this objective appeared again elsewhere, in conclusions adopted by Ministers responsible for... integration.

While this reflects a strong incoherence - discussed behind Council closed doors, absent from European Council conclusions and included in Minister’s conclusions – putting the issue back on the table is urgent. It is not only a matter of making the single labour market function better, it is also one way to make the EU an attractive destination for workers. Indeed, the prospect of being able to move freely within the entire Union could clearly constitute a strong incentive for workers to choose to migrate to the Union rather than other regions in the world. In this regard, the mobility system enshrined into the Intra-corporate transferees Directive should be highlighted as a path to follow.

### ***Common admission rules: lost sovereignty?***

Another clear factor of attraction would be to establish a common EU rule establishing the conditions under which third country nationals may move to the EU to exercise an economic activity. Proposed by the European Commission in 2001, this idea has never been discussed by Member States. Alongside the fear of being deprived of their sovereignty over admission, differences between labour market and national rules were enough to shelve that initiative.

Current EU legal migration rules are far from being satisfactory. They are extremely cumbersome and nearly impossible to understand. If one could try to summarise them, it could be in the following manner: there are specific rules defining different conditions of entry for specific categories of migrants (students, researchers, highly skilled workers, seasonal workers and intra-corporate transferees) and allowing in specific cases each of the Member States to maintain their national systems in parallel. The possibility to maintain parallel schemes is extremely problematic as it prevents harmonisation and creates the conditions of competition between Member States.

Refusing to deal with this issue at EU level and to develop an EU general admission scheme, Member States maintain a legal conundrum which runs counter to EU attractiveness. In practice, qualified

migrant workers who do not fall within one specific category covered by EU law, face 28 different national rules whereas the rules on admission to Canada, Australia, Brazil and the US are enshrined in more simplified legal frameworks.

Moving towards an EU legal admission scheme for those seeking work is all but impossible. Indeed, the definition of common conditions does not imply that Member States are losing sovereign competences. If the conditions are harmonised, Member States will still decide on applications, as is currently the case in the field of short-term visas. It should be noticed that making such a leap should not be a big problem since the majority of European countries have already established the same type of labour migration system, i.e. demand-driven systems where migrant workers are entitled to migrate in so far as they have a job offer. Hence, moving towards a common scheme should not be seen as giving away much sovereignty.

### ***Sound partnership with third countries: lost opportunity?***

Current and recent political documents underline the need to cooperate with third countries in the field of migration. This political emphasis is based on the background of the so-called Global Approach to Migration and Mobility (GAMM). This approach embeds four pillars which form the framework of discussion with third countries. Those pillars are: a) the fight against irregular migration, b) legal migration, c) international protection issues and d) development.

Legal migration is linked with the “mobility” dimension, which was included in 2011. In short, where third countries accept to conclude readmission agreements with the EU, the latter accepts to conclude a visa facilitation agreement with them. In addition, third countries could engage in a mobility partnership with a group, large or small, of Member States offering some admission opportunities.

While we acknowledge that mobility partnerships and the GAMM have provided a platform for discussing migration related issues with third countries, the mobility aspect of the process which is limited to facilitation of obtaining short-term visa is anything but serious. Very soon the EU as a whole will be, or in some areas already is, struggling with demographic challenges including severe labour shortages in specific sectors. And yet, it fails to take the opportunity to offer its partners, and primarily its close neighbours, real partnerships based on genuine mobility/admission schemes. It should be added that the reluctance to offer sound counterparts to third countries increases their mistrust towards the EU as a relevant partner.

What is “mobility”? It is simply the establishment of a sound partnership where citizens from third countries can be offered real opportunities to move to the EU in order to work. Two main options are at hand.

The reasonable, but at least, acceptable would consist of following the current approach. In this regard, mobility partnerships could improve opportunities for third country workers to access selected labour markets. At a later stage, the possibility to provide for visa liberalisation, as already the case for some countries, should also be part of the process.

A bold scenario would be a “Copernican Revolution” whereby partnership would be thought and developed along the lines of freedom of movement of workers. Politically not very popular, particularly in times where freedom of movement of EU citizens is heavily questioned and under severe strain, this option should not however be disregarded. Indeed, current and future evolutions in Europe and its surroundings may well make this idea more relevant than anyone could expect. Preparing for such a shift may be the beginning of a sound strategy.

## **Needed: a new narrative for integration**

*Shada Islam, Director of Policy, Friends of Europe*

Europe is uneasy about its future, its mood soured by the economic slowdown, the Eurozone debt crisis and public anxieties about rising unemployment and the impact of globalisation on European jobs. The dark mood is reflected in declining public support for the European Union and the growing popularity of xenophobic and anti-immigrant populist and extremist parties. With the populists setting the tone – and mainstream political parties emulating their strident anti-immigration rhetoric – Europe’s debate on immigration has become toxic. The increasingly hysterical conversation leaves little space for intelligent arguments and reasonable discussion with those who express different views. Media fascination with politicians such as Marine Le Pen of the French Front National, UK Independence Party’s Nigel Farage and others like Geert Wilders in the Netherlands gives Europe’s populists even more visibility. When they do speak out, the often pro-immigration voices of Europe’s civil society, universities and business leaders are drowned out by the loud clamour of demands for tougher anti-immigration policies.

Europe needs a new narrative on immigration – and it needs it urgently. Europe’s response to the challenge posed by populists, its ability to keep open borders while integrating existing migrant communities is critical to the continent’s economic future, social stability and global credibility. The tone and content of the immigration debate has repercussions on Europe’s internal cohesion, economic dynamism and societal harmony but also impacts strongly on EU foreign policy and international reputation. The treatment meted out to migrants and asylum seekers in Lampedusa or in Calais colours global views of Europe, eroding the EU’s efforts to promote human rights worldwide. When Muslims are targets of racist attacks and discrimination, the EU’s role and influence in helping to stabilise a very volatile Arab and Muslim world is diminished. Young Africans drowning in rickety boats in the Mediterranean raise questions about the effectiveness of EU development policy. The stakes are high: Europe’s global reputation and hopes of playing a stronger international role depends on its internal conduct and policies.

### ***Let’s get reasonable***

Forging a new and sensible European conversation on immigration and integration will require determination and vision, good arguments backed up by facts and better – much better – communication. It means building an environment where people move from talking about “us” and “them” to more inclusive language of living in a shared space, with shared values. It also means tackling the concerns of people who feel anxious about the economic effects of immigration on themselves, their families, their jobs and their towns and cities. Although the public discourse on immigration has become poisonous, it is important to confront and talk about the pressure and benefits that immigration brings. The discussion must be inclusive, however. Further polarisation between the anti-immigration groups and those favouring a more open Europe will not be helpful.

The environment is more favourable to changing the narrative than many believe. The current focus on European “foreign fighters” who have joined the so-called Islamic State in Syria has spotlighted the malaise and disaffection felt by many young Europeans of foreign descent. Europe’s once solely security-focused approach to deal with foreigners and especially Muslims has been replaced with a more balanced view that includes an integration agenda and migrant outreach programmes. Government and business recruitment policies are being gradually changed to increase the employment of migrants. In fact, business leaders are demanding an increase in immigration, including from Muslim countries, to meet Europe’s skills shortage, and the Lisbon Treaty includes a new anti-discrimination directive

that strengthens existing rules on combating racism. For their part, migrant groups are becoming significantly more active in demanding equal rights as fully fledged citizens, organizing themselves into pressure groups and emerging as influential politicians, entrepreneurs and cultural icons.

However, this slow but steady recognition that all Europeans, whatever their religion, ethnic origins and cultural background, share a common space has not been translated into a rallying and attractive narrative. Developing a new “European immigration story” requires the joint efforts of politicians and policymakers, scholars as well as thought and religious leaders, civil society organisations, business representatives and the media. It means highlighting that Europe is a truly diverse continent which celebrates all its citizens, regardless of race and religion and recognises that if it is to compete on the global stage, it needs to capitalise on the talents of all its citizens.

### ***The ingredients of a new narrative***

The ingredients of such a new narrative are not difficult to identify. Here are some suggestions:

- The message should be clear: integration is a two-way street, requiring adjustment efforts by migrants and host societies. Newcomers must abide by existing rules so that they can become part of the conversation. But in exchange they should be accepted as full-fledged members of society.
- European politicians face the challenge of engaging in an intelligent debate on immigration and integration which is not about accusatory interventions or the adoption of populists’ rhetoric but does not shy away from discussing the real challenges of living in a multi-cultural and diverse society. European policymakers must take up the task of highlighting Europe’s inclusive integration agenda rather than allowing security and immigration concerns to take priority. EU anti-discrimination policies should not be lost in the maze of measures to combat radicalisation, especially of young men of Muslim descent.
- As European economies continue to stagnate, there is an interesting story to be told about migrants’ economic contribution to their host nations especially the fact that many migrant entrepreneurs are actively fostering the revitalization of impoverished urban neighbourhoods, creating jobs and prompting innovation in products and services.
- A recent European Commission study stresses that diversity brought about by migration can be a competitive advantage and a source of dynamism for the European economies, whose workforce is expected to decline by approximately 50 million between 2008 and 2060.
- Given the present sorry lack of representation of people of migrant background in national governments, parliaments, and EU institutions, some form of support for higher education, facilitation of job promotion is needed to encourage minorities to become active social participants.
- Business leaders, for their part, must become less timid in pointing out that ageing and skills-deficient Europe needs foreign labour.
- Europe’s struggle to build a society that embraces migrants is challenged by uncertainty about what it means to be ‘European’, suggestions that national identities should be replaced with a single European one, and the struggle between religion and secular beliefs. There is therefore a need to develop a new lexicon of European or national citizenship that embraces difference and diversity.

- Media representatives should be provided with the facts and arguments they need to challenge populists' simple discourse and encouraged to reach out to civil society groups and individuals who can provide a convincing counter narrative.

The stakes of not meeting these challenges are high: failure to accept difference and diversity will foster further fear and unease, sap Europe's vitality, exacerbate social tensions and erode European influence on the global stage. Europe's ability to punch its weight in a rapidly changing global stage depends on its capacity to celebrate diversity, not fear and denounce it.

### **Concluding remarks**

The paper has presented a brief outline of a number of highly salient issues in need of rethinking and provided policy recommendations to address them. Much remains to be done, but the three themes – fairness, mobility and new narratives – constitute important cornerstones of tomorrow's EU migration policy.

A comprehensive European energy security policy has remained limited by the reluctance of Member States to alienate sovereignty on a policy area deemed critical for national interests. According to the Treaty, the EU energy policy's objectives must be achieved in "a spirit of solidarity between member states", but governments retain the right to determine the general structure of their energy supply, the choice of their energy mix and the conditions for exploiting their energy resources (Art. 194 TFEU). There is thus a strong tension between the declared need for closer cooperation and solidarity, and the respect of national prerogatives.

However, the combination of recent political turmoil across the EU neighbourhood, along with the new institutions' insistence on the need to create an Energy Union, has revived ambition for a more integrated approach to energy security, as demonstrated by the Communication of the European Commission on the European Energy Security Strategy released in May 2014. In the medium and long term, the strategy calls for comprehensive efforts to moderate demand, fully integrate the internal energy market, increase the production of domestic sources, further develop energy technologies, diversify the energy imports and improve coordination of national energy policies, while speaking with one voice in external energy policy.

By approaching the notion of energy security from different theoretical angles, the three following contributions intend to provide recommendations on how to reach these objectives, considering political constraints and the global and regional market conditions. In particular, the following points will be highlighted.

**On the domestic side**, the first priority of the EU energy security should be to complete the internal energy market. However, not only is it far from being completed but also at serious risk of fragmentation. In order to avoid this, the European market design should encompass the following measures: 1) All national energy policies must be compliant with EU rules and guidelines; 2) Mature renewables should be integrated into the market and balancing prices should reflect full system costs; 3) Transmission infrastructure should be developed in a common manner; 4) Network codes should be adopted and implemented as soon as possible; 5) The demand-side should be empowered to participate as much as possible in all markets; 6) The key European energy actors should be further empowered.



The implementation of all these measures will require strong cooperation between the Member States, the EU and all energy stakeholders.

Moreover, the transition to a low-carbon energy system is adding a new internal security dimension, linked to the electricity system transformation (renewable integration, decentralised generation) to the traditional notion of energy security. This raises new policy challenges as the role of the energy system's main actors (mostly infrastructure operators) is evolving. In this context, energy efficiency policies need to be considered as an integral part of the EU's energy system security.

**On the external side**, energy security is currently being revisited with special focus on natural gas and imports from Russia. It remains to be seen how the new challenges for the security of gas supply will be addressed by an (Energy) Union and to what extent this will be coordinated through governance mechanisms at regional and Member State level to increase resilience and flexibility in the system. The EU has to adapt to the new situation in its neighbourhood. It has to do so by also reviewing its external energy governance and its particular tools.

With respect to gas pricing, a transition towards contractual arrangements incorporating spot pricing is to be expected. Joint purchase schemes make thus sense in order to counterbalance the suppliers' market power. However, this should be accompanied by a significant alienation of sovereignty especially if the choice is made for an energy mix, in order to avoid free riding.