

IS THERE A MAINSTREAM APPROACH TOWARDS EU'S MULTILEVEL GOVERNANCE OF MIGRATION POLICIES?

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ABSTRACT:

OUR CONTRIBUTION AIMS AT DEPICTING THE MAIN APPROACHES IN DEALING WITH MIGRATION POLICIES IN THE AREA OF LIBERTY, SECURITY AND JUSTICE. ALTHOUGH THERE HAS BEEN A LARGE VOLUME OF LEGISLATIVE ACTION REGARDING THE AREA OF MIGRATION AND ASYLUM IN THE EU, HOW ARE THESE POLICIES COPING WITH THE INCREASING DOMESTIC PRESSURES OF THE SOCIAL STATE?

WHICH SCENARIO WILL PREVAIL IN THE HANDS OF THE EU: IS IT THE SOCIAL LEARNING PROCESS ENOUGH TO DEEPEN COOPERATION OR DO WE NEED A MORE COORDINATED MANAGEMENT OF LABOR MIGRATION INVOLVING ALL SORTS OF STAKEHOLDERS? THE WORLD BANK SUGGESTS A MORE DOWN TO EARTH APPROACH CONNECTING RECRUITMENT, REMITTANCES AND RETURN, IN A WIN-WIN SCHEME. ANOTHER MAINSTREAM APPROACH OF MIGRATION FLUXES CONNECTS MIGRATION POLICY WITH TWO OTHER KEY INGREDIENTS: DEVELOPMENT AND FOREIGN POLICY. THERE ARE MANY PATHS TO CATCH THE ESSENCE OF NOWADAYS STRATEGIES FOR MIGRATION BUT THE OUTCOME OF THIS PROCESS IS STILL SUBJECT TO VARIOUS NATIONAL INCENTIVES THAT MAY ALTER THE CAPACITY OF EU'S INFRASTRUCTURE TO DEAL WITH MIGRATION GOVERNANCE IN AN INTEGRATED MANNER.

KEYWORDS: MULTILEVEL GOVERNANCE, MIGRATION, MAINSTREAM APPROACH, DEVELOPMENT POLICY.

INTRODUCTION

Although, ever since the crisis started, economic and fiscal developments have dominated public discourse, immigration policy has always been a salient and sensitive issue. Dealing with migration fluxes has not been an easy task especially for western democracies that face pressures from within the EU and also from the outside. Approaches towards migrants and of migration process itself seems to have divided the political arena in many states, this process being incentivized by large media coverage. Strong opposition to migrants has even boosted radical left or right party movements throughout Europe, which

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consolidated their power and legitimacy in front of their people mainly through clearly defined attitudes for dealing with immigrants.

But why is there a need for a mainstream approach towards migration in the EU? There are a few pertinent answers to this question. The most recent explanations are connected to the crises taking place in Ukraine, Middle East, North Africa and Asia. The spillover effect of these crises and the public debates that they generate have placed increasing pressure upon national member state to react to such fluctuating dynamics.

The waves of migrants from North Africa and the tragedies from the Mediterranean Sea have also diverted international community's focus upon dealing with such crisis with great urgency. Triton and Poseidon operations have been calibrated in order to offer relief and correct the deficiencies that generated the crisis in the first place. This means a continuous effort to address the root cause of these issues, underlying that the programs and initiatives triggered by the EU should go beyond its borders, expressing the goodwill of its civilian power doctrine. However, this objective cannot be achieved without an institutionalized dialogue with the countries of origin and those of transit.³

On the one hand another major issue in the EU concerns the creation of an integrated framework that should grant protection to the displaced people, refugees and asylum seekers, a task all Member States should pledge their efforts to support and implement.

On the other hand the answer that might justify the need for a coherent migration policy lies in the evolution of migration flows mainly after World War II, in the sense that many European countries are dealing with structural problems on behalf of their capacity to integrate migrants of the second and third generation. Such migrants usually have not been fully assimilated in the native population of the residing state. The main vulnerabilities that these populations encounter are related to housing policy, access to education (especially higher education), and their capacity of being absorbed by the labor market.

1.1. DYNAMICS OF MIGRATION POLICIES AND MAINSTREAM APPROACHES

The issue of migration has been on the EU Agenda even since the Treaty of Maastricht, when it was established that this aspect must be dealt with at a supranational level, as it is very closely linked with the freedom of movement within the EU. Still, this aspect was not openly discussed until the Council of Tampere from Finland (1999), when the Member States agreed to stress the importance of partnership with the third party countries when dealing with migration. Although in 1993 it was agreed that migration and freedom of movement should be addressed at the Union level, the Council meeting from Tampere stressed the fact that some aspects must be implemented at national level, giving thus a 'free hand' to Member States when formulating the migration policy.

A direct consequence of the Tampere Council from 1999 was the integration of migration issues as basis for cooperation between the EU and third party states, materialized in the Communication on Migration and Development from 2002. In this document, the Commission sought to emphasize the importance of integrating the migration issues in a wider approach, defining five areas of action, as follows:

- facilitation of brain circulation and facilitating return
- a more efficient use of remittances
- better integration for legal residents from third countries
- awareness of possible tensions between high-skilled labor force originating from third countries and nationals from Member States

³V. Guiraudon, "European Integration and Migration Policy: Vertical Policy-making as Venue Shopping.", *Journal of Common Market Studies*, 38(2), 2000, 51-254.

➤ re-admission agreements for financial and technical assistance to be used in order to contributing in developing strong relations with third countries.⁴

Two years later, in 2004, the AENEAS Program was launched, aiming at assisting third countries in managing the migratory flows and building the capacity to collaborate with EU's recipient states. Towards the end of 2004 The Hague Program stressed the importance of external dimension of EU's actions especially regarding the fight against the illegal migration. Several partnerships were launched to improve the asylum system, control illegal immigration (including a policy to expel illegal immigrants back to their origin country) implementing resettlement programs. These programs also contributed to create FRONTEX- a new European Agency meant to better control and manage the borders and fight against the illegal migration.

Starting from 2004 the policies for migration and asylum were subject to qualified majority voting and co-decision. Mainstream European policy towards migration has evolved also because the national states had deficiencies to control this phenomenon⁵, thus moving this issue from a low politics to a high politics agenda, but enforced mainly through soft law.

In the following years the concept of migration gained its importance at every high level meeting, fact emphasized by several Commissions' Communication focused on freedom of movement within and outside the EU, illegal immigration and developing new methods in dealing with outside EU labor force. All these documents, as well as the developing of a new approach at the national level, led to a better understanding of the migration phenomenon, not only at the EU level, but also at ground level. Through the new migration policy which has its origin in past reality as stressed by official documents and several academic debates, the EU tries to create a better environment for immigrants by offering them the same rights as every EU citizen has, helping them integrate in the new state and creating the opportunities for intercultural exchange in order to diminish the hatred promoted by the extremists political parties. All of these actions are based on a strong partnership with the third countries and a joined effort in controlling the illegal migration.

1.2.MOBILITY PARTNERSHIPS AND NATIONAL STATES CHALLENGES

Another initiative aimed at providing a specific approach in the realm of managing migration fluxes were the Mobility Partnerships. Launched in 2007 and based on a Commission Communication, The Mobility Partnerships are defined as agreements between the EU and third countries which are focused mainly on initiatives from both sides in order to discourage illegal migration and to exert a better boarder management and illegal immigration control. Under this agreement, the EU will improve opportunities for legal migrants and will assist the third countries in developing their capabilities in dealing with migration flaws. Like the ENP's Action Plans, the Mobility Partnerships are tailored according to each country's specifics, they are implemented through projects which may be proposed either by the partner country or by an European Institution, as they are an important part of EU's Global Approach to Migration.

The Mobility Partnerships can be referred to as a new way of governance. Similar to Action Plans, they are not legally binding, participation is voluntary, they are stressing some sensitive issues for both sides and the Member States are sole responsible for their implementation, being guided and monitored by the Commission.

⁴A. Geddes, *The Politics of Migration and Immigration in Europe*, (Sage London, 2003), 23-25.

⁵ C. Joppke, *Immigration Challenges the Nation-State*. In C. Joppke(ed.), *Challenge to the Nation-State. Immigration in Western Europe and the United States*, (Oxford, Oxford University Press, 1998), 10.

We have to keep in mind that the migration policy has changed and now its implications are more complex, ranging from social welfare to employment policies, and this is why many authors⁶ argue that this sensitive issue should not be addressed only by the European Commission, but also by the national authorities because they are more familiar with the problems their state faces from the migratory flux. As Favell stated, today the state is no longer a “self-contained bordered unit. Common laws and new political institutions challenge the sovereignty of each state to make policies or assert political control over immigration issues”.⁷ This statement applies especially to illegal immigration where there is no doubt that member states` policies have an impact upon other Member States.

As stated by Neumayer, if member states manifest very restrictive border controls, there is a strong possibility that the immigrant flow will be directed towards another member state.⁸ Of course, this implies the reverse of the situation: if the member states exercise less restrictive border controls, immigrants can easily enter and afterwards move freely within the EU. When analyzing boarder control we must take into consideration the fact that member states have dissimilar past regarding immigration and labor market needs, and sometimes they even compete against each other in order to win “the best brain”.⁹

There are also strong arguments as to why a migration policy should be governed by a supranational authority, like the European Commission¹⁰. If the Member States would take into consideration cooperating at EU level in this sensitive issue of migration, this would also contribute to enhance migration policy at a national level, as there are some pressing issues that cannot be properly dealt with by the member states alone¹¹.

European governments and national policy makers have different views on how the integration of migrants should be achieved. States like the United Kingdom have been more flexible in dealing with migration fluxes especially because of their commonwealth past, which was able to smoothen the integration process. France, on the other hand, with its postcolonial history, is showing similar approaches in assimilating migrants and immigrants, with the French government adopting mainly a specific but not yet a systematic approach towards such groups. Nevertheless, the French state committed to promote even contrasting views towards such phenomena in the public sphere.

In the Scandinavian countries the approach towards migration is elaborate, thus implying an efficient strategy, implemented at both central and local levels, creating a good pattern on how a successful integration process should be enforced. The capacity of managing migration fluxes is also very robust, with governments in the Scandinavian Peninsula placing migrants to good use in covering their structural needs, illustrating rather a complementarity scenario and not a state burdening machinery.

⁶A.M. Messina, *The Logics and Politics of Post-WWII Migration to Western Europe*, (Cambridge, Cambridge University Press, 2007), 138.

⁷ A. Favell, “The Europeanisation of immigration politics”, *European Integration Online Papers*, 2(10), 1998, 2-4.

⁸ E. Neumayer, “Asylum Destination Choice: What Makes Some West European Countries More Attractive Than Others?”, in *West European Politics*, 5(2), 2004, 165.

⁹ T. Straubhaar, “New Migration Needs a NEMP(A New European Migration Policy)”, *HWWA Discussion Paper 95*, (Hamburg, 2000), 17-19.

¹⁰ A. Moravcsik, K. Nicolaïdis, “Explaining the Treaty of Amsterdam: Interests, Influence, Institutions.”, *Journal of Common Market Studies*, 37(1), 1998, 68.

¹¹ M.D. Aspinwall, G. Schneider, “Same menu, separate tables: The institutionalist turn in political science and the study of European integration.”, *European Journal of Political Research*, 38, 2000, 3-8.

1.3.METHODS OF INTEGRATION AND SOCIAL INCLUSION PATHS

In the EU, as well as in the vast majority of European states, mainstream approaches in understanding immigration fluxes have been clearly underlined by the use of 3 methods. The first method implies the role of a dominant discourse, mainly promoting government`s or central authorities vision upon an efficient strategy in dealing with immigrants. At this level a clear strategy structures itself, having prospective objectives on how to better determine a broad social inclusion. The second method of approaching immigrants is through multilevel governance. This type of governance prioritizes the use of horizontal and vertical measures of integration the process receiving strong incentives from the EU`s institutions and also benefits from state to state cooperation on specific areas.

Another method used in dealing with immigrants is through policy making, either by policy change or adjusting. Policy reforms are also recommended in order to customize the specific need of the immigrants to the socio-economic background of the state and to its labor market. Many of these policies insist upon education, training, employment and almost all of them aim at raising the life standard for such groups.

The EU effort in order to contain and to manage irregular migration flows is a key priority for the Council and the Commission. In this regard, for the 2014-2020 time framework 99.6 billion EURO have been allocated in order to boost EU`s external cooperation assistance. The EU is also a major contributor and donor in programs sustaining refugees and internally displaced persons¹², as well as conducting a wide range of humanitarian assistance projects.

On the European Security Agenda important efforts are made to tackle and properly address issues such as: dismantling criminal networks, fighting against trafficking, active measures against smuggling; these being only a few priorities that European agencies face on a regular basis. Such initiatives cannot produce long term benefits and long lasting result unless the border management capacity is strengthened. Member States have already established a 2.7 billion EURO fund for 2014-2020, called Internal Security Fund, its main purpose being that of consolidating a Union standard for border management. FRONTEX will play a key role within this complex, by helping in enforcing and thus widening the ``smart borders``¹³concept.

There are many options to fund the integration of immigrants. The main funding resource is represented by the Asylum Migration and Integration Fund. The European Regional Development Fund and European Social Fund also make strong contributions towards integrating migrants into local markets and insuring their social inclusion.

Last year there were 600.000 persons that applied for asylum in the EU. Asylum granting is a privilege of each nation state and, at this level, practical cooperation between countries is still a difficult task. This is because in reality less than 50% of the asylum seekers were given this status. Starting from 2014 a mechanism that allocates responsibilities in examining asylum applications was introduced, called the ``Dublin system``. The system isnot fully operational because some of the Member States donot entirely agree with its provisions, thus making resource allocation a challenging measure in itself.

Another mainstream approach towards migration is represented by normal growth in the EU states, that will continue continuing to attract people who require specific skills,

¹²D.C. Canterbury, *Capital Accumulation and Migration*, Brill NV, Leiden, 2012, 219-220.

¹³ The ``Smart Borders`` Package was proposed by the Commission in February 2013 and it suggest the establishment of an Entry/Exit System and of a Registered Traveller Program, aimed at improving the external borders of the Schengen Member States. The original budget for this proposal was of 1.3 billion Euro, being further downsized to 791 million after the negotiations in the Multi Financial Framework. The ``Smart Borders`` Package will be coordinated by Frontex with input from EASO (European Asylum Support Office), Europol, the EU Satellite Centre and the European Maritime Agency.

employing many more highly educated individuals. On a 2012-2025 time framework EU labor market will show an increase of 23% in this field of jobs that require highly educated and skilled workers.¹⁴ Given the demographic tendencies among the vast majority of the EU states, especially the aging process, migrants are a source of equilibrium and potential welfare. Following this rationality the Commission is advancing the Labor Mobility Package and a new Initiative on Skills, both aiming to address very serious labor market challenges on the long term.

The European labor market opens itself to third country nationals mainly through specific programs, such as Horizon 2020 and Erasmus+ which attract highly skilled people, creating a more flexible entrance and mobility framework for such people. Visa policy plays a strategic role in insuring long term vitality of these projects.

Western democracies in Europe usually have to deal with both large volumes of immigrants and also face very complex phenomenon dynamics. In France, until 2010, the migrant issues were solved by a dedicated Ministry but after that the Ministry of the Interior has an office that has these tasks. The Ministry of Interior has a close relationship with the National Agency for Social Cohesion and Equal Opportunities, the last being also responsible for the social cohesion and inclusion of all French citizens, thus includes also the population descending from immigrants.¹⁵ The French state usually offers integration incentives to immigrants for the first 5 years upon arrival. After this period they are assumed to be French population and the stimuli cease immediately afterwards.

In Germany the progress towards migrants integration has taken another course. This country has experienced massive migration flows after the Second World War, mainly from South Eastern Europe. After a decade of negotiations, in 2011, the National Action Plan on Integration was published providing a series of vertical and horizontal stimuli to increase migrants integration. Germany has a Commissioner for Migration, Refugees, and Integration operating under the authority of the Federal Ministry of the Interior, but there is also a strong local capacity in designing and implementing local versions of integration programs.

These two countries possess different attitudes towards migration. If in France there is a strong tendency in organic evolution of this phenomenon, in Germany the approach is much more straightforward, being largely deliberative.

CONCLUSION

European mainstream approaches regarding the regulation of migration flows show that many important steps have been taken, and institutional positions have been assumed, leaving only hurdles to be overcome on behalf of the national member states.

Sustainability is probably the main ingredient in dealing with migrant's integration. As soon as policymaking system assumes a concrete strategy, in terms of domestic policy of the EU states, there will be channels to diminish the pressure that such groups have on local communities.

At the European level it is very difficult to address the issue of migration policies in an integrated manner. This is why the policies from this area are fragmented, national sovereign states still following their own integration practices, the policy as a whole being poorly binded together.

¹⁴Pascaline Descy, "Projected labour market imbalances in Europe: Policy challenges in meeting the Europe 2020 employment targets", in OECD/European Union, *Matching Economic Migration with Labour Market Needs*, OECD Papers, 2014.

¹⁵ Angeline Escafre- Dublet, *Mainstreaming immigrant integration policy in France: Education, employment, and social cohesion initiatives*, (Brussels, Migration Policy Institute, 2014).

Despite the fact that there is a constant effort on behalf of the European institutions to enforce some common rules, many times there are opt-outs and exceptions that only undermine the progress made so far. The EU has managed migration flows in various forms, mostly insisting on flexible and soft policy instruments. During this course of action Schengen Agreements have been a way to correct inefficient policy making within the Area of Liberty, Security and Justice. Mainstream options in dealing with migration flows in the future will strongly emphasize the need to externalize programs mainly to address the root cause of this phenomenon.

The EU still needs ways to reconcile national legal basis and sometimes political preferences with the increasing pressure of protecting human rights on a large scale. Although some migration policies might seem restrictive or rather coercive, the multilevel governance system is still able to accommodate political preferences and budgetary pressures towards achieving a flexible and robust inclusion of migrants.

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