IMMIGRATION TO THE EUROPEAN UNION – A BRIEF SUMMARY OF THE LATEST CHALLENGES OF MIGRATION TO THE EU

Áron Bánáti

INTRODUCTION

One of the greatest challenges of the 21st century is migration. While the population of the world has recently reached 7 billion (UN, 2012, B)—and it is estimated to further grow to 9.2 billion by 2050 (UN, 2006)—the number of poor and hopeless people is also rapidly increasing; every second person in the world has an income of less than 2 US dollars a day. Poverty is reproducing itself as it has a direct correlation with high fertility rate. By 2030, the number of people living in slums (1 billion!) will double (HVG, 2011). As a consequence, every year millions of people decide to leave their homes behind in hope of a better life. According to the International Organization for Migration in 2010, there were 214 million international migrants in the world (IOM, 2012), of which 70 million were hosted on the European continent (UN, 2008). The number of international migrants has been increasing in recent decades, with an average of 15 percent in every five years since 1975 (Pólyi, 2011), and the greatest increment in the number of immigrants between 1990 and 2010 occurred in developed countries (by 50 percent—about 45 million people, while in the developing world the increment is only 18 percent (Ibid.).

In Europe the number of immigrants has increased by 41 percent in the last two decades and by now six out of the ten countries with the most foreign-born residents in the world are European (France, Germany, Russia, Spain and the Ukraine (Ibid.). According to Eurostat, there are approximately 20 million third-country nationals (TCNs) in the 27 (28 from July 2013 as Croatia also joins the community) member states of the European Union and the large-scale inflow of migrants is no longer confined to countries with "traditionally" high rates of immigration (e.g. United Kingdom or France)¹.

¹ Member states such as Italy or Spain have been previously exporters of workers became receiving countries, too (Milborn, 2008).

The magnitude of immigration to the EU is even better visible if we take a look at those big cities around Europe which foreign-born residents constitute more then one-fourth of their population (Ibid.). Although the 2008 financial crisis has significantly decreased the pace of immigration to the European Union², it will not diminish on the longer term.

The above described rapid population growth is globally uneven as developed countries tend to have lower fertility rates than the developing world. This often results in ageing and declining population and the European Union is no exception either. In 2009 the combined fertility rate of the 27 member states was 1.6, which is well below the replacement level of 2.1 born children per woman (Eurostat, 2010). Low fertility will result in the high representation of retired citizens; the current proportion of citizens above the age 65 is 16 percent and by the year 2060 it is expected to rise to 30 percent, which means every third person in the EU will be retired. As a consequence of ageing and low fertility, by 2050 the working-age population will be 50 million less (ibid.).³

As we can see from the above figures Europe is getting old⁴ and soon it will be very difficult to maintain welfare services (especially pension systems) in the upcoming decades. Member states are increasingly rely on foreign workforce to keep their economies in balance. According to Eurostat, in 2010 there were already 31.4 million foreign-born residents in the EU which is 6.3 percent of the overall population of the community (Eurostat, 2011), and the proportion of non EU-born citizens is even higher in many Western European countries.⁵

In sum, we can say that the number of international migrants heading to Europe is constantly growing, and at the same time ageing societies and the lack of workforce are threatening the functionality of member states as they are already having difficulties to maintain their welfare system because of low fertility rates. Therefore, the European Union is facing a paradox in form of a double demographic pressure: a declining and

² At the turn of 2008, even internal migration from new member states to Ireland has fell by 60 percent, while immigration to Spain from the same countries fell by 75 percent (Pólyi, 2011).

³ In comparison the proportion of old persons is much lower in the less developed regions of the world: while it is one in five persons in Europe, one in nine persons in Asia and Latin America, and one in sixteen persons on the African continent (UN, 2012, A). Consequently these countries have much higher fertility rates as well. African countries' fertility rates varies approximately between 3.5 and 7.5, but other Third World countries are also well above the 2.1 replacement level (CIA, 2012).

⁴ While global median age is 28 years (US GHP, 2012), the median age of European countries is currently around 40 years and by the year 2050 it will be 46 years (UN, 2010).

⁵ Countries with the highest number of residents, who were born outside the EU are Germany (6.4 million), France (5.1 million), the United Kingdom (4.7 million), Spain (4.1 million), Italy (3.2 million), and the Netherlands (1.4 million) (Eurostat, 2011).

thus rapidly ageing population inside, which is combined with an increasing flow of international migrants from the outside.

HOW OPEN ARE EU MEMBER STATES?

Despite the challenges presented earlier, most member states are not open for immigrants as they used to be in the 1960's and 1970's, not to mention that the EU is further fortifying its external borders (Frontex, Schengen Information System II) and many member states are signing bilateral agreements with neighbouring countries of the EU⁶ to be able to deport illegal immigrants. There are growing anti-immigrant sentiments especially against Muslim communities. Far-right and nationalist parties are on the rise in almost every member states⁷ (some of them even made it to government coalitions⁸) and although EU policies have declared that Europe needs immigrants, and community law is also trying to promote immigration as an effective tool to tackle the lack of labour force, national legislations are many times going the opposite direction; they are making it more and more difficult for immigrants to legally settle down in the EU. As a result, the number of illegal immigrants is constantly growing. In 2008, according to a study prepared by the European Parliament the European Union hosted 14 percent of the world's refugees, a total number of 220 thousand applications were submitted to member states (Erdei-Tuka, 2011). But irregular migration is not the only threat for host societies. There are already millions of former immigrants and their descendants in many member states who were unable to integrate into majority society. Recent years there were a number of physical and verbal clashes between immigrants and host societies (e.g.: 2005, 2007 wide-spread riots in France, 2005 world-wide protests against the Danish Muhammad cartoons, 2011 riots in England) and many are increasingly concerned about the integration of immigrants. Although, radical parties have been condemning immigration and immigrants for decades, lately, as a new trend, mainstream politicians have also started to speak up against

⁶ Spain, France and Italy have all signed agreements with Maghreb countries to be able to stop the massive inflow of illegal workers.

⁷ In Germany the National Democratic Party, in France the National Front, in Denmark Danish People's Party, Danish Progress Party, in Austria the Austrian Freedom Party, in Belgium the New Flemish Alliance and the Flemish Interest, in the United Kingdom the British National Party, in Italy the Northern Alliance, in Greece the Popular Orthodox Rally, in the Netherlands List Pim Fortuyn and the Freedom Party, etc. (Wilson and Hainsworth, 2012)

⁸ Freedom Party in Austria, National Alliance in Italy and the Danish People's Party was also supporting the ruling party without getting into formal coalition.

multiculturalism and the lack of integration. The first⁹ politician who broke the ice was a leading German socialist Thilo Sarazzin, the former member of the Executive Board of Deutsche Bundesbank (federal bank) who criticised the failure of German post-war immigration policy in his famous but much-debated book "Deutschland schafft sich ab"—"Germany Eliminates Itself: How We are Putting Our Country on the Line". Sarazzin specifically named Turkish and Arab immigrants as unwilling to integrate into mainstream German society saying that:

"Integration requires effort from those that are to be integrated. I will not show respect for anyone that is not making that effort. I do not have to acknowledge anyone who lives by welfare, denies the legitimacy of the very state that provides that welfare, refuses to care for the education of his children and constantly produces new little headscarf-girls. This holds true for 70 percent of the Turkish and 90 percent of the Arab population in Berlin."

Although, early reactions of other mainstream politicians (including his own party members) harshly criticised Sarazzin for his book and opinion, surprisingly, the famously politically correct German society did like his book; the first edition was an instant success and was sold out the very first day¹⁰. Therefore, it is no wonder that Sarazzin started a landslide and two months after the publishing of his book Angela Merkel German Chancellor said that German multiculturalism has "utterly failed" (Weaver, 2010). She was soon followed by David Cameron, British prime minister who said that the "doctrine of state multiculturalism" has failed (BBC, 2011).

As we can see, the debate on immigration is truly at the top of the political and social agenda in all of the member states with large immigrant populations. The European Union has also been paying increasing attention to the regulation of immigration as it is clear by now, that beyond certain economic gains, member states will have to increasingly face those serious demographic, economic, legal, security and political challenges which arise with immigration to the European Union. By now, the debate

⁹ Previously other celebrities and politicians – such as Oriana Fallacci or Pym Fortuyn – have also spoken up against multiculturalism and especially against Islamic fundamentalism – and although Fallaci's book 'The Rage and The Pride' has been sold in 1.5 million copies Europe-wide – they were mostly considered radicals.

¹⁰ Several editions followed, and by May 2011 more than 1.5 million copies were sold. According to the onlinepoll conducted by the Berliner Morgenpost almost half of the German population agree with Sarazzin and 18 percent would even vote on him if he had his own party.

is often not even about whether member states should let more immigrants to settle or not, but the question is how to integrate those immigrants who have been living in the EU for decades, but do not feel they belong to mainstream society. This has becoming a stressing issue because—as a consequence of ageing societies, family reunification, and the higher fertility rate of previously settled immigrants—the proportion of immigrants has been constantly growing in many member states in recent decades (Pólyi, 2011). Still, some believe that replacement migration is the right tool to restore the 'missing amount' of employees on the labour market with immigrants from outside Europe. A 'win-win situation' one could say. But is immigration a feasible option to solve the problem of ageing populations?

SOME SECURITY-RELATED QUESTIONS

A recent study has showed that replacement migration alone cannot be a feasible solution for the EU's demographic decline, because enormous numbers of immigrants would be necessary to offset the decline of working-age population (Gál, 2009). For instance, in the case of Germany, between 1995 and 2050 25.2 million immigrants would be necessary to compensate the decline of working age population and 188.5 million to maintain the potential support ratio at its 1995 level because immigrants themselves are also getting older (Ibid.). So, if the constantly low fertility rate of native population is to be compensated, a continuous flow of immigrants would be necessary, or the already settled immigrants must maintain higher fertility rates. Either way, immigrants and their descendants can outnumber native population within a generation. The economic, social and political consequences of such unprecedented demographic increment of immigrants can be catastrophic for host societies. Replacement migration alone cannot compensate the fiscal burden of ageing, as it is just one instrument among many to relieve fiscal burden on public budgets, not to mention, that its economic benefits are not automatic, but conditional (Ibid.). This means that it can only benefit host societies if the fiscal balance of immigration—the difference between public revenues and public expenditure related to immigrants-is positive11.

Beyond the economic perspective, mass immigration to the European Union affected public and national security as well. Public safety risks may result from

¹¹ If the fiscal impact of immigration is negative – and immigrant related costs (e.g. welfare transfers) are higher than revenues paid by immigrants – migration is causing a fiscal burden for host countries.

certain acts that previously were in line with the norms of the sending country but the same acts can mean the violation of the norms of the host country (Póczik, 2011). Such existing alien customs are forced marriages, honour-killings, mass-rapings, or the mutilation of female genitals (Milborn, 2008) which are existing problems of Western European immigrant-inhabited suburbs. In time, with their growing numbers, immigrant ethno-cultural groups can also alter previous political and institutional relations.¹² This is particularly dangerous as ethno-cultural groups can even alter and disintegrate the centuries-old traditional legal system, including the incorporation of strange and alien laws (such as the Islamic Sharia-law), the restriction of certain rights (e.g. equal rights for women) or the assurance of certain privileges (e.g. polygamy). Ultimately, the disintegration of the coherence of the legal system results in the weakening of the rule of law and the concept of the nation state (Póczik, 2011). Another threat to national security are the underground cultural and political movements, and fundamentalist religious activities (terrorist cells recruited by radical imams in European mosques) which tend to use aggression (Pym Fortuyn Dutch politician and Theo van Gogh Dutch director were both killed by radicals in 2002 and 2004) and terrorist acts (Madrid and London bombings in 2004 and 2005) as acceptable tools to achieve their goals.

However, despite all of these hardships immigration can possibly cause, the EU does need foreign labour force because even with current levels of immigration by 2030, working-age population will decrease by 20 million because of low fertility rates (Milborn, 2008). European economies are already dependent on foreign labour force in many sectors, not to mention that illegal workers are also increasingly present on the labour market¹³ (in the construction industry, agriculture, and domestic jobs). One of the reasons of illegal immigration is therefore the constant availability of illegal jobs, due to the steady need of cheap labour. The other, equally important reason of the growing number of illegal immigrants is the stringent national immigration policies which make it extremely difficult to legally work and reside in the EU. According to economist Friedrich Schneider, "shadow economy" is the most dynamic economic branch in Europe, because illegal employees are the perfect flexible workforce;

¹² In the United States, for instance, [as we could see at the 2012 election] it became impossible to win the presidential election without the support of the Latino and African-American voters.

¹³ As of 2007, the number of illegal immigrants was estimated between 3 and 8 million and their number is growing with up to 500,000 every year (BBC, 2007). In 2008, only in Central and Eastern Europe 282 thousand persons were apprehended for border violation or for its attempt in the 21 reporting countries of the region (ICMPD, 2008).

employers do not have to pay any taxes, health insurance or minimum wage and these employees can be fired at any time. Therefore, the complete expulsion of illegal workers would include millions of people, which would destruct European economies (Milborn, 2008).

SIGNIFICANT STEPS IN COMMON LEGISLATION

Recent years a number of important legislations have been accepted on community level to tackle the above-presented problems caused by recent decades' unregulated immigration. The first policy that dealt with immigration on the community level was the Amsterdam Treaty after it came into force in 1999. Among other things, the Treaty tightened cooperation in Justice and Home Affairs including asylum and immigration rights for third-country immigrants, visa policies, and the control of external borders (Erdei–Tuka, 2011.). The implementation of the Amsterdam Treaty was concretised in the Tampere Programme in which the European Council set up a five-year actionplan (1999–2004) and it laid the foundation of the Common Immigration and Asylum Policy. The basis of the Tampere Programme was the realisation that legal and illegal immigration are to be managed together as the success of policies related to legal migration mainly depends on the efficiency of the fight against illegal immigration (Euvonal, 2012). To foster legal immigration, the Programme included directives on:

- Family reunification (2003/86/EC), to simplify the reunification of immigrants' families which is a prerequisite of the social integration of immigrants.
- The issuance of long-term residency for non-EU citizens (2003/109/EC), to provide similar rights for those immigrants who are residing permanently in the EU to the rights of EU-citizens.
- The admittance of third country nationals for studying, training, volunteering (2004/114/EC) and research (2005/71/EC) purposes. This latter directive not only supports the foreign researchers to join European research programmes, but it also supports their return to their home countries to contribute to their development and to prevent brain-drain¹⁴.

The Tampere Programme was followed by the Hague Programme in 2004 which in line with the Lisbon Strategy placed the emphasis on economic immigration with the ultimate aim of making the EU into a competitive, knowledge-based society. The

¹⁴ Brain-drain is the large-scale emigration of highly-skilled individuals.

basis of the new EU immigration policy is the establishment of managed migration, a legal immigration system which adjusts entry procedures to current labour market demands. The Hague Programme recognises that a comprehensive approach is necessary in the field of migration which includes all stages of migration and takes into consideration its causes, integration and returning policies as well. The Programme describes ten priorities to strengthen freedom security and justice in the EU (Ibid.). Among these were:

- The aiming for a common asylum system including the setting up of a common asylum-procedure and the creation of a common status for refugees by the end of 2010.
- The integrated management of the Union's external borders—in practice this meant the establishment of the European Agency for the Management of External Borders (Frontex) in 2004.
- A balanced approach to migration, which on the one hand, means the fighting of illegal immigration and trafficking of human beings, while on the other hand, the support of legal migration.
- The encouragement of member states to maximise the positive impact of immigration by pushing forward with the integration of immigrants.
- Integrated and coherent anti-terrorist measures on the community level. A comprehensive response to terrorism including the focusing on terrorist recruitment and financing, prevention, risk analysis, increased cooperation with third countries and between the law-enforcement services of member states.

The next milestone in the evolution of EU immigration policies was the European Pact on Immigration and Asylum adopted during the French Presidency of the European Council in 2008.

The pact includes five basic commitments, which are to be implemented after the Hague Programme from 2010 (EPIA, 2012). These are:

- Controlling illegal immigration to ensure that illegal immigrants return to their countries of origin or to a country of transit (including cooperation between member states, transit, and sending countries; inciting voluntary return, and stepping up against those who are exploiting illegal immigrants)
- Making border controls more effective by providing the necessary resources to Frontex to enable the effective integrated management of the EU's external border;

- The construction of a 'Europe of asylum' by creating a single asylum procedure and a uniform status for refugees and beneficiaries of subsidiary protection; establishing procedures for crisis situations to assist any EU country facing a massive influx of asylum seekers due to their geographical or demographic situation; and setting up the European Asylum Support Office, which provides practical cooperation between member states.
- Creating a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development (including the promotion of circular migration, the prevention of irregular migration and helping immigrants to transfer their remittances more securely and cheaply).

The latest development in the evolution of migration policies was set out by the Stockholm Programme (2010/C 115/01) during the Swedish Presidency of the Council in 2009. The document includes priorities for the period of 2010–2014. It further stresses the importance of the duality of providing legal access for non-EU nationals while strengthening the external borders to ensure the security of citizens. The programme emphasises that along with the reinforcement of Frontex, the second generation Schengen Information System (SIS II) and the Visa Information System (VIS) are also necessary to be fully operational to provide an integrated protection of the community and to counter illegal immigration and cross-border crime. However, at the same time the EU must guarantee protection for those who are in need of international protection. A new initiation of the programme was the plan to set up the Common European Asylum System (CEAS) to create an area of protection and solidarity within the EU. In the same year, the Treaty of Lisbon has also entered into force. The new treaty solved several years of institutional issues and it has also strengthened previous years' achievements in common immigration policies by aiming for a common immigration policy which is able to deal with new challenges of immigration of the 21st century.

CONCLUDING REMARKS

In sum, we can say that the European Union's migration policy is one of the areas in common policies that developed the most in recent decades. In the last twenty years member states brought their policies in these areas closer together; internal border controls across most of Europe were abolished, a common visa policy was adopted, external border controls, asylum standards and certain conditions of legal immigration were harmonised and member states are cooperating in controlling illegal immigration too.

These directives and laws, however, still loose enough to provide a wide possibility for member states to manage their own national immigration policies and EU institutions have no competence to decide the number and quality of migrants that can legally reside in member states. Thus, it is utmost important to further harmonise different national immigration policies as migrants can quickly adapt to changing policies and can find loopholes in the uneven national immigration policies.

It became vitally important that all members of the European Union recognise the importance of international migration because of the following reasons. There is a huge contrast between the ageing population of industrialised Europe and the exponential growth of the young (and often unemployed) generations of the underdeveloped world. EU labour markets cannot be supplied exclusively from domestic sources anymore, and those are increasingly dependent on immigrant workers. Most European societies are rapidly ageing which, on the one hand, draws the radical reconsideration of pension systems while, on the other hand, a new kind of approach towards immigrants. The current demographic crisis of Europe cannot be solved by measures providing direct entry similarly to the 1950's and 1960's as the tolerance of host societies has decreased due to the growing number of conflicts between radical groups of immigrants and host society. Anti-immigration rhetoric has also gained ground among political parties across the EU and radical parties are on the rise in most member states. Unlike in the United States or Canada there are centuries-old traditions in Europe and different nationalities are often intolerant with each other as well. The European Union is not a 'melting pot' (such as the USA), or a multicultural host country (such as Canada), but a conglomerate of different countries-the motto of the EU is also 'United in Diversity'. On the other hand, European countries are built on common Christian, Jewish, Roman and Greek traditions and culture and this is even true despite strong trends of globalisation and multiculturalism. Therefore, local societies expect newcomers—whether they are coming from another member state or from a third country-to accept and respect local culture, manners and most importantly the secular state.

Currently, the vast majority of immigrants coming to the European Union have little or no qualification they could use on the European labour market, not to mention

that they are also a great burden to national welfare systems. Therefore, the promotion of seasonal work and the introduction of a list of high-demand occupations could help managing illegal migration. The promotion of circular migration can also be an effective answer to both the lack of workforce and brain-drain. This way, workers from outside the Community can legally come to work in an EU member state for a limited period of time, earn money, support their family, gain experience and later use this knowledge and financial capital when they return to their home country. The result is a 'triple-win' situation where the host country, the migrant and the sending country benefits as well.

Although the assistance of refugees has an important place on the EU's agenda (as it is also declared in the European Pact on Immigration and Asylum), member states cannot take in unlimited numbers of refugees as those in the long run mean serious financial burden for their welfare systems. Instead, the EU as a whole should act more effectively in the international space to prevent or solve crises and conflicts in the world.

In addition, there has to be a change in the approach towards immigration on behalf of national governments and host societies. Discrimination, xenophobia, and anti-immigrant sentiments have to be tackled to allow the successful integration of immigrants and their descendants across Europe. Member states must follow EU directives more closely in their national legislation and the exchange of experience in integration methods is also extremely important to prepare those member states for future immigration which have not experienced mass immigration yet (these are mostly those Eastern European states which joined the Community in 2004 and 2007). Nevertheless, as it is also pointed out in the European Pact on Immigration and Asylum, member states must set up clear rules which are to be followed by immigrants at all times. Pre-entry requirements such as language and citizenship tests can also be effective methods of integration and the prevention of the above-mentioned social and security threats to member states. These can, on the one hand, prevent the entry of those who do not accept host societies' basic values, and on the other hand, can also help immigrants to better understand their host country and its society already upon their arrival.

Immigration to the European Union is an unstoppable trend, but it does not necessarily mean a threat to member states. On the contrary, if properly managed, the demographic potential of least developed countries can be utilised by Europe in a way that all parties (sending country, host country and the migrants themselves) can benefit from it. In other words,—as it is written in the European Pact on Immigration and Asylum—"... legal immigration should be the result of a desire on the part of both the migrant and the host country to their mutual benefit."

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