



# Migrating towards common EU immigration and asylum policies

EU Member States are forging ahead with plans to develop a common European framework for migration and asylum which would ensure that EU citizens and immigrants alike benefit from immigration and that Europe remains a safe haven for those in need of shelter.



## Facts and figures

Increased global and intra-European mobility, coupled with other socio-economic and geopolitical factors, has led to major changes in the demographic composition of the populations of some EU Member States over the past few generations.

In 2006 alone, some 3.5 million people resettled in a Member State. There were relatively more non-EU than EU citizens among immigrants: of some 3 million non-national immigrants to the 27 Member States, more than 1.8 million were non-EU citizens, according to estimates by Eurostat, the EU's statistical agency<sup>1</sup>. This brought the total number of non-nationals living in the EU Member States to 29 million, or 5.8% of the Union's total population<sup>2</sup>, not to mention immigrants who have acquired nationality.

These figures do not include irregular or illegal immigrants. Illegal immigration is fuelled by the restrictive immigration policies in place in certain Member States and the desire of people in less developed countries to build a better life in Europe. The side effect of strict border control and restrictive immigration policies is that human smuggling and trafficking have become major problems across the EU.

Other important developments in the context of migration include the gradual greying of the EU population, as well as skills shortages in certain sectors of the economy. As birth rates across Europe continue to remain low<sup>3</sup>, not only do many Member States face the prospect of falling populations, but the percentage of dependent older people will also grow, with the share of the population aged 65 years and over rising from 17.1% in 2008 to 30.0% in 2060, and those aged 80 and over rising from 4.4% to 12.1% over the same period<sup>4</sup>. A well-managed

## ► Development-friendly migration

The EU has worked on policies to ensure that migration benefits both the destination and host countries. In 2005, the European Commission proposed some concrete measures to maximise the development potential of migration<sup>30</sup>. These initiatives included mechanisms to facilitate remittances, to enhance the role of diasporas in Europe in the development of their home countries, to promote circulation migration back to the countries of origin (brain circulation), and to mitigate the adverse effects of the brain drain.

For instance, in order to make remittances faster, cheaper and more secure, the Commission proposed to improve official data on remittance flows, including 'remittance corridors', transparency among payment services, as well as to put in place common European legal and technical frameworks for remittance services.



## ► Policy milestones

- 1999: EU leaders agree 'Tampere Agenda' (1999-2004)
- 2005-2010: The Hague Programme replaces the Tampere Agenda

## ► Future challenges:

- Implementing the migration aspects of the Stockholm Programme (2010-2015)

immigration system can help plug some of the expected skills and labour-force shortfalls.

Large-scale migration presents challenges and opportunities for both immigrant and emigrant countries. For immigrant countries, legal migrants can boost economic activity and enrich the culture. Combating illegal immigration, as well as discrimination against and the social integration of immigrants are complex challenges. Emigrant countries benefit from remittances, reduced pressure on their strained labour markets, and the expertise brought back by returning expatriates, but can suffer from serious brain and youth drains and, in some extreme cases, significant depopulation.

However, migration is not just about pragmatic trade-offs – it could also be viewed in the context of human rights and international solidarity, as many people from the world's most troubled and conflict-ridden regions come to Europe in search of safety. According to Eurostat, there were more than a quarter of a million asylum applications in the EU in 2009, or 520 applicants per million inhabitants<sup>5</sup>. That same year, 27 600 applicants were granted refugee status, 26 200 subsidiary protection and 8 900 were granted authorisation to stay for humanitarian reasons.

Member States possess very different asylum policies, which may be confusing to asylum seekers, and place an excessive burden on those Member States with more permissive asylum systems than others. A set of commonly agreed European principles in the field of asylum can provide clear benefits while continuing to safeguard Europe's humanist tradition.

## EU policy

Given all the common immigration and asylum challenges faced by EU Member States and the disparities in how each country tackles and addresses them, it was only natural that national governments would want to coordinate their efforts and forge a common European approach. European citizens share this view: 63% of them believe immigration is an issue that is best handled at EU level, according to the latest Eurobarometer poll<sup>6</sup>.

In place of the increasingly outdated restrictions which were first imposed in the 1970s, this common policy aims to enable Member States to manage migration flows in a way that is sustainable and beneficial for both the host country and immigrants themselves.

This new approach was articulated just over a decade ago, when EU leaders met in Tampere (FI)<sup>7</sup> in 1999 to agree their priorities for justice and home affairs, including on migration and asylum. Based on this 'Tampere Agenda', the European Commission has made a number of proposals for developing this policy, most of which have now become EU legislation.

The first step in this regard was a Commission Communication<sup>8</sup> in 2000 which sought to launch a broad-based public debate on the topic of migration between national and European policy-makers, civil society and other stakeholders.

In order to enable Member States to forge common objectives and to learn from one another's experiences, a 2001 Communication<sup>9</sup> recommended the use of the so-called 'open method of coordination'<sup>10</sup>. It should be noted that Denmark opted out of the common approach and the UK and Ireland have a case-by-case 'opt in'.

The Tampere Agenda, which lasted until 2004, scored a number of specific successes in the areas of legal and illegal immigration, asylum, integration and relations with third countries. These included legislation on long-term residence status<sup>11</sup>, family reunification<sup>12</sup>, non-EU students<sup>13</sup> and researchers<sup>14</sup>, as well as an action plan on illegal immigration and human trafficking<sup>15</sup>, not to mention readmission agreements with a number of countries. For example, the Directive on long-term

## ► The outer frontiers of migration policy

The promotion of legal migration and the combating of illegal immigration, including human trafficking, requires effective border controls, not just in EU Member States but also in countries bordering the Union. For example, Ukraine stretches for more than 500 km along the EU's eastern border and, in turn, shares frontiers with three non-EU countries.

Such a location makes it an ideal transit route for illegal migration to the Union – for instance, over 30 000 unregistered migrants attempted to enter the country in 2007. An EU-backed programme has enabled the Ukrainian Ministry of Internal Affairs and other authorities to co-operate with the International Organisation for Migration (IOM) to improve the government's ability to manage migration flows.

The programme supports a wide range of activities, from building physical infrastructure, such as modern migrant centres, to the training of border guards and other personnel dealing with migrants, not to mention research.



## ► The nasty face of illegal immigration

Human trafficking is the modern-day equivalent of slavery. Its victims are held against their will through fear and intimidation, and their labour exploited as prostitutes or in sweatshops. The International Labour Organisation estimates that nearly 2.5 million trafficked people around the world are in forced labour.

Human trafficking is a gross violation of fundamental human rights which affects the most vulnerable groups in a society, such as women and children. Therefore, the EU has focused its action on protecting these groups and preventing and combating this phenomenon. One area of particular focus is strengthening co-operation and coordination between the police and judicial authorities of the Member States.

In addition, the EU is introducing a framework of common provisions on certain issues, such as criminalisation and penalties. These were outlined in a 2002 European Council Framework Decision<sup>31</sup>. In order to protect the victims of human trafficking, the EU has taken a number of actions, including legislation granting victims of trafficking EU resident permits<sup>32</sup>. This Framework is currently being revised to boost its effectiveness<sup>33</sup>. In addition to these specific provisions, the fight against human trafficking is integrated into a broader context of protection against violence<sup>34</sup>, sex tourism<sup>35</sup> and child pornography<sup>36</sup>.

residence ensures equal treatment with nationals for all immigrants who have lived in the EU for five years or over when it comes to access to work, education and vocational training, welfare benefits, freedom of association, etc.

In addition, Tampere represented the first phase of a common asylum policy during which four main policy instruments were agreed. These included clear rules on who was responsible for assessing an application for asylum so as to prevent multiple applications<sup>16</sup>; minimum standards for the reception of asylum seekers in order to safeguard their dignity and human rights<sup>17</sup>; clear criteria for defining refugees<sup>18</sup>; and minimum standards for asylum processes<sup>19</sup>. In addition, the creation of a European Refugee Fund<sup>20</sup> enabled Member States to show solidarity with one another and share the burden of granting asylum.

The Tampere Agenda also resulted in a financial and technical assistance programme in the area of migration and asylum for non-EU countries (AENEAS<sup>21</sup>). Among the many initiatives funded by AENEAS were capacity-building projects in eastern and south-eastern Europe to assist countries in managing migration and asylum in their territories. Numerous other EU funding instruments have helped to promote co-operation on migration and asylum issues, among other things. These

included MEDA<sup>22</sup>, for the Union's Mediterranean partners, and TACIS<sup>23</sup>, for the EU's eastern neighbours.

The Tampere Agenda was replaced by the Hague Programme (2005-2010) which focused on ten priority areas, including defining a balanced European approach to migration, integrated management of the EU's borders, and establishing a common asylum procedure<sup>24</sup>. In 2005, the Commission released a Green Paper<sup>25</sup> on a common EU approach for the management of economic migration<sup>26</sup>.

In terms of illegal migration flows, in December 2008, the EU adopted a Directive setting out common standards and procedures in Member States for returning illegal immigrants to their countries of origin<sup>27</sup>. This Return Directive is regarded as a complement to EU legislation on legal immigration and helps organise the dignified repatriation of illegal migrants that fully respects their human rights.

The Hague Programme also addressed the challenge associated with the second phase of creating a Common European Asylum System, with a particular emphasis on helping to support refugees stuck in precarious situations in their regions of origin. This common approach was fleshed out in a 2006 Commission Communication and a Green Paper in 2007<sup>28</sup>. Second-phase instruments for the Common Asylum System should be in place by 2010.

In December 2009, on the cusp of a new decade, EU leaders agreed the so-called 'Stockholm Programme'<sup>29</sup> which provides a comprehensive framework for EU actions on citizenship, justice, security, asylum and immigration policies for the five years between 2010 and 2015. In the area of asylum and immigration, it prioritises the development of a forward-looking and comprehensive European migration policy based on solidarity and responsibility. This will focus on enhancing legal access to the EU, on the one hand, and effectively combating illegal immigration, on the other.

## ► Did you know that ...

- Nearly 30 million non-nationals, from other EU Member States and countries outside the Union, live in the EU, representing nearly 6% of the total population
- In 2006 alone, some 3.5 million people from EU and non-EU countries settled in one of the Member States
- Despite the large number of people trafficked into the EU, only 1 500 criminal trafficking cases were brought to court in 2006
- 63% of European citizens believe immigration is an issue that is best handled at EU level



## Further information

- ▶ EU immigration policy<sup>37</sup>
- ▶ EU asylum policy<sup>38</sup>
- ▶ Commission's External Relations DG<sup>39</sup>
- ▶ Commission's Development DG<sup>40</sup>
- ▶ Freedom, security and justice on Europa<sup>41</sup>
- ▶ Press release: European Commission calls for increased protection of unaccompanied minors entering the EU<sup>42</sup>
- ▶ Memo: Concrete actions to protect unaccompanied minors<sup>43</sup>
- ▶ Press release: EU's global approach to migration<sup>44</sup>
- ▶ Joint EU refugee resettlement programme (2009; assorted languages)<sup>45</sup>
- ▶ Statistics on Asylum, Eurostat 2009<sup>46</sup>
- ▶ European Web site on Integration<sup>47</sup>
- ▶ Citizens Summary: New rules on asylum procedures and

the recognition of asylum seekers as refugees (2009, All languages)<sup>48</sup>

- ▶ MEMO: Frontex and managing the EU's borders: Frequently Asked Questions<sup>49</sup>
- ▶ UN's High Commission for Refugees<sup>50</sup>
- ▶ International Organisation for Migration<sup>51</sup>

## Communicator's toolkit

- ▶ Anti-trafficking video clip<sup>52</sup>
- ▶ 'Europe on the move: an opportunity and a challenge; migration in the European Union' (2009, all languages)<sup>53</sup>
- ▶ Handbook on integration for policy-makers and practitioners<sup>54</sup>

<sup>1</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-08-098/EN/KS-SF-08-098-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-08-098/EN/KS-SF-08-098-EN.PDF)

<sup>2</sup> [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Migration\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_statistics)

<sup>3</sup> The crude birth rate for the EU is 10.8 per thousand, and the natural change rate is only 1.2. [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-QA-09-047/EN/KS-QA-09-047-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-09-047/EN/KS-QA-09-047-EN.PDF)

<sup>4</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=STAT/08/119>

<sup>5</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-04052010-BP/EN/3-04052010-BP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-04052010-BP/EN/3-04052010-BP-EN.PDF)

<sup>6</sup> [http://ec.europa.eu/public\\_opinion/archives/eb/eb72/eb72\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_en.htm)

<sup>7</sup> [http://ec.europa.eu/councils/bx20040617/tampere\\_09\\_2002\\_en.pdf](http://ec.europa.eu/councils/bx20040617/tampere_09_2002_en.pdf)

<sup>8</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52000DC0757:EN:NOT>

<sup>9</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52001DC0387:EN:NOT>

<sup>10</sup> [http://europa.eu/scadplus/glossary/open\\_method\\_coordination\\_en.htm](http://europa.eu/scadplus/glossary/open_method_coordination_en.htm)

<sup>11</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0109:EN:NOT>

<sup>12</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:EN:NOT>

<sup>13</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0114:EN:NOT>

<sup>14</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005L0071:EN:NOT>

<sup>15</sup> [http://europa.eu/legislation\\_summaries/other/l33191b\\_en.htm](http://europa.eu/legislation_summaries/other/l33191b_en.htm)

<sup>16</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>

<sup>17</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJL:2003:031:0018:0025:EN:PDF>

<sup>18</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>

<sup>19</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJL:2005:326:001:0034:EN:PDF>

<sup>20</sup> [http://ec.europa.eu/justice\\_home/funding/refugee/funding\\_refugee\\_en.htm](http://ec.europa.eu/justice_home/funding/refugee/funding_refugee_en.htm)

<sup>21</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/549>

<sup>22</sup> [http://europa.eu/legislation\\_summaries/external\\_relations/relations\\_with\\_third\\_countries/mediterranean\\_partner\\_countries/r15006\\_en.htm](http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/mediterranean_partner_countries/r15006_en.htm)

<sup>23</sup> [http://europa.eu/legislation\\_summaries/external\\_relations/relations\\_with\\_third\\_countries/eastern\\_europe\\_and\\_central\\_asia/r17004\\_en.htm](http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/eastern_europe_and_central_asia/r17004_en.htm)

<sup>24</sup> [http://europa.eu/legislation\\_summaries/human\\_rights/fundamental\\_rights\\_within\\_european\\_union/l16002\\_en.htm](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/l16002_en.htm)

<sup>25</sup> [http://europa.eu/scadplus/glossary/green\\_paper\\_en.htm](http://europa.eu/scadplus/glossary/green_paper_en.htm)

<sup>26</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52004DC0811:EN:NOT>

<sup>27</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJL:2008:348:0098:0107:EN:PDF>

<sup>28</sup> [http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2007\\_301\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2007_301_en.pdf)

<sup>29</sup> [http://www.se2009.eu/en/the\\_presidency/about\\_the\\_eu/justice\\_and\\_home\\_affairs/1.1965](http://www.se2009.eu/en/the_presidency/about_the_eu/justice_and_home_affairs/1.1965)

<sup>30</sup> [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexplus!prod!DocNumber&lg=en&type\\_doc=COMfinal&an\\_doc=2005&nu\\_doc=390](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=COMfinal&an_doc=2005&nu_doc=390)

<sup>31</sup> [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_trafficking\\_in\\_human\\_beings/l33137\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_trafficking_in_human_beings/l33137_en.htm)

<sup>32</sup> [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_trafficking\\_in\\_human\\_beings/l33187\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_trafficking_in_human_beings/l33187_en.htm)

<sup>33</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/108&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>34</sup> [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_trafficking\\_in\\_human\\_beings/l33600\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_trafficking_in_human_beings/l33600_en.htm)

<sup>35</sup> [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_trafficking\\_in\\_human\\_beings/l33093\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_trafficking_in_human_beings/l33093_en.htm)

<sup>36</sup> [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_trafficking\\_in\\_human\\_beings/l33138\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_trafficking_in_human_beings/l33138_en.htm)

<sup>37</sup> [http://ec.europa.eu/justice\\_home/faq/immigration/faq\\_immigration\\_en.htm](http://ec.europa.eu/justice_home/faq/immigration/faq_immigration_en.htm)

<sup>38</sup> [http://ec.europa.eu/justice\\_home/faq/asylum/faq\\_asylum\\_en.htm](http://ec.europa.eu/justice_home/faq/asylum/faq_asylum_en.htm)

<sup>39</sup> [http://ec.europa.eu/external\\_relations/index\\_en.htm](http://ec.europa.eu/external_relations/index_en.htm)

<sup>40</sup> [http://ec.europa.eu/development/index\\_en.cfm](http://ec.europa.eu/development/index_en.cfm)

<sup>41</sup> [http://ec.europa.eu/justice\\_home/index\\_en.htm](http://ec.europa.eu/justice_home/index_en.htm)

<sup>42</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/534&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>43</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/168&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>44</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/549>

<sup>45</sup> [http://ec.europa.eu/justice\\_home/news/summary/docs/resettlement\\_2009\\_en.pdf](http://ec.europa.eu/justice_home/news/summary/docs/resettlement_2009_en.pdf)

<sup>46</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-QA-10-018/EN/KS-QA-10-018-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-10-018/EN/KS-QA-10-018-EN.PDF)

<sup>47</sup> <http://ec.europa.eu/ewsi/en/index.cfm>

<sup>48</sup> [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/anti\\_trafficking\\_day\\_07/index\\_en.htm](http://ec.europa.eu/justice_home/news/information_dossiers/anti_trafficking_day_07/index_en.htm)

<sup>49</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/45>

<sup>50</sup> <http://www.unhcr.ch/>

<sup>51</sup> [www.iom.int](http://www.iom.int)

<sup>52</sup> [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/anti\\_trafficking\\_day\\_07/index\\_en.htm](http://ec.europa.eu/justice_home/news/information_dossiers/anti_trafficking_day_07/index_en.htm)

<sup>53</sup> [http://ec.europa.eu/publications/booklets/move/81/index\\_en.htm](http://ec.europa.eu/publications/booklets/move/81/index_en.htm)

<sup>54</sup> [http://bookshop.europa.eu/is-bin/INTERSHOPenfinity/WFS/EU-Bookshop-Site/en\\_GB/-EUR/ViewPublication-Start?PublicationKey=NE3209134](http://bookshop.europa.eu/is-bin/INTERSHOPenfinity/WFS/EU-Bookshop-Site/en_GB/-EUR/ViewPublication-Start?PublicationKey=NE3209134)