

## Introduction

Since 1990, the EU has expanded its role in managing asylum and immigration. A large number of people migrate to the EU in search of work or as **asylum seekers**. How member states and the EU should deal with these new arrivals creates fierce disagreement between pro and anti-immigration parties. Many immigrants to the EU come from poor countries, seeking improved life chances in economically strong countries and taking jobs rejected by Europeans. But when migration is not managed and legal, it can become a vehicle for criminal activity which threatens law and order in member states.

## History

All EU countries are signed up to the UN Geneva Convention (1950), which commits them to protect refugees by ensuring that they may not be expelled or extradited to a state where there is a serious risk that they would be subjected to the death penalty, torture or other inhuman and degrading treatment.

EU members were historically allowed to set their own policy on migration. However, the Treaty of Amsterdam (1997) and the Tampere European Council (1999) gave the EU responsibility for setting a Common Immigration and Asylum Policy, with the principal aim of making migration safe and legally controlled. Since 1997, EU member states have made slow progress in developing a common position on these issues.

The Hague Programme, adopted in November 2004, included developments to establish a Common European Asylum System by 2010; for example, Frontex was launched in 2005 to increase cooperation between EU states on managing their external borders. However, a common EU-wide asylum system has not yet been developed. The Hague programme was replaced with the Stockholm Programme for 2009-14, which similarly aims to increase cooperation.

The Lisbon Treaty (2007) strengthened the ability of EU authorities to determine member states' immigration and asylum policies but the UK's opt-out arrangements continue in this policy area. The European Refugee Fund (ERF) was established in 2008, with a €628 million budget for 2008–13.

In 2009, the EU proposed to set up a European Asylum Support Office (EASO) to regulate asylum applications as part of a drive to increase cooperation between EU States. The EASO will have an annual budget of €50 million and 100 staff. The EU also adopted a 'Blue Card' in May 2009, which acts as a single work and residence permit for migrants.

In recent years, the EU has received an average of 1.8 million immigrants annually. As such, immigration has become a key issue in the national politics of several member states, leading to the rise of anti-immigration parties in the Netherlands, Austria and France.

## How would common immigration and asylum policies work?

The 1997 agreement makes clear that the EU should control how many immigrants come into the EU by developing partnerships with the migrants' countries of origin and by securing the EU's external borders to prevent **illegal immigration**. At the same time it should develop a policy that takes account of how many migrants any country can accept, the economic need for migrant labour and the capacity for immigrants to be integrated into the culture of their host country. It should also ensure that new arrivals have rights comparable to the rights of existing citizens.

The EU's jurisdiction in immigration and asylum has steadily increased. In 2004, for example, most aspects of asylum and immigration policy (under the umbrella of Justice and Home Affairs (JHA) legislation) were moved from **unanimous** to **majority** voting. Then, in July 2008, the EU proposed a new 'European Pact on Immigration' which it hoped would result in a Common Asylum Policy by 2012. The proposals included: establishing single rules for asylum applications across the EU; guaranteeing minimum standards for asylum seekers; deporting illegal immigrants and lengthening the time illegal immigrants can be detained.

## Arguments

### For

- ❖ Under the Schengen Convention, EU member states co-operate to protect the EU's external borders. Common immigration policy is an important part of this process.
- ❖ Co-operation can help EU member states spread the burden of immigration more equally.

### Against

- ❖ Nation states, not the EU, should have the right to decide how many people come into their countries.
- ❖ Some believe that Europe cannot cope with many more migrants and should be tightening its borders.

*"[Migrants] are trying to abandon their misery and get to countries which supposedly have better living conditions."*

Enrique Santiago, CEAR Spanish Refugee Commission

*"European politicians have never quite understood the dynamism that immigrants bring, as long as the state ensures they have freedom, equality and real opportunities."*

Yasmin Alibhai-Brown, The Independent, December 2002

## Technical Terms

- ❖ **Asylum seekers:** people who migrate to another country looking to be protected from war or persecution.
- ❖ **Illegal immigration:** when people come to another country without the correct visas or permits. They may be seeking asylum, but they may just be coming to find work or stay with family members.
- ❖ **Majority voting:** Legislation can be passed where a specified proportion of delegates consent.
- ❖ **Unanimous voting:** Legislation can only be passed where all delegates consent, meaning that each nation state retains the ability to veto.
- ❖ **Frontex:** EU agency created to coordinate cooperation between Member States in the field of border security.

## Links

- ❖ [www.guardian.co.uk/immigration/0,15729,1397447,00.html](http://www.guardian.co.uk/immigration/0,15729,1397447,00.html)
- ❖ [http://ec.europa.eu/justice\\_home/fsj/asylum/fsj\\_asylum\\_intro\\_en.htm](http://ec.europa.eu/justice_home/fsj/asylum/fsj_asylum_intro_en.htm)