

## Introduction

The Schengen **Convention** allows the free movement of European citizens across national borders without the need for visas or passport checks. This was designed to be a simple liberalising measure to promote trade and integration between different nationalities. However, given increases in levels of immigration into the EU during the 1990s and the rise of anti-immigration politics, the concept of open internal borders has become highly controversial. It has been argued that the lack of internal borders makes it easier for illegal migrants who have entered the EU to move about undetected. This potentially increases the illegal **trafficking** of people across the EU and the potential for criminals or terrorists to go into hiding anywhere in the Convention area.

## History

The Treaty of Rome (1957) committed member states to allow freedom of movement for citizens across internal borders. However, the European Community made only limited progress on this policy in the first 35 years of its history. As a result, governments in France, West Germany, Belgium, Luxembourg and the Netherlands decided to pursue the policy separately, resulting in the 1985 Schengen Agreement. This became an EU Convention in 1995 and since then has expanded to include all EU member states (except the UK, Ireland, Romania, Bulgaria and Cyprus), plus Norway, Iceland and Switzerland as signatories. Of the 10 states that joined the EU in 2004, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic joined the Schengen zone in 2007. However, Romania and Bulgaria, who joined the EU in 2007, succeeded in meeting the requirements for entry into the Schengen area in March 2011, but were denied entry by the Council of the EU as they postponed their final decision on the accession indefinitely, amid concerns regarding the security of Bulgaria's border and corruption and organised crime in the two countries. A number of other territories are partially or indirectly included in the Convention's implications.

## How does the Schengen Convention work?

EU citizens can travel between or through the 24 states in the Schengen area without having their passports checked. Under the Convention all members of the area share responsibility for policing the external borders. Under the Schengen Information System (SIS), customs, police and justice authorities in the member states share information about suspected criminals trying to enter the EU.

In order to gain membership of the Schengen area, countries must meet stringent regulations regarding air borders, **visas**, police cooperation, and personal data protection. The set of rules dictating Schengen protocol is called the 'Schengen Aquis'.

Britain and Ireland have not joined the Schengen area as the UK is reluctant to surrender its border controls and work permit system, so they still have border controls for other EU citizens. However, they do co-operate with the Convention's policing policies, and all EU member states issue passports in a common form, with a burgundy cover. Meanwhile, the EU has one external border at its outer limits. Countries may re-impose border controls for short periods in the interests of national security. In June 2012, EU home affairs ministers decided to establish a new Schengen Evaluation Mechanism (SEM) that would give national governments the power to re-impose border controls without needing the consent of the Commission or the Parliament. MEPs saw the move as short-circuiting the democratic process and blocked five bills on justice and home affairs issues in retaliation. Discussions on these bills have since been resumed but an agreement on the SEM is yet to be reached.

## Arguments about open borders

## For

- ❖ Not having to show a passport or obtain a visa makes it easier for EU citizens to travel to other countries for holidays or business. This creates a sense of a more united, freer Europe.
- ❖ Working with other European police forces and pooling resources ensures the security of everyone in the EU.
- ❖ Ease of movement is good for business as it allowed workers, particularly lorry drivers, to move more quickly and easily across the continent. This is important for achieving the goal of a full single market.

## Against

- ❖ Nation states need to be in charge of their own border security to protect their citizens from external threats such as foreign terrorists.
- ❖ Unless countries have border checks, they cannot control the number of people entering their country. Uncontrolled migration causes problems for managing social services like the health service.
- ❖ Having a single external border means relying on foreign police forces for security, whose standards and effectiveness you cannot control.
- ❖ Free movement of people makes it more difficult to protect against other external threats such as infectious diseases like SARS or Avian Flu.

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*“You couldn't imagine going to a Schengen type approach unless you have confidence in the security of [the EU's external] borders, and we're a very long way from that.”*

Charles Clarke, British Home Secretary, 2005

*“Schengen is at heart one of the most tangible agreements of European integration.”*

Franco Frattini, EU Justice, Freedom and Security Commissioner, 2004-2009

## Technical Terms

- ❖ **Convention:** an international agreement that, when ratified, imposes international law on any acceding country
- ❖ **Visa:** an endorsement, often a stamp, in your passport allowing you to enter or leave a particular country.
- ❖ **Trafficking:** the illegal movement of people or drugs across national borders.

## Links

- ❖ [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/l33020\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33020_en.htm)