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Publication date

2017

Document Version

Final published version

[Link to publication](#)

Citation for published version (APA):

Penninx, M. (Author). (2017). The European Union's migration paradox: more mobility, less immigrants?. Web publication/site, *Absence of Paths*.

<http://www.theabsenceofpaths.com/commission/the-european-unions-migration-paradox-more-mobility-less-immigrants>

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The European Union's migration paradox: more mobility, less immigrants?

1. Introduction.

Migration policies in the European Union show two contradictory trends: the first is that

Europe has factually become a continent of immigration during the last half century, but that European countries define themselves consistently as non-immigration countries. The second is the paradoxical trend that ever more restrictive immigration policies for non-EU citizens go together with the promotion of mobility across borders within an enlarged European Union. How can this be explained?

2. Europe became a continent of immigration between 1950 - 2017...

In the aftermath of World War II, immigration became important in the Western part of

Europe. In the 1960 and 1970s, this immigration took the form of temporary labour migration ("guest workers" in SW, DE, BENELUX, FR and AU) and immigrants from former colonies (UK, FR, NL, PT). In the same countries substantial family migration and asylum and refugee movements took place in the 1980s and 1990s.

From the mid-1980s on, new immigration countries emerged in the South (IT, SP, GR, PT) and elsewhere (IRL, NO, FI); in some of these countries the percentage of immigrant population reached very high levels in a short period of time. In the 2000s still other European countries started to see immigration emerge, including some Central and Eastern European countries. When we focus on the European Union, we find that in 2016 54,4 million of the total of 510,3 million inhabitants of the EU are foreign-born: some 10,7 % of the total population of the EU. These figures include only legally residing persons.

Europe has thus factually become an immigration continent in the last fifty years (Okolski 2012). Nearly all European countries have become or are becoming immigrant receiving countries. Immigrants come from all over the world. In recent times, the nature of migration to Europe also changed, shifting to more fluid practices of international mobility - helped by greatly improved transport

and communication facilities. Nowadays, migrants tend to have consecutive stays in different countries, to alternate their residence between countries, et cetera (Engbersen et al. 2010). This also leads to new practices of residence, integration and community formation. Researchers are exploring these phenomena under the notion of transnationalism (Bauböck & Faist [2010]). Policymakers are asking the uneasy question of what such practices mean for integration processes and policies.

3. ...but states have reacted unwillingly towards immigration and immigrants...

A predominant characteristic of European states is that they consistently have defined themselves as non-immigration countries. A rhetoric about being a 'nation of immigrants', as is usual in classic immigration countries like Canada, Australia and the United States, has been completely absent in Europe. On the contrary, consistent and explicitly anti-immigration rhetoric (Doomernik & Jandl 2008), has been a constant factor in Europe.

The non-immigration doctrine led to increasingly restrictive admission policies after the first oil crisis of 1973 and the guest worker recruitment stop. But the closure for new migrant workers caused an increase in supply-driven migration of 'family reunion' (and later 'family formation') of those "guest workers" who had decided to stay. Return to their home country was not an attractive option, even if they were offered financial inducements in the Return Promotion Programmes of the late 1970s and the 1980s.

From the mid-1980s on a new supply-driven migration announced itself in Western European countries in the form of asylum seekers. This increasing inflow of unsolicited newcomers culminated in the early 1990s in the first 'asylum crisis' and provoked new measures of restriction and control of entrance and admission. These restrictions in its turn led to a spiralling rise of new forms of entrance, like through smuggling and trafficking, which in turn generated new control procedures (for asylum and family migration). Immigration was increasingly criminalised, as the tougher regulations led by definition to more illegality and irregularity. International political terrorism, furthermore, brought migrants into focus from a security perspective. Migration thus became

associated first and foremost with problems and threats and as such has risen to the top of the political agenda in many EU-countries in recent times.

The ideology of not being an immigration country had also consequences for settlement and integration policies. Most immigrants in North-West-European countries were defined as 'temporary guests' for whom only limited facilities for accommodation were made available, since they were supposed to return eventually. Increasingly a contradiction of expectations grew: while their return was expected, many guest workers factually stayed for good and formed communities that grew by using their right to bring their families and spouses. The illusion of return and the absence of governmental policies left the integration responsibility in practice to parties in civil society, such as trade unions, churches and welfare organisations (Penninx 2005).

Ultimately, such 'policies of neglect' resulted in migration and integration questions becoming contentious topics in European politics in the 1990s and 2000's. In the politicised climate of that period, immigration policies did not change - the norm of not being an immigration country remained - but integration policies did change thoroughly. Countries in Western Europe started to define both the integration of immigrants and the multicultural society as failed. New policies were needed that primarily should focus on cultural, value based commonalities that are supposedly crucial for social cohesion. Consequently, demands for cultural adaptation were formulated for immigrants. This new cultural conception of integration for migrants was a mirror image of how the receiving society's defined its own 'identity' (as modern, liberal, democratic, laicist, equal, enlightened, etc.). In practice, these identity claims are translated into civic integration requirements and mandatory civic integration courses of an assimilative nature for immigrants. The compulsory pre-immigration courses, such as those developed in the Netherlands since the mid-2000s extend this logic even further: under the pretext of integration, such courses actually function as instruments to make immigration more restrictive and selective (Guild et al. 2009).

Admittedly, the above picture of migration and related policies is based on the older West-European immigration countries, but it has also directly relevance for most other European countries: the institutional framework for the regulation of

immigration and integration - developed by West-European early EU-members - has actually become the blue print for policies of all EU-countries. This blue print and the institutional framework is forced upon new members as part of the EU accession procedures through the EU acquis. It reflects the dominance of the West-European experience, legacy and framing.

The practice of policies of new EU-members, however, is certainly not completely determined by the legacy of migration regulation in West-European countries and by institutional arrangements accepted in the acquis. The much more lenient admission practices, combined with frequent regularisations in the Southern European countries are examples of significant policy variation (see chapter on Italy and Spain in Zincone et al. 2011).

For EU-members from Central and Eastern Europe that accessed in 2004 or later, the topic of migration and integration is relatively new. Migration has multiple forms there:

emigration, immigration and transit migration co-exist in most of these countries (Black et al. 2010; Okolski 2012). The newly introduced EU institutional framework for migration and integration regulation is explored in quite different circumstances there.

4. ... while an enlarging EU created free movement and promoted mobility within ...

The preceding analysis of the development of migration and migration policies in Europe is based on (nation-)states as basic units of analysis. But there have also been significant supra-national developments in Europe that have created unique facilities for mobility unheard of before and elsewhere. They stem from the long term economic and political integration process in Europe that started as early as 1951, with the European Coal and Steel Community (ECSC), an economic cooperation between six Western European states: The Federal Republic of Germany, France, Italy, Belgium, the Netherlands and Luxembourg. The treaty presented guidelines for free movement of (at that moment only skilled) workers in the economic sectors concerned. The principle of free circulation of workers was particularly defended by Italy (Goedings 2005) - the only labour exporting country of the six in that period.

The 1968-Treaty of Rome that established the European Economic Community (EEC) of the same six countries not only established that economic cooperation would cover all domains of economic activity, it also confirmed that in the common

market there was not only free circulation of capital and goods, but also of labour. Articles 48 and 49 of the Treaty of Rome formulated the principles and Regulation 1812/68 formulated concretely that any national of a Member State was eligible for employment vacancies in the territory of another Member States with the same priority as nationals of that State. Again Italy was the strong proponent of this principle (Böhning 1972).

This principle of free circulation of labour was applicable in a growing area: the EEC

grew from the initial six members of 1968 to nine in 1973, when the United Kingdom, Ireland and Denmark joined. Free movement of labour applied to these three countries from the date of accession. In 1981 Greece joined the EEC and Spain and Portugal followed in 1986. With Greece a 'transition period' until 1 January 1988 was negotiated. For Spain and Portugal the date of 1 January 1993 was chosen as the beginning of free circulation of labour. In all of these cases there have been fears and predictions of significant new migrations after new members joining, but actually insignificant new migration took place after accession. New accessions rather improved the position of migrants from these new joining countries already resident in established EEC-member states (Penninx & Muus 1989).

The Single European Act of 1985 re-launched the idea of a complete internal market

and introduced the next step: free movement of workers was widened to all citizens of

Member States. The European Community (EC) should become "an area without internal

frontiers in which the free movement of goods, persons, services and capital is ensured". The Single European Act foresaw removing all physical, technical and fiscal barriers, to be implemented by December 31st, 1992. The decision to abolish internal borders made common policies for Third Country Nationals necessary. Five countries (France, the FRG and the Benelux-countries) were moving quickly towards open borders and signed already in July 1985 the Schengen Treaty that envisaged a system of international border controls and checks, a common asylum procedure and information exchanges on asylum and unwanted migrants, to be implemented by January 1st, 1990. The Schengen-model became later the standard for the EU.

In 1993 the Maastricht Treaty created the European Union (EU) as the successor of the EC. The EU created European Union citizenship and granted full freedom of

movement to all citizens of Member States. It completed the earlier developments towards free movement between Member States in the sense that all obstacles for such movements were taken away and equal access to facilities was guaranteed. Moving between Member States within the borders of the EU that used to be defined as international migration had virtually become internal migration. Under this new regime the EU expanded further to 15 states through accession of Austria, Finland and Sweden in 1995.

However, the complete freedom of movement within the EU and the factual abolition of borders within the EU had also increased the need to coordinate Member States' policies relating to the admission of Third Country Nationals. The Amsterdam Treaty of 1997 concretely stipulated that five years after its ratification (i.e. by May 2004) asylum and migration should have become communitarian policy (being thus moved from the third pillar of intergovernmental collaboration to the first pillar of communitarian EU-governance) and that existing policies and practices would have been harmonised. This goal was reaffirmed at the Tampere Summit of 1999, at which also the explicit ambition was formulated that third country nationals who are long-term residents should be granted rights that come as closely as possible to those of EU-citizens.

Indeed, by May 2004 agreements had been reached of two kinds (Van Selm & Tsolakis 2004). The first amounted to a synchronization of restrictive policies aimed to combat illegal immigration and keeping at bay potential asylum seekers, and the harmonization of asylum policies. The Schengen Agreement and the Dublin Convention at that stage had been made part of Community Law. These new policies - represented by the great majority of Directives developed between 1999 and 2004 - focus on the perceived problematic nature of (unsolicited) immigration of Third Country Nationals. They tended to develop restrictive immigration policies at the lowest common denominator of Member States. The second kind - represented by two EU directives - aimed to improve the position of Third Country immigrants: a directive on the immigrants' right to family reunification and one on the free movement between member states (after five years of legal residence).

This regime was largely in place when the EU expanded from its 15 members since 1995 to 25 members in 2004 (Cyprus, the Czech Republic, Estonia, Hungary,

Latvia,
Lithuania, Malta, Poland, Slovakia and Slovenia acceded] and 27 in 2007
[Bulgaria and
Romania acceded]. Although many old Member States delayed free access to the
labour
market of citizens of these new members for some years, the total area of free
movement in the EU of 28 (including the most recent accession Croatia) counts in
the end a total population of some 500 million. The effect of the accessions of
2004 and 2007 was twofold: on the one hand, a substantial (partly irregular)
migration that had taken place from East to West since the fall of the iron
curtain in 1989 was redefined as EU-internal and legalised under the new regime;
on the other hand, it reinforced migration from some new Member States,
particularly Poland, Romania and Bulgaria, to Member States in the Western part
of the EU whose labour markets attracted workers. So migrant populations of
these three countries grew significantly in all of the 15 old Member States
until the financial and economic crisis of 2009 and following years.

5. ... finally, what to expect for the future?

National governments in (Western) Europe have shown in recent decades a growing
inclination to protect their labour markets and welfare states, by exerting
their sovereign right to control admission of non-citizens in general and
restrict admission of those who are supposed not to contribute to the country's
interests (supply-driven migration). This expressed itself on the one hand in
stricter immigration/admission policies and resistance of several member states
against (burden sharing on) asylum seekers. In recent years it is also
increasingly mirrored in requirements and demands on (potential) migrants in the
framework of integration policies. At the same time, demand for migrant workers
leads to ambivalent policy reactions: unskilled, low-skilled and seasonal
migrants should preferably be admitted temporarily and 'circulate', i.e. not
settle permanently. High skilled migrants are welcome, but they are not offered
the simple procedures and attractive conditions that make European states
competitive destinations. In short, particularly Western, Northern and Southern
countries of Europe have factually become immigrant countries, but are still
unwilling to recognize this in their policies. They also refuse to recognize
their longer term needs for
immigrants, caused by demographic decline and aging of the working population.
Short term political interests and feelings of threat - nowadays often framed
culturally and religiously - stand in the way of long-term, pro-active

immigration and integration policies.

The European Union has become a significant new political and policy unit which has created a new context for international mobility and migration in Europe since the late 1990s. On the one hand, EU Member States, particularly the early members in Western Europe, have transposed their national policies into common restrictive and defensive admission policies in relation to potential immigrants (economic migrants, family migrants and asylum seekers) from non-EU countries. Furthermore, they have made these policies the 'standard' for new members of the Union: the *acquis* requires the new members to build legislation and institutions in conformity with established EU-policies in this domain. This strand of EU policies has been characterised by critics as "Fortress Europe policies". During the last decade, Western European countries have furthermore increasingly 'uploaded' their cultural integration requirements for new Third Country immigrants in EU-integration policies, thereby making these policies assimilative in nature and selective for immigration.

On the other hand, the EU created a fundamental right to move and settle within the EU area for EU-citizens. For specific categories, such as students in higher education, the EU has actively promoted such mobility. The total area of free movement in the EU now counts 28 countries with a total population of more than half a billion inhabitants. More than 10 % of these half billion have been born outside their country of residence. An increasing part of these immigrants are "internal EU-migrants".

The two different aspects of EU migration policies - the external and the internal one - amount thus to the paradoxical trend of full and increased free mobility for those within the EU, and increasing closure for those outside the EU. The 2009 financial and economic crisis reinforces the two trends that underlie the paradox. In the short term (of a few years) we should expect a decrease of (demand determined) international migration in the EU in general, and within that continuation of the present tendencies towards replacement of TCN migration by intra-EU migration. In such a context supply driven migration of TCNs will meet with substantive resistance and restrictiveness, as the present asylum crisis makes clear. We will probably have to wait until the present high unemployment in many Member States of the EU will have decreased before the (temporarily hidden) longer term demographic deficits and specific labour

demands in the EU will become manifest again and translate into sufficient political pressure for more open and pro-active immigration policies.

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Rinus Penninx is emeritus professor of Ethnic Studies of the University of Amsterdam. He has been involved in the field of migration and integration in several capacities. His report 'Ethnic Minorities' (1979) formed the starting point for integration policies in the Netherlands. He worked in Dutch Ministries on integration research and policy making (1978-1988). He founded the Institute for Migration and Ethnic Studies at the University of Amsterdam in 1993. From 1999 to 2009 he was co-chair of the International Metropolis project. He was coordinator of the IMISCOE Network of Excellence (2004-2009) and the IMISCOE Research Network (2009-2014).

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