The Governance of Migration, Mobility and Asylum in the EU: A Contentious Laboratory

Giulia Henry and Ferruccio Pastore*

1. A terminological preamble

ABSTRACT

The management of population movements across national borders does not represent a single and unified regulatory field at EU level. Mobility of EU citizens, migration of third country nationals and asylum have long evolved as autonomous policy areas, driven by distinct policymaking logics. This paper briefly reconstructs the evolution of each of these areas, with a focus on governance structures and on core-noncore relations. We then move to identifying two major structural transformations (the economic crisis with its heavy polarizing effect and the wave of political instability in the Mediterranean) both with significant migratory repercussions which are producing centrifugal effects on EU migration, mobility and asylum governance. In the final section of the paper, we draw some possible institutional and political scenarios for each of these separated but ever more interconnected policy fields. We end by arguing that only by facing migratory challenges with more resources and in a more integrated way the EU can defuse their disruptive potential and enhance their positive dimension.

The terms "immigrant" and "migrant" are generally taken to refer to any kind of movement of people which is not occasional, whatever the length, nature and cause of that movement. Second- and third-generation migrants are often still perceived as migrants themselves, even if they are born in the host country and have no link whatsoever with the parents' country of origin.

Conversely, in legal and institutional terms, conceptualizations of international migration and mobility are strictly categorized. This is even more clearly the case for asylum, the only form of international human movement which is covered by a detailed set of international norms.

* Giulia Henry works at the Italian Ministry of Labour and Social Policies and collaborates with the Forum of International and European Research on Immigration (FIERI), Turin. Ferruccio Pastore is the director of FIERI.

IAI Istituto Affari Internazionali

With the support of
UNICREDIT SPA
EDISON SPA
THE GERMAN MARSHALL FUND OF THE UNITED STATES
SALINI SPA
ELETTRONICA SPA

No. 5 • **APRIL** 2014

ISSN 2283-7612

In the EU context, migration and mobility in particular are framed as distinct issues which are dealt with in different institutional and administrative contexts and in different policy-making environments. More precisely, all forms of inter-state movement of European citizens within the geographical space of the EU as a whole are officially labelled as "mobility", in order to stress that they are an expression of a fundamental freedom (which is in general not the case for "migration"). Intra-EU movements of third-country nationals legally residing in one Member State are also defined as "mobility", even though they are subject to much stricter rules than those applying to EU citizens. As for movements of third-country nationals from outside the EU, the term "mobility" is used for short-term movements (i.e. those leading to stays in the EU which are no longer than three months), while longer-term movements are usually classified as "migration".

Besides these two fundamental types of movement, forced movements driven by the search for international protection represent a third and distinct category, generally included in the "asylum" policy domain.

From a political, institutional and administrative point of view therefore, "migration", "mobility" and "asylum" do not represent a single and unified policy field in the EU architecture.

"Migration" has traditionally been included in the Home Affairs domain, although with growing dissatisfaction and difficulty. As a consequence, there has been increased overlap with other EU policy domains (such as labour, social issues, and external relations), especially within the Commission.

The regulation of fully-fledged Geneva-based asylum and other forms of international protection also falls in the broadly-defined sphere of Home Affairs (with the JHA Council, the Commission's DG Home Affairs and the European Parliament's LIBE Committee being the competent bodies of the three main institutions).

On the other hand, as "mobility" is framed as a fundamentally legitimate expression of a freedom to move, it is consequently dealt with in the mainstream of Community and Single Market policies. The intra-EU mobility of third-country nationals (long-term residents and high-skilled workers, for instance) represents an exception, however, as it falls within

the domain of administrative competence of the Immigration Directorate of the Commission's DG Home Affairs.

The fundamental distinctions between the regulatory regimes and the institutional spheres of competence of migration, mobility and asylum are the outcome of a complex historical and political process and, from many points of view, aptly reflect substantial differences between these forms of mobility.

To some extent, however, such a tripartite regulatory architecture is problematic insofar as it hampers proper consideration and treatment of overlapping situations such as the *integration of destitute intra-EU mobile persons* or the *management of "mixed flows"* (i.e. irregular inflows from outside the EU in which asylum-seekers and other vulnerable categories of migrants are mixed with economic migrants). It is likely that such complex situations, which are not easily categorised within one of the three main official policy baskets, will become more frequent in the future. The capacity of the EU to tackle such issues through appropriate forms of interinstitutional and cross-sectorial cooperation will be crucial for the overall effectiveness and (thus) the legitimacy of the EU in the field of human mobility in all its forms. For this specific reason, in this paper, we deal with migration, mobility and asylum together, giving an account of the historical and institutional peculiarities, but also taking account, whenever relevant, of interplay and potential for cross-sectorial learning and coordination.

Given this background, with reference to the analytical framework proposed by Tocci and Faleg,[1] we will analyse the evolution of "core-noncore" relationships in the three policy fields of mobility, migration and asylum (MAM). For each of these policy fields, we will first describe the evolution of its specific model of governance (Chapter 1). We will then focus on some clearly-emerging and largely interconnected dynamics of crisis within the cores of each of these policy fields, trying to identify the centrifugal forces which risk jeopardising integration processes beyond sectorial boundaries (Chapter 2). We will finally envisage future scenarios which respond to different responses by various actors to the tension between centripetal and centrifugal dynamics (Chapter 3).

---

[1] Nathalie Tocci and Giovanni Faleg, "Towards a More United and Effective Europe: A Framework for Analysis", in *Imagining Europe*, No. 1 (October 2013), http://www.iai.it/content.asp?langid=2&contentid=992.

2. The evolution of the "core-noncore relationships" in the MAM policy fields

With reference to the theoretical framework outlined in the background paper,[2] we will try to describe the complex process of "core building" and "core expansion" of groups of EU Member States in relation to the three policy fields of mobility, migration and asylum. Illustrating the integration processes in these policy areas, we will identify the initial members, institutional nature (community or intergovernmental) and main phases of expansion of the core of each sector. Mobility, migration and asylum policies have followed intrinsically different criteria of expansion of the "core" and different logics of relationship with the "noncore".

According to the relevant time-frame and geographical scope, we consider how the core's legal *acquis* in each sector is divisible or indivisible (each Member State being able only to be in or out of the *acquis*, or being able to pick and choose which aspects of the policy area it participates in). Another relevant variable we will consider when observing the model of governance in each sector is the ability of gate-keepers (i.e. members of the core of the *acquis*) to assess potential candidates to join the core. Such discretion can be limited or unlimited.

Although the different dynamics between the core and noncore groups of Member States should be assessed separately for each policy area, analogies can be observed in the models of governance followed by European integration in these three fields.

Whereas the right to mobility for EU workers has been an *acquis* of the EU since its origin (section 1.1), the construction of a common migration and asylum policy can repeatedly be seen as the answer to "problem pressure" and a reaction to "crisis events", gradually developing in reaction to previous decision-making cycles. Functional interdependencies and spill-over effects have given in some circumstances negative and in others positive impulses to the European integration process in the migration field (section 1.2). The po-

[2] Ibidem.

litical demand for burden-sharing and "harmonization of attraction factors" has instead been the key driver for the communitarisation process in the asylum area (section 1.3).

2.1. The core of mobility rights for EU citizens and the enlargement dynamic

The right of EU citizens to freely move to and live in any EU country, along with their family members, is one of the four fundamental freedoms enshrined in EU law and a cornerstone of EU integration. Mobility rights for workers was a key provision of the Treaty of Rome (1957), and was gradually expanded by subsequent Treaty amendments up to the Treaty of Maastricht (1992), which extended the right to free movement to all EU citizens, irrespective of whether they are economically active or not.

The original "mobility core" corresponds to the six Member States which founded the European Economic Community (Belgium, France, Germany, Italy, Luxembourg and the Netherlands), and also applies, in general terms, to the countries in the European Economic Area, namely Iceland, Liechtenstein and Norway.

Every EU citizen has the right to live in another EU country for up to three months without any conditions. The right to reside for more than three months is subject to certain conditions, depending on the individual's status in the host Member State.[3] Member States are entitled to impose public policy limitations on the free movement of workers, for example on specified grounds of public security and public health, observing strict procedural requirements.[4]

This *acquis* of mobility rights is indivisible: the conferral of the right of free movement on the citizens of a Member State is a direct consequence of its accession to the EU.

[3] The rules and conditions applying to free movement and residence are set out in Council Directive 2004/38/EC of 29 April 2004.

[4] Directive 64/221/EEC of 25 February 1964.

When a new Member State accedes to the Union,[5] the governments of the existing Member States can decide whether they want to apply restrictions to workers from the new Member State, and, if so, what kind of restrictions. However, they are not allowed to restrict the general freedom to travel, only the right to work in another Member State as an employed person. For the first two years after a country joins the EU, the national law and policy of the existing Member States determines access to their labour market of workers from the new Member State, meaning that those workers may need a work permit. If a country wants to continue to apply these restrictions for three more years, it must inform the Commission before the end of the first two years. After that, countries can continue to apply restrictions for another two years if they inform the Commission of serious disturbances in their labour market. In the case of Croatian accession, the negotiation Treaties defined that all restrictions must end after 7 years.

Once they are legally employed in another EU country, workers are entitled to equal treatment with workers of the country where they are working. The right of gate-keepers to determine accession to the core is therefore limited in scope and time.

Free movement in the countries originally constituting the European Economic Community was encouraged, and was functional in a period of economic growth. No restriction on mobility was introduced with the first enlargement, in 1973, when Denmark, Ireland and the United Kingdom joined.

Transitional periods were introduced on the occasion of the accession of Greece in 1981 and Spain and Portugal in 1986, but, in a favourable economic conjuncture, accession allowed citizens of countries with lower pro capita incomes to accelerate a phase of economic growth, and consequently even discouraged the movement of people looking for jobs abroad. The presence of Greek, Spanish and Portuguese communities in France and Germany progressively decreased after accession.

[5] 22 of the 28 EU Member States and all four European Free Trade Association (EFTA) Member States participate in the Schengen Area. Of the six EU Member States that do not form part of the Schengen Area, Ireland and the United Kingdom maintain opt-outs with respect to some aspects of the Schengen acquis. The remaining four Member States, i.e. Bulgaria, Croatia, Cyprus and Romania, are obliged eventually to join the Schengen Area. However, before fully implementing the Schengen rules, each Member State must have its preparedness assessed in four policy areas: air borders, visas, police cooperation, and personal data protection.

When Austria, Finland and Sweden joined the EU in 1995, citizens of the 15 Member States could freely circulate in almost the whole of Western Europe.

For the 2004 enlargement, the largest single enlargement in terms of people and number of countries, restrictions applied to citizens of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia, but not to citizens of Cyprus and Malta.

With the accession of Bulgaria and Romania in 2007, a moratorium on free access to labour markets was adopted by most Member States, mainly invoking the effects of the economic crisis to justify their fears of the arrival of new waves of competitors on their national labour markets and on their national welfare systems.

The deadline of January 2014 as the very end of the transitional period for restrictions imposed on citizens of Bulgaria and Romania was the occasion, even for some of the six founding Member States composing the core of the *acquis* on movement of people within the European Union, to call into question the *acquis* of mobility rights for EU citizens.

2.2. The functionalist construction of the common migration policy: communitarisation through gradualism and flexibility

At the end of World War II, Western European countries actively tried to tap into new pools of labour. They strategically signed bilateral agreements for the recruitment of foreign labour in competition between themselves, aiming at securing the "best" immigrants from both Southern European and non-European countries (often former colonies). The past of intra-European relations in the field of migration management is one of competition, rather than cooperation. The only convergences were between Mediterranean labour-exporting countries and Continental labour importers. Even when traditional labour importers decided to close their borders following the economic recession after the oil crisis in the 1970s, that decision was taken by each country in an uncoordinated, competitive way. National borders were closed without considering the possible impact on neighbouring countries, not to speak of the impact on the countries of origin. Newcomers came to be considered mainly as potential competitors and threats to national economies. Ever stricter categorization was introduced to distinguish between desired and undesired im-

migrants.

It was only as from the mid-1980s that European governments began to recognize the need to find ways to cooperate in a functional way. European leaders believed in the need to accomplish economic integration. This implied - as the European Single Act of 1986 put it - the construction of an area of free circulation, not only for goods and capital, but also for people, whatever their origin. But while that decision was being taken, security concerns started to spread among security professionals first, and politicians next. The abolition of internal borders meant that "compensatory measures" at external borders needed to be adopted in order to avoid that the completion of the internal market affected negatively the overall internal security of a borderless space. This was the techno-political logic underlying such cooperation: enabling individuals to cross internal borders without being subjected to border checks was the dominant paradigm for most of the 1990s.

The original "core" of European cooperation on migration was therefore constituted by the signature, in 1985, by five Member States (a geographical core formed by France and Germany plus the three Benelux countries) of the Schengen Convention, which came into force in 1995. Originally based on a purely intergovernmental scheme, Schengen is a paradigmatic example of cooperation outside the Treaties, which was progressively incorporated into the main body of the EU *acquis* (the Amsterdam Treaty in 1999).

Differently from the mobility core, the migration core is not indivisible, and the accession of new Member States to the Schengen Area is subject to discretionary assessment by the core Member States, which can potentially be extended for an unlimited period of time.

The establishment of a common external border for the Schengen Area also called for the setting-up of a common visa policy, defining non-EU countries whose citizens must have a visa (a so-called "Schengen visa") when crossing EU borders. A Schengen visa grants a right to short stays of up to three months.

In a logic of spill-over effects, the introduction of common visa requirements for the entry of citizens from some non-EU countries is an outcome of the Schengen "philosophy". This process was driven further by the perception of the "asylum crisis" of the early 1990s and the upsurge in asylum applications in Northern European countries in the aftermath of

the collapse of the Communist bloc. The aim of the process was the prevention of the arrival on EU territory of potential asylum-seekers.

Visa policy has been among the earliest and most successful areas of coordination among EU Member States. All Schengen Area Member States grant short-term visas according to the same highly-structured procedure, regulated by the same Community Visa Code. Schengen visa holders are allowed to circulate freely across the entire common space.

The technocratic and functionalist paradigm that allowed European cooperation in the migration field to take some pragmatic steps forward soon showed its limits. Those limits were firstly institutional, resulting from the tight "unanimity jacket" typical of the intergovernmental nature of cooperation in the field. They were, however, also political, resulting from the lack of democratic legitimacy and the narrow strategic horizon.

The Maastricht Treaty (1992) formalized the will to cooperate on migration and asylum policies as "components of a new agenda on security" by creating an "intergovernmental pillar" dealing with Justice and Home Affairs, based on unanimous decision-making largely precluding a role for supranational EU institutions.

Progressively, and notably under the Finnish presidency during the Tampere summit of October 1999, European Heads of State and Government pushed their political will and their rhetoric beyond narrowly sectorial functionalism. In the framework of a broad strategy aimed at building a European "Area of Freedom, Security and Justice", a comprehensive approach to immigration and asylum was adopted. The aim of the common migration policy was no longer limited to compensating the potential negative impact of the suppression of internal borders, but also covered managing legal immigration efficiently, promoting the social integration of migrants, combating discrimination, and ensuring international protection for those in need, as well as fighting the causes of forced migration worldwide, and preventing illegal economic immigration through development cooperation.

The Tampere Programme (which inaugurated a pattern of long-term interinstitutional planning and coordination, followed by The Hague and the Stockholm Programmes) marked a shift from functionalism to a more comprehensive approach to agenda-setting.

Institutionally, progress from an intergovernmental approach to a full communitarisation of immigration and asylum policies was slower but, to a certain extent, irreversible and resolute.

With the Amsterdam Treaty (1999), migration and asylum were extracted from the JHA pillar and inserted alongside free movement in a new Title IV of the EC Treaty covering free movement, migration and asylum. Gradualism characterized, once again, this process, with the so-called "*passerelle clause*" foreseeing that, as from 2004, the Council could unanimously decide to introduce qualified majority voting into decision-making on proposals relating to immigration and asylum. A legal basis for EU action in this field was established (Articles 62-64 EC). The Amsterdam Treaty also integrated the Schengen Convention into the Treaty framework.

With the Nice Treaty (2001), provisions for the use of qualified majority voting and co-decision in the area of migration were approved, and with the entry into force of the Lisbon Treaty on 1 December 2009, migration and asylum were fully and unconditionally incorporated within the Treaty framework, with qualified majority voting in the Council, co-decision with the European Parliament and a full role for the Court of Justice (Articles 77-80 TFEU). A common EU migration policy was institutionalised, although with the notable omission of admission policy, as the Lisbon Treaty clearly states that measures on migration "do not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed" (Article 79 TFEU).

Flexibility within the Treaty system was the political device employed to accommodate diversity and to facilitate convergence. Opt outs and opt ins, protocols and derogations inserted by Member States into legislative texts could be seen as a threat to the "traditional Community model", but also offered scope for the attainment of objectives in areas of "high politics": those that are "out" can still use negotiations and derogations to define their position in relation to agreed measures. From a certain perspective, such determined progress towards the full communitarisation of migration and asylum policies was made possible by following a gradualist approach and leaving a margin of "flexibility" to each Member State. At the same time, this potentially least-worst solution to the practical problems of co-operation and integration in contentious areas, the "price to pay" for reaching

agreement, can also be seen as the main limit on such cooperation, still leaving crucial aspects of migration policy to the intergovernmental method.

2.3. The Common European Asylum System: burden-sharing as a key driver

Until the end of the 1970s, the number of asylum applications in Europe was low, and most applicants were exiles from the Socialist bloc to whom Western countries were keen to grant refugee status. As from 1980s, following the increasing political instability in areas close to the EU's borders, such as the exacerbation of Kurdish persecution in Iraq, the break-up of Yugoslavia, and the conflict in Kosovo, some EU Member States in particular experienced a rise in asylum applications.

Breakdowns of asylum flows show that the peaks in asylum claims were mainly absorbed by a few Member States, above all Germany, which in 1992 received 438,000 out of a total of 675,000 asylum applications in Europe.

Such imbalance in the flux of asylum-seekers towards certain destination countries can be explained by several factors: geographical reasons and proximity to areas of conflict; political factors, such as foreign policy choices and privileged international relations; social factors, such as the historical presence of a foreign community abroad and of social networks of the same community, as well as the role of an active civil society; and policy factors, such as the treatment of asylum-seekers , reception conditions and national welfare regimes.

With Germany at the forefront of initiatives as from the first half of the 1990s, on the grounds of the need to restrict bogus asylum claims, restrictive reforms of national legislation were undertaken and a strong movement towards more effective burden-sharing and the harmonisation of asylum systems was promoted.[6] Such harmonisation of pull fac-

[6] In 1993, the German "Basic Law" was revised to limit, in practice, the recognition of refugee status and the right to asylum. Both the "safe third country" and the "safe country of origin" concepts were incorporated into the German constitution and further defined in German asylum procedures. EU Member States were by definition considered to be safe countries of origin. Furthermore, the German constitution defines countries as safe "in which, on the basis of their laws, enforcement practices and general political

tors was driven and shaped by the priorities of a core of Continental European countries. In the official political discourse of the German authorities in EU fora, there was a clear and largely successful attempt at emphasizing the importance of some driving factors behind asylum migration and of the international distribution of asylum claims. In particular, the unfitness of the asylum systems of peripheral countries (Southern European countries first, Eastern countries at a later stage) and the lower welfare opportunities in these Member States were effectively presented as the main factors explaining the excessive concentration of asylum claims in Northern European Members States. Other factors, which have been shown to be equally if not more important by several sociological studies, including in particular the pull factor represented by already-established immigrant communities from the same areas of origin, were systematically downplayed.

Such a strategy pursued the long-term goal of pushing peripheral countries to reinforce their national asylum systems in order to rebalance perceived asymmetries among Member States which was seen to explain the uneven distribution of the "asylum burden". A belt of safe countries would thus be created capable of intercepting and stabilizing locally asylum-seekers who would otherwise potentially move towards more Northern parts of Europe.

Also with the aim of redistributing asylum-seekers more equally throughout Europe, the concept of "first safe country" was promoted as the very core of the Common European Asylum System. This principle, already referred to in the Schengen Convention (Article 30),[7] was codified by the Convention on determining the state responsible for examining asylum applications lodged in one of the Member States, which was signed in Dublin in 1990 and ratified by 12 EU Member States.[8] According to the Dublin Convention, which

conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists". See Article 16a(3) of the *Basic Law for the Federal Republic of Germany*, http://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0088.

[7] "The Contracting Party responsible for the processing of an application for asylum shall be determined as follows: [...] (e) If the applicant for asylum has entered the territory of the Contracting Parties without being in possession of one or more documents permitting the crossing of the border, determined by the Executive Committee, the Contracting Party across the external borders of which the applicant for asylum has entered the territory of the Contracting Parties shall be responsible." *The Schengen acquis. Convention implementing the Schengen Agreement of 14 June 1985…*, 19 June 1990, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:42000A0922%2802%29.

[8] Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxemburg, the Netherlands, Portugal, Spain

entered into force in 1997, in the "Dublin space" represented by the sum of the national territories of the signatory parties, an asylum-seeker can present only one asylum claim. The system aimed at ensuring that each claim would be examined by one responsible authority and that asylum-seekers should not be returned from one Member State to another. At the same time, it inevitably placed the major burden of the management and first reception of asylum-seekers' claims on the more peripheral countries.

The core of the C European Asylum System is again intergovernmental in origin, and has since been progressively "communitarised". In 1992, with the Maastricht Treaty, asylum became an "area of common interest" regulated in accordance with typically intergovernmental decision-making principles. Under the Amsterdam Treaty, Article 63 EC established a 5-year deadline for adopting policies to complete a common asylum policy to be dealt with under the first pillar and in accordance with the Community method. With the Treaty of Nice in 2001, asylum shifted to the "first pillar", and was therefore subject to qualified majority voting, with a greater role for the Commission, the Parliament and the European Court of Justice.

With the communitarisation of the right to asylum that followed the Treaty of Amsterdam, the Dublin Convention was replaced by the Dublin Regulation. Even in this revised legal framework, however, the key principle of the responsibility of the first state of entry for the examination of asylum applications presented by persons in irregular conditions - even though strongly criticised by peripheral Member States which considered this principle to have an unequal impact - was left untouched, with only minor exceptions.

The core of the Common European Asylum System is also indivisible. No assessment is to be made by the other core Member States. Under the Amsterdam Treaty, a general right to opt out or to opt in to measures concerning asylum, immigration and border control was established. The use of qualified majority voting for asylum measures, agreed at Amsterdam in 1997, does not affect the general right to opt out.

---

and the United Kingdom.

The United Kingdom, Ireland and Denmark negotiated an opt-out clause and are not bound by the Common European Asylum System[9] Complementary to the asylum core *acquis*, a number of directives have been adopted by the EU with the aim of harmonising asylum legislation and systems.[10] As directives, they bind Member States as to the results to be achieved, without dictating the means of achieving those objectives, thus leaving Member States a certain amount of leeway as to the implementation of the goal to be met.

The harmonisation of national asylum legislation has therefore been encouraged by the legislation adopted by the EU, whereas burden-sharing has been formally promoted through the redistribution of asylum-seekers by the Dublin Convention and Regulation and economic compensation measures.[11]

---

[9] According to Title V of the TFEU, the UK and Ireland, on the one hand, can decide to opt in to any single measure, whereas Denmark, on the other hand, has a constitutional limit on opting-in, and is therefore completely excluded from the Common European Asylum System.

[10] The Reception Conditions Directive (recast version 2013/33/EU, due to be transposed by July 2015) defines standards to be granted to asylum-seekers in accordance with the Geneva Convention. Member States can apply such rules also to complementary forms of protection. The recent revision of the Directive improved some aspects of reception conditions (such as housing) for asylum-seekers, and underlined that detention is only to be applied as a measure of last resort. The Qualification Directive (recast version 2011/95/EU, due to be transposed by December 2013) clarifies the grounds for granting international protection, including "subsidiary protection", recognising that situations deserving protection may go beyond the scope of the Geneva Convention and its definition of "refugee". It aims at preventing so-called "asylum shopping" by asylum-seekers searching for the most generous national regime by ensuring a minimum level of rights and procedures across the EU. This aspect is addressed in particular by the Asylum Procedures Directive (recast version 2013/32/EU, due to be transposed by July 2015), which aims at limiting the secondary movement of asylum applicants between Member States where such movement is caused by differences in legal frameworks, and at approximating rules on the procedures for granting and withdrawing refugee status. The Temporary Protection Directive (2001/55/EC) was intended to deal with displaced persons who are unable to return to their country of origin when there is a risk that the standard asylum system might struggle to cope with demand stemming from a mass influx which risks having a negative impact on the processing of claims. This was intended to promote solidarity and burden-sharing among EU Member States in circumstances where large numbers of potential refugees are received at any one time. The system should also have allowed for the transfer of beneficiaries between EU Member States, based on a voluntary offer from a Member State and on the consent of the transferee. But this Directive has never been used, and remains a dead letter for Member States so far.

[11] The "European Refugee Fund", together with the "External Border Fund", the "European Return Fund" and the "European Integration Fund", is part of the general programme entitled "Solidarity and Management of Migration Flows", which between 2007 and 2013 allocated almost 4 billion euros to ensuring the fair sharing of responsibilities between EU countries for the financial burden that arises from the integrat-

3. The upsurge of centrifugal forces in the MAM policy fields

The cooperation on mobility, migration and asylum described above was made possible by a relatively homogeneous club of European destination countries and a relatively stable neighbourhood surrounding European borders.

With the Southern enlargement in the mid-1980s, a fast economic catch-up on the part of the new acceding countries even marked a decrease in the migratory pressure on other EU Member States. As from the 1990s, however, all Southern European countries turned into net immigration receivers, and this transition was critical in enhancing the perception of a strategic convergence of interests among Member States to strengthen external migration controls.

The global economic crisis, which affected in particular those EU Member States which were counting on large-scale inflows of low-skilled and low-paid labour migration, such as the Mediterranean countries, together with the growing political instability at the Southern external borders which resulted from the tormented transitions to democracy taking place in North Africa, changed the structural and economic conditions of migration and mobility.

In this context, structural limits on cooperation on migration and asylum became more and more evident, and even the mobility of EU citizens became a controversial issue.

3.1. Questioning mobility rights

The 2013 European Year of Citizens was profoundly marked by escalating attacks against one of the EU's major achievements for EU citizens: freedom of movement. Despite strong evidence against the idea that mobile EU citizens represent a burden on the welfare sys-

ed management of the Union's external borders and from the implementation of common asylum and immigration policies. See the European Commission website: *Migration, Asylum and Borders*, updated 19 March 2014, http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders.

tems of host Member States, the debate on free movement was twisted by some national leaders and exacerbated by the expiry on 1 January 2014 of restrictions still imposed by some Member States on the mobility of citizens from Bulgaria and Romania.

In April 2013, with a joint letter to the Irish presidency of the Union, four Ministers - representing Austria, Germany, the Netherlands and the United Kingdom - underlined the need to protect freedom of movement against abuse, in particular where it strains social systems, and, consequently, requested the adoption of new restrictive and punitive measures.

In December 2013, the UK (Prime Minister David Cameron and the ruling Conservative party) went so far as to announce its intention to prevent non-British citizens from having access to social benefits and to block tax credits for the first five years of residence, or to link free movement to minimum income thresholds. Plans were also announced to cap the number of "EU migrants" entering the country to 75,000 per year "to protect low-skilled UK workers from foreign competition and to stop social welfare abuse by EU migrants".[12] In addition, it should be stressed that the restrictions could entail revising the EU Treaties and associated fundamental rules on the free movement of people so as to introduce transitional controls based on economic criteria for new countries that join the EU in the future.

The quarrel between these Member States, the UK in the first place, and the European Commission and Parliament has been growing. The European institutions recalled that safeguards against so-called benefit tourism are already foreseen by current EU legislation, and that any changes on access to benefits would first have to be proposed by the Commission and would now need to be supported by a qualified majority of Member States as well as by the Parliament. Moreover, a study for the Commission produced evidence that EU citizens move from one Member State to another overwhelmingly for work reasons and not to claim welfare, and that "EU migrants" tend to pay more in tax and social security to the welfare system of the host country than they receive in benefits, meaning that so-called "benefit tourism" is neither widespread nor systematic.[13] The study also

[12] Nikolaj Nielsen, "Mooted UK migrant cap would be 'illegal'", in *EUobserver*, 16 December 2013, http://euobserver.com/justice/122491.

[13] ICF GHK and Milieu Ltd., *A fact finding analysis on the impact on the Member States' social security systems*

shows that migrant flows change according to the economic well-being of a country: Spain and Ireland have seen a decline in intra-EU inward migration, whereas flows to Austria, Denmark and Germany have increased.

Questioning the mobility rights of EU citizens - thus challenging the core of European integration - has moved up the political agenda, together with general anti-immigrant sentiment in the EU.[14]

Romania and Bulgaria's full accession to the Schengen Area has also been strongly opposed by the Franco-German duo, as well as the Netherlands, although Schengen accession will not "open" Western Europe's borders to Bulgarians and Romanians, who have been free to travel to the Schengen space since 2002 when visa obligations were lifted, nor will it affect movement to the West by the Roma population of these two countries.

The upsurge of such centrifugal forces undermining the core of EU mobility rights culminated with the decision taken by Switzerland in a referendum held on 9 February 2014 to reintroduce immigration quotas with the EU.[15] The results of this popular consultation, which reflected in particular concerns about competition between the local and Italian workforces, risk triggering a ripple effect across Europe.

---

of the entitlements of non-active intra-EU migrants to special non-contributory cash benefits and healthcare granted on the basis of residence, October 2013, http://bookshop.europa.eu/en/-pbKE0413060.

[14] Recent polls have revealed widespread fears: 64% of British citizens, 63% of French citizens and 58% of German citizens disapprove of Romanian and Bulgarian citizens having the full right to work in any other EU Member State. Such percentages further increased when respondents were asked if they would approve of restricting rights to benefits for citizens from other EU Member States: 83% in Britain, 73% in Germany and 72% in France are in favour of such restrictions. See Financial Times/Harris Polls, *A729 - FT Immigration*, October 2013, http://media.ft.com/cms/8caa41b8-383e-11e3-8668-00144feab7de.pdf.

[15] Although Switzerland is not an EU Member State, its immigration policy is based on free movement of citizens to and from the EU, with some exceptions, as well as on allowing in a restricted number of non-EU citizens. This agreement on the free movement of people, which came into force 12 years ago, was signed as part of a package of agreements with the EU.

3.2. The emergence of structural limits to European cooperation on migration

Although the regulation of legal migration for economic purposes was explicitly inserted among EU competencies with the Treaty of Amsterdam (1999), the repeated attempts by the European Commission to initiate a harmonization or at least a coordination process in this field have met overall with disappointing results due to persistent opposition and scepticism from the capitals of the Member States. The proposal of Commissioner Antonio Vitorino in 2001 for the establishment of common rules regarding the admission of third-country nationals for work and self-employment purposes[16] was abruptly rejected by Member States, and a sectorial approach was followed thereafter on the basis of the Commission's Green Paper on economic migration[17] and Policy Plan on legal migration,[18] this latter providing for the adoption of five legislative proposals, addressing specific categories of migrant workers. Since then, several regulations and directives have tackled important sectors of legal migration, such as family reunification[19] or the status of long-term residents.[20] If Member States agreed on common rules targeting specific categories of third-country national workers,[21] they have never been keen to adopt common comprehensive rules regarding the admission of migrants for labour purposes, which remains essentially determined at national level.

Progress in the harmonisation of legislative and operational action at EU level has primarily been focused on security-related issues. Border management, visa policy, irregular

[16] European Commission, *Proposal for a directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities* (COM(2001)386), 11 July 2001, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52001PC0386.

[17] European Commission, *Green Paper on an EU approach to managing economic migration* (COM(2004)811), 11 January 2005, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex-:52004DC0811.

[18] European Commission, *Policy plan on legal migration* (COM(2005)669), 21 December 2005, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52005DC0669.

[19] Council Directive 2003/86/EC of 22 September 2003.

[20] Council Directive 2003/109/EC of 25 November 2003.

[21] Cf. Council Directives 2004/114/EC of 13 December 2004, 2005/71/EC of 12 October 2005, and 2009/50/EC of 25 May 2009; cf. also the Directive 2014/36/EU of 26 February 2014, and the Commission *Proposal for a directive on conditions of entry and residence of third-country nationals* (COM(2010)378), on which final negotiations are still, however, on-going.

migration and readmission agreements have taken precedence in the joint actions of Member States.

At the end of 2010, the "fight against illegal immigration" across the Mediterranean seemed to be close to a successful conclusion, and landings on the Southern coasts of Europe were reduced to a few hundred. This migration control regime was based on bilateral activism on the part of coastal states, but it rested on brittle foundations, as it was based on agreements with the autocrats in power on the other shore, and was ultimately conditional upon their readiness and capacity to impose exit controls and to enforce the systematic readmission of both their own people and transit migrants, who mostly originated from poor and diplomatically weak countries of origin.

The EU integrated border control system was therefore strongly and directly affected by the fall of the North African regimes. The collapse of exit restrictions in Southern Tunisia in the early phase of the "Jasmine revolution" is the clearest example.

Both regular and irregular emigration from Tunisia and Libya has substantially increased since 2011, not to consider the war exodus from Libya to neighbouring North African countries.

Strong media messages and a public perception of mass inflows were followed by the precarious reintroduction of cooperation with the new post-revolutionary authorities, which was principally based on the reactivation of bilateral negotiations by Italy with the marginal support of the EU institutions. The failure of the transitions in Egypt and Libya led to a reduction of the control capacities of the weak new governments and the reactivation of smuggling and irregular migration networks and flows.

Moreover, the crisis and declining labour demand reduced the attractiveness of Italy and other Southern European countries as destination countries for such flows. As a consequence, transit flows from Southern to Continental and Northern Europe were reactivated, with growing tension around the issue of so-called "secondary movements" between Southern and other Member States.

The interpretation of the Schengen provisions and the balance between free circulation and border controls within the common space became an issue between the Commission and some Member States. Until recently, Schengen was unanimously praised as a European success story. However, the arrival in Lampedusa in spring 2011 of some 20,000 Tunisians fleeing their country shook the system to its foundation.[22]

These developments called into question the core of European cooperation on migration, namely the Schengen *acquis*. In this context, it is also worth mentioning the potential derogations to another branch of the EU *acquis* on migration, namely the common visa policy. As described in Chapter 1, visa policy was among the earliest and most successful areas of coordination among Member States. Despite such coordination, differences in the granting of visas by Member States remain relevant,[23] and have an impact on migration

[22] As the migrants wanted to go to France, and Rome was not willing to let them stay in Italy, the Italian authorities granted six-month residence permits allowing them to move across the entire Schengen area. On 17 April, the French authorities blocked every train from the Italian town of Vintimille to France, causing tensions between Rome and Paris. Berlusconi and Sarkozy eventually reached an agreement, and on 26 April sent a letter to the European Commission calling for a reform of the procedure to reintroduce border controls in extraordinary circumstances. The European Commission presented its proposals on 16 September, saying that the decision to reintroduce border controls should be taken at the European level following a proposal from the Commission, and stressing that a unilateral reintroduction should only be admissible in case of emergency and for no more than five days, with the EU being competent to authorize any extension. In the Commission's view, reintroducing internal border checks should remain a last resort solution when no other measure had proved able to mitigate the threats identified, and a threat to national security or public order should remain the sole grounds for such a measure. Nevertheless, keen to reap the benefits in terms of domestic popularity, in May that same year the Danish Government unilaterally reintroduced border controls with Germany and Sweden, with a move deemed, again, unjustified by the Commission. Emily Delcher, *Freedom of movement and the Schengen*, Reykjavík, Icelandic Human Rights Centre, July 2013, http://www.humanrights.is/human-rights-and-iceland/the-notion-of-human-rights/freedom-of-movement-and-schengen.

[23] Recent studies show that each major Member State maintains a distinctive pattern of short-term visa supply, significantly moulded by geopolitical, economic and historical legacies. Moreover, the decision to grant, or deny, a short-term visa is largely left by international law to the discretion of states and bureaucrats. See Claudia Finotelli and Giuseppe Sciortino, "Through the Gates of the Fortress: European Visa Policies and the Limits of Immigration Control", in *Perspectives on European Politics and Society*, Vol. 14, No. 1 (2013), p. 80-101. Infantino and Zampagni have also illustrated, through in-depth fieldwork, that the expanding trend to outsource specific steps of visa procedures to private service providers implies a high degree of differentiation in practice between different embassies, even of the same state. See Federica Infantino, "La frontière au guichet. Politiques et pratiques des visas Schengen à l'Ambassade et au Consulat d'Italie au Maroc", in *Champ pénal/Penal field*, Vol. 7 (2010), http://champpenal.revues.org/7864; Francesca Zampagni, "A Visa for Schengen's Europe: Consular practices and regular migration from Senegal to

movements, as third-country nationals can freely circulate and, under certain conditions, work in a different Member State from that which issued the visa. The German visa scandal of 2000-2005 was emblematic in this respect,[24] as was, more recently, the introduction by the Commission of a safeguard clause to permit the temporary reintroduction of a visa requirement for citizens of certain third countries.[25]

3.3. Formal and substantial burden-sharing in the management of mixed flows

Advances in EU policies on immigration and asylum were often in the past propelled by tragic events or emergency situations. After five people were killed in September 2005 during a mass attempt by migrants to get into the Spanish enclave of Ceuta in North Africa, a wave of policy activism was triggered which led to the first Euro-African Conference on Migration and Development, held in Rabat in July 2006,[26] and to the adoption and

Italy", in *CARIM Analytic and Synthetic Notes*, No. 2011/59 (July 2011), http://hdl.handle.net/1814/18485.

[24] In 2000, the German Ministry of Foreign Affairs issued the so-called "Volmer Directive", which shifted the burden of proof from the applicant to the embassy, with the result that embassy workers were obliged, when in doubt, to decide in favour of issuing a visa to the applicant. The change had powerful consequences, with the German Embassy in Kiev processing nearly 300,000 applications for short-term visas in 2001 alone. The German decision had Europe-wide consequences: following the Volmer Directive, large numbers of Eastern Europeans, most notably Ukrainians and Moldovans, reached the irregular labour market of Southern European Member States, from which they had previously been almost absent. The German opposition called for the Foreign Minister of the time, Joschka Fischer, to resign, and the European Commission carried out an official review of German visa policy. See Claudia Finotelli and Giuseppe Sciortino, "Through the Gates of the Fortress…", cit., p. 90.

[25] Following visa liberalisation for citizens of Serbia, Macedonia and Montenegro as from December 2009, and of Albania and Bosnia-Herzegovina as from December 2010, asylum-seekers from these countries represented between 10% and 21% of the total of asylum claims in the EU in last 5 years. The number of asylum-seekers rapidly increased, in particular those seeking asylum in Germany, Sweden and Luxembourg. Noting that most applications for international protection by Western Balkan citizens enjoying visa-free travel were declared manifestly unfounded, in May 2011 the European Commission proposed the introduction of a safeguard clause to permit the temporary reintroduction of the visa requirement for citizens of certain third countries. See European Commission, *Cecilia Malmström on the adoption of a visa waiver suspension mechanism* (Memo/13/784), 12 September 2013, http://europa.eu/rapid/press-release_MEMO-13-784_en.htm.

[26] Ministers from more than 50 countries of origin, transit and destination met for the first time in order to respond to the questions raised by the complex challenges of migration, and agreed on the need to adopt a "balanced approach to migration issues in a spirit of shared responsibilities" and to create a framework for dialogue and consultation within which concrete initiatives would be implemented, such

subsequent reinforcement of the Global Approach to Migration and Mobility.[27]

On 3 October 2013, a boat carrying around 500 migrants sank off the coast of Lampedusa. The loss of human lives triggered a strong call for action from both European institutions and Member States. A Commission-led Task Force for the Mediterranean (TFM) was set up with the aim of preventing migrants from undertaking dangerous journeys to the shores of the European Union, and of implementing actions, also in cooperation with third countries, such as regional protection, resettlement and reinforced legal avenues to Europe, the fight against trafficking, smuggling and organised crime, reinforced border surveillance, contributing to the protection and saving of lives of migrants in the Mediterranean, and assistance and solidarity with Member States dealing with high migration pressure.[28] This was to be supported by information-sharing on the situation in the Mediterranean through the European Border Surveillance System (EUROSUR), which became operational on 2 December 2013.

In addition, the European Parliament adopted a forward-looking resolution on migratory flows in the Mediterranean which called for a coordinated approach based on solidarity and responsibility, with the support of common instruments, and which stressed the importance of creating legal entry channels into the EU as a necessary alternative to dangerous irregular entry, which could entail the risk of human trafficking and the loss of human lives.[29]

The Italian Interior Minister and Deputy Prime Minister Angelino Alfano said he hoped that "divine providence has led to this tragedy so that Europe will open its eyes". He also called

---

as preventing and reducing illegal migration, tackling root causes, improving the organisation of legal migration, and promoting the connections between migration and development. See *Introduction to the Rabat Process*, http://www.processusderabat.net/web/index.php/process.

[27] European Commission, *On migration* (COM(2011)248), 4 May 2011, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52011DC0248; *The Global Approach to Migration and Mobility* (COM(2011)743), 18 November 2011, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52011DC0743.

[28] European Commission, *On the work of the Task Force Mediterranean* (COM(2013)869), 4 December 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013DC0869.

[29] European Parliament, *Resolution on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa* (P7_TA(2013)0448), 23 October 2013, http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2013-448.

for urgent changes to the Dublin Regulation, since it demanded "much too much" from those Mediterranean countries where refugees first set foot on European soil".[30] Martin Schulz, President of the European Parliament, also called for a more balanced distribution of responsibilities, and characterized the refugee issue as a "problem for all EU Member States". President Schulz argued that Italy should not be left alone with the task of coping with the massive influx of people from Africa and Asia, as "[i]t is a question of solidarity within the Member States of the EU as well as a question of responsibility towards refugees. [...] Italy's frontier towards the South is also every other Member State's problem. We have a common challenge and responsibility".[31]

The revised Dublin Regulation, which entered into force in January 2014, introduced some exceptions to the transfer of asylum-seekers to the Member State of first destination, such as when the person has family already residing in another Member State, or is in a particularly vulnerable situation, or even where there is a risk that the person will be subjected to inhuman and degrading treatment. Incidentally, one could say that this last exception might entail a downward pressure on the reception systems of peripheral countries, which do not in any case have an incentive to improve their currently often deficient standards in the treatment of asylum-seekers.

The new Regulation also provides enhanced safeguards for asylum-seekers and a new surveillance system, the so-called "early warning mechanism", to detect problems and get help from the Commission and the EASO (European Asylum Office) in Malta. The aim is to prevent situations such as in Greece, where the asylum system completely collapsed.[32] Moreover, the EASO has been reinforced and given greater financial resources to ensure "practical cooperation" in supporting the asylum system of the Union, setting common high standards and encouraging greater co-operation to ensure that asylum-seekers are treated equally in an open and fair system, to whichever Member State they might apply.

[30] Walter Mayr and Maximilian Popp, "Lampedusa Tragedy: Deaths Prompt Calls to Amend Asylum Rules", in *Spiegel Online International*, 7 October 2013, http://spon.de/ad3aX.

[31] European Parliament, *Schulz on the tragedy in Lampedusa*, 3 October 2013, http://www.europarl.europa.eu/the-president/en/press/press_release_speeches/press_release/2013/2013-october/html/schulz-on-the-tragedy-in-lampedusa.

[32] All transfers to Greece have in fact been halted for two years, after the ruling of the Court of Justice in case C-4/11, *Bundesrepublik Deutschland v Kaveh Puid*, 14 November 2013, http://curia.europa.eu/juris/liste.jsf?num=C-4/11.

Despite this revision of the current legislation and some efforts to reinforce practical co-operation in response to peripheral states' insistence on enhancing burden-sharing as regards asylum, the funding principles of the asylum system have remained the same, and the management of mixed flows remains the main challenge for the European Union in the fields of MAM, as we will observe below.

At the meeting of the European Council of 24-25 October 2013, EU leaders did not commit to any action, and decided to "return to asylum and migration issues in a broader and longer term policy perspective in June 2014, when strategic guidelines for further legislative and operational planning in the area of freedom, security and justice will be defined".[33] They therefore decided to postpone any further action or decision until after the May 2014 European Parliament elections. They affirmed that "determined action should be taken in order to prevent the loss of lives at sea", according to the "imperative of prevention and protection and guided by the principle of solidarity and fair sharing of responsibility", but no further concrete proposal followed this statement, and no indication was given as to how the solidarity principle, which is clearly set out in the Lisbon Treaty (Article 80 TFEU), should be implemented.[34]

4. Challenges ahead and potential governance implications

With very contentious European elections in sight, together with a complete overhaul of leading roles, and the on-going economic instability still not resolved, the EU is certainly navigating in very uncertain waters. The political and institutional future of the MAM policy cluster is of course intrinsically linked to, and strongly affected by, developments on broader political, institutional and economic levels. Any prediction would thus necessarily be highly biased and subjective, but it is nevertheless possible to sketch, for each of the

[33] European Council, *Conclusions of the European Council 24-25 October 2013* (EUCO 169/13), 25 October 2013, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/139197.pdf.

[34] Article 80 TFEU reads as follows: "The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle".

three policy fields, some scenarios oscillating between a prevalence of the centrifugal forces which have gained momentum, albeit in different forms, over recent years, a renewed increase in the strength of centripetal dynamics, and more nuanced scenarios of continuity, where the incapacity of either integrationist or renationalising forces to prevail leads to *de facto* policy stagnation.

4.1. Free movement: a "hub and spoke" scenario?[35]

Mobility of EU citizens is a fully integrated field of policy at the EU level. A successful defence of this *acquis* seems to represent the most optimistic scenario that is currently possible. Unconditional advocates of unrestricted intra-EU mobility promote this as a device for macro-economic rebalancing in an EU which looks increasingly polarized from a socio-economic point of view. According to such arguments, labour mobility is an opportunity for individuals, despite issues such as the over-qualification of young mobile workers, which are likely to be temporary. Such commentators propose the use of incentives to encourage people to move and to reinforce the role of public policies, both at EU and national levels, in order to address potential costs and optimise a better allocation of human resources.[36]

More moderate supporters of freedom of movement point out the potential negative backlashes of too much crisis-driven mobility in terms of brain drain and human resources impoverishment. Such positions also consider the risks of an enhanced mobility which could hamper the long-term chances of recovery of the countries which are now worst hit and which generate the largest intra-EU flows, particularly of youth mobility.

The initiatives taken during the last few years by the European Commission to boost transnational labour mobility aim at compensating the risk of economically-forced mobility,

[35] Drawing from the analytical framework proposed by Tocci and Faleg, three ideal types of non-uniform method of European integration are described: concentric circles, multiple clusters and hub-and-spoke. The hub-and-spoke version of the EU allows for the possibility, not foreseen in other scenarios, of disintegration, with some Member States opting out of specific policy areas. See Tocci and Giovanni Faleg, "Towards a More United and Effective Europe: A Framework for Analysis", cit.

[36] Yves Pascouau, "Intra-EU mobility: the 'second building block' of EU labour migration policy", in *EPC Issue Papers*, No. 74 (May 2013), http://www.epc.eu/pub_details.php?pub_id=3500.

focusing in particular on incentives to youth employment.[37]

On the occasion of the 2013 Demography Forum entitled "Investing in Europe's demographic future", László Andor, European Commissioner responsible for Employment, Social Affairs and Inclusion, stated as follows: "Intra EU mobility can in economic terms be a response to imbalances. But in demographic terms it could lead to imbalances and serious tensions. Many regions risk being caught in a downward spiral where population loss and ageing can aggravate the infrastructure gap with more developed regions; this in turn motivates young adults to leave. [...] EU cohesion policy should be used to help addressing this situation through investment".[38]

The Commission proposes an intermediate way, and sets out a strategy of concrete support to local communities and institutions, which can bear in practice the cost of the possible negative consequences of mobility. On 25 November 2013, it adopted a communication entitled *Free movement of EU citizens and their families*,[39] in which it set out the following five concrete actions to help national and local authorities effectively to apply EU free movement rules and to use available funds on the ground: fighting marriages of convenience; helping authorities to apply EU social security coordination rules; helping authorities to meet social inclusion challenges; promoting the exchange of best practices; and helping local authorities to apply EU free movement rules on the ground.

Nevertheless, as recently demonstrated by the Swiss vote and by the British Prime Minister David Cameron's talk about a renegotiation of British membership of the EU, with the possibility of "repatriating" some competences back to London, bleak and regressive scenarios are still likely, with the risk of a domino effect, disaggregating the very core of

---

[37] 2012 Employment Package and Youth Mobility Package 2013 Programme for Social Change and Innovation. cfr. in particular: European Commission, *Towards a job-rich recovery* (COM(2012)173), 18 April 2012, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52012DC0173; *Working together for Europe's young people. A call to action on youth unemployment* (COM(2013)447), 19 June 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013DC0447.

[38] European Commission, *Investing in Europe's people is key to restoring prosperity* (Speech/13/385), 6 May 2013, http://europa.eu/rapid/press-release_SPEECH-13-385_en.htm.

[39] European Commission, *Free movement of EU citizens and their families: Five actions to make a difference* (COM(2013)837), 25 November 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013DC0837.

mobility rights.

A sort of "hub-and-spoke" future scenario could therefore be envisaged, with some Member States opting out of EU core mobility rights and the persistence of a narrow, still integrated, although restricted, core of Member States defending free movement as an indivisible *acquis*.

A more extreme disaggregating scenario could entail a process of hollowing free movement rights via clauses, derogations and caps, such as a re-entry ban on EU citizens returning from another EU Member State. Major prolongations of transition periods for access to full mobility, or even a structural change of approach, with non-full membership the only possibility in the future, could represent other components of broader re-nationalisation scenarios based on reinforcement of the discretionary power of the gate-keepers.[40]

Indeed, the introduction of a cap on the number of EU citizens entitled to move to other Member States could only happen through the re-negotiation of the EU Treaties, while the reduction of social benefit rights would imply a modification of EU rules in accordance with the co-decision procedure. In this case, the European Parliament would be a major obstacle, and there is no agreement for revision in the Council.

If such regressive scenarios should occur, the restructuring of the internal market as being in goods and services only would bring the risk of a further collapse of legitimacy among citizens of the more peripheral Member States. In addition, there is the opposite risk of the EU surrendering to the trend to polarization and imposing the whole burden of absorbing the asymmetric shock of the crisis onto the citizens of the economically weaker Member States by requiring them to migrate elsewhere.

On the other hand, it might be possible to promote the continued and unwavering defence of the right of persons freely to circulate within the EU, refining and reinforcing long-term strategies for maximising the positive effects of mobility - especially that of young people - in terms of cultural and economic dynamism, while remaining vigilant against,

[40] Montenegro is conducting accession negotiations, while Serbia opened negotiations on 21 January 2014 and other Western Balkans countries will follow, not to speak of Turkey.

and reducing, the possible negative repercussions.

4.2. Governance implications of a more effective policy on mixed flows

The apparent convergence of EU Member States which led to the common asylum policy based on the imposed paradigm of burden-sharing, as described above in section 1.3, showed its limits in October 2013, in the wake of the tragic incidents in the waters off the Italian island of Lampedusa, in which hundreds of human beings died trying to reach EU soil.

The issue of a more effective protection system has returned dramatically to the forefront in recent months, and a growing polarisation within Europe with respect to the governance of mixed flows divides Northern and Continental EU Member States from Southern and South-Eastern EU Member States, "core countries" (in geographical terms) from countries situated along common external borders, especially maritime ones.

Faced with the lack of legal channels of entry and the absence of off-shore procedures to ask for protection, the pressure on the irregular channels of entry, themselves limited in number due to the effective closure of other routes, has increased.[41] Although in merely quantitative terms the volume of arrivals on the Southern Mediterranean coast is relatively small, the arrivals coming, more silently, from land are especially sensitive and of a more and more complex and mixed nature: economic migrants together with refugees, adults and minors, women and children seeking better conditions of life, and victims of trafficking. Such diverse groups of people call for differentiated treatment, which seems to be as necessary as it is difficult and expensive to carry out.

The crucial challenge ahead, which requires the combination of search and rescue activities with the fight against trafficking of human beings and the protection of vulnerable categories of migrants, is clearly one which does not have an easy and wide-ranging convergence of interests and political will between Member States. As such, on paper at least, it calls for new strategic alliances among the "border states" by which the burden of

---

[41] For the origins of this trend, see Ferruccio Pastore, Paola Monzini and Giuseppe Sciortino, "Schengen's Soft Underbelly? Irregular Migration and Human Smuggling across Land and Sea Borders to Italy", in *International Migration*, Vol. 44, No. 4 (October 2006), p. 95-119.

the management of such mixed flows is mainly borne. In practice, however, coalitions of peripheral states aimed at obtaining more from the EU and other Member States in terms of resources are hampered by the deep differentiation of migratory situations and, therefore, short-term interests, which makes any formal reinforced cooperation very unlikely.

The geography and geopolitics of irregular migration, and of mixed flows in particular, is highly fragmented. Contrary to the situation a decade ago, when accessible sea routes to the EU were still manifold, successful EU-wide and bilateral actions have effectively curtailed a number of access routes, the most evident case being the crossing from West Africa to the Canary Islands.[42] In this changing context, the so-called Central Mediterranean route(s), with departure from between Western Egypt and Tunisia and arrival in Malta, Calabria, Sicily or the Sicilian archipelago of the Pelagie Islands (Lampedusa and Linosa being the main ones), stands out as the main if not only access channel. This *de facto* sets apart Italy and Malta as actual destinations and as border states with practical (as opposed to only theoretical) responsibilities for everyday management of mixed arrivals and for search and rescue activities.

In such a context, the political viability and the prospects of success of a strategy aimed at building reinforced cooperation between Member States sharing the same short-term concerns are low. Therefore, any successful EU policy should be framed in a longer-term perspective, based on a deeper understanding of interdependencies among Member States. At present, the risk of a vicious circle in which limited solidarity calls for limited engagement in border control and protection activities (and vice versa) is concrete.

The logic behind the extraordinary effort made by Italy with the deployment of the Mare Nostrum operation goes exactly in the opposite direction, namely that of investing more in controls and protection in order to gain credibility and put pressure on Brussels and other capitals, from which more solidarity is requested. It is evident, however, that such an extraordinary effort can only be sustained for a limited period both politically and economically speaking.

---

[42] Ibidem.

A specifically worrying sign is the lack of political solidarity shown by Spain towards Italy: the Spanish authorities have sent signals showing a lack of support for highly-demanding initiatives such as Mare Nostrum, on the basis of the argument that this would represent a pull factor: in other words, reducing the risk of shipwrecks and deaths at sea would *de facto* create an incentive for migrants.

In the short- to medium-term, a more realistic - even though by no means smooth or probable - scenario entails the launch of small bilateral or multilateral *ad hoc* cooperation projects among coastal or island states, inside or outside the framework of a Frontex operation, aimed at pursuing specific and limited technical goals (e.g. developing new surveillance technologies, or starting pilot projects in transit countries), including through the use of the resources of the new Asylum, Migration and Integration Fund (AMIF). It is clear, however, that such *ad hoc* micro-coalitions will not be decisive. More fundamental responses to the challenges ahead can only come from wider cooperation schemes, which can only be based on a longer-term perspective and a deeper understanding of interdependencies, including the negative backlashes of a denial of solidarity.

For all these reasons, the Italian presidency of the Council of the European Union in the second half of 2014 could have a decisive role in better applying the principle of solidarity, in rendering more effective both the Union's reception policies and its external border control measures, and in trying to build new coalitions with these aims.

The Italian presidency occurs at a moment of new agenda-setting in the Justice and Home Affairs field destined to replace the Stockholm Plan that expires at the end of 2014,[43] and will have a decisive role in ensuring a follow-up to the conclusions of the June

[43] Published on 11 March 2014, the Commission communication entitled *An open and secure Europe: making it happen* (COM(2014)154) refers to the integrated management of the external borders and calls for the adoption of new rules on the mutual recognition of asylum decisions across Member States and the development of a framework for the transfer of protection to reduce obstacles to movement within the EU and to facilitate the transfer of protection-related benefits across internal borders. More concretely, promoting high standards of protection in countries of transit and origin and reducing the numbers of people who make hazardous journeys across the Sahara, the Mediterranean and other routes in the hope of reaching Europe should, in the Commission's view, be stepped up as an integral part of the EU's external policies, *inter alia* through the reinforcement of Regional Protection Programmes (RPP) and resettlement programmes.

2014 European Council, which will discuss the new work programme in matters of justice, security, asylum and immigration. This responsibility can and must also be interpreted as an opportunity, especially for a country that, from various points of view (as a custodian of a delicate segment of the common external border, a recent destination for massive migration flows, and a significant source of youth mobility), is directly affected by the EU's decisions (or a lack thereof) in this area.

At a stage at which several of Italy's long-term interests coincide significantly with major strategic lines of action espoused by the European institutions, and especially the Commission, some of the most prominent priorities to be proposed could include the pursuit of efforts already under way towards ensuring more effective and sustainable European Union and Member State external border controls. This could particularly concern southern maritime actions, and should be carried out with full respect for fundamental rights. To that end, an exceptional and prolonged commitment to implementing the "Mediterraneo" Task Force recommendations (beyond the present emergency) needs to be made.[44]

The development of relocation procedures and joint processing schemes, together with procedures to enable asylum-seekers to lodge an application outside the Union through national embassies or consulates or EU delegations, as well as the creation of safe channels for legal entry into Europe, so called "humanitarian corridors", are also concrete options which could be promoted.

The success of negotiations on these issues will largely depend on the capacity to frame the need for a more effective policy on mixed flows not as a selfish request for financial relief and material support from a minority of Member States, but as a condition for the

[44] For an update of the Italian position on migration and Europe, see also: Italian Chamber of Deputies-Schengen Committee, *Audizione del Ministro dell'interno, on.Angelino Alfano, nelle materie di competenza del Comitato, con particolare riferimento alle politiche in materia di immigrazione*, 15 April 2014, http://documenti.camera.it/leg17/resoconti/commissioni/stenografici/html/30/audiz2/audizione/2014/04/15/indice_stenografico.0005.html; Chamber of Deputies, *Informativa urgente del Governo sulle dichiarazioni del Ministro dell'interno relative ad un ingente incremento del flusso di migranti e sulle misure che si intenda adottare per farvi fronte*, 16 April 2014, http://documenti.camera.it/leg17/resoconti/assemblea/html/sed0213/stenografico.pdf; Guido Ruotolo, "Il ministro Alfano 'L'Europa immobile aiuta la Le Pen'", in *La Stampa*, http://www.interno.gov.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2098_500_ministro/2014_04_17_La_Stampa.html_8783070.html.

effective management of such flows which cannot be achieved by a few Member States acting alone.

4.3. EU policy on labour migration: stagnation or breakthrough?

A polarisation between Southern and Continental EU Member states has occurred also with respect to priorities and interests on legal migration policies. As mentioned above, the highly uneven impact of the economic crisis has contributed to bringing immigration policies into different perspectives: the low-skilled labour migration needs of Southern States (but not only them) have been strongly downsized due to national labour shortages, whereas some Northern EU countries are experiencing a growing need for high- and medium-skilled labour migration.[45]

Given that, even at a time of greater convergence of interests around this issue, cooperation among EU member states led only to agreement on a limited and "piecemeal" approach to legal migration, as described at section 2.2, a fully-fledged labour migration policy is all the more unthinkable in the current economic situation.

In a policy cluster where progress is so gradual, slow and down-to-earth, and where achievements can be considered as minimum standards or minimum common denominators for national legislation, no possible pioneers' game changes or restarts, as for the asylum policy field, are even thinkable in a short- to medium-term time frame.

As Article 79 TFEU already shows, and moreover given the current economic circumstances, it is clear that no agreement on a genuinely transformative and coordinated admission policy, setting common and binding conditions for entry and residence in EU Member States for work purposes, will be found soon.

The new multiannual programme setting out EU priorities for the area of justice, freedom and security,[46] which will take place in a stable legislative framework as no further Treaty

---

[45] For an overview of the evolution of the governance of labour migration in the EU and its Member States since the beginning of the crisis, see the country reports and working papers available in the website of the FIERI-led project LAB-MIG-GOV: http://www.labmiggov.eu.

[46] European Commission, *An open and secure Europe: making it happen* (COM(2014)154), cit.

modifications are envisaged, does not contain any radically new proposals in this field.

On the other hand, in contrast to the field of mobility, no major sign of real disaggregation is looming on the horizon, although some regressive interventions can be envisaged: these could imply for instance the re-nationalisation of specific aspects of migration policy as a way to protect Continental core Member States from possible future unsolicited and large-scale South-North transit flows. Preventive and "defensive" harmonization trends could imply restrictions in Southern European admission policies, starting with a stop on "easy-going" large-scale admissions or a block on any regularization of low-skilled third-country nationals.

The more realistic scenario in the short- to medium-term is the accomplishment of the Policy Plan on Legal Migration, including of course its implementation at national level, in accordance with a down-to-earth and strictly functionalist approach. The latest step taken in this direction is the adoption by the Council on 26 February 2014 of the Directive 2014/36/EU on seasonal workers. Although limited harmonization has been achieved, minimum standards have been put in place as regards the rights of seasonal workers. This can be seen as an important sign at a time of economic crisis when national debates are rife with references to restricting migration and attacking the free movement of EU workers, and where populism has made legal migration an even more toxic issue in the public discourse.[47] With this piece of legal migration legislation adopted at EU level, and the Intra-Corporate Transferees Directive soon to follow, the policy plan on legal migration, as reshaped from the original ambitions of the early 2000s, could be considered to have been achieved.

To conclude, however, a more dynamic scenario should also at least be mentioned, even if it is conceivable only in a longer-term perspective. If the on-going trend towards greater coordination of Member States' economic policies continues, it will be difficult to exclude areas such as taxation and labour market policies from such coordination. In such a context, the volume and composition of legal migration - which is unanimously deemed a key factor in the future sustainability and competitiveness of European social and economic

[47] Alex Lazarowicz, "A success story for the EU and seasonal workers' rights without reinventing the wheel", in *EPC Policy Briefs*, 28 March 2014, http://www.epc.eu/pub_details.php?cat_id=3&pub_id=4309.

systems - might find itself at the core of a renewed and more strategic understanding of the common European interest.

5. Concluding remarks

In this paper we have explored "core-noncore" relationships in the three inter-connected policy fields of mobility, migration and asylum (MAM), which have evolved in autonomous ways, according to distinct logics but on the basis of some overarching structural tendencies.

While the mobility field has had a communitarian core from its origin, a convergence in migratory situations among Member States and a relative stability in the neighbourhood have allowed for the gradual construction of a limited migration core, as well as of a rather unstable asylum core.

We have then focused on some clearly emerging and largely inter-connected dynamics of crisis within the cores of each of these policy fields, and identified the centrifugal forces which risk jeopardising integration processes even beyond the boundaries of each specific policy field. The polarisation between Northern and Continental EU Member States on the one hand and Southern and South-Eastern EU Member States on the other, between "core countries" (in geographical terms) and countries situated along common external (especially maritime) borders, associated with the de-structuring of the European neighbourhood, have undermined the very foundations of cooperation and solidarity in the MAM fields. In particular, problems emerge especially in "grey areas" situated at the overlap of traditional policy fields: the management of mixed flows (an issue which stretches across the migration and asylum policy clusters) and of mobility of "poor Europeans" (another thorny issue, situated at the boundary between the migration and mobility clusters).

The crisis of trust occurs at two levels: firstly, between electorates and institutions, as the ineffective management of migration flows and poor mobile Europeans creates a sense of lack of control over these rights-based (i.e. non-discretionary) forms of migration. Secondly, at a higher and at least equally worrying level, a crisis of trust is unfolding among Member States, where the South-North gap overlaps with the core-periphery division.

The deficient and anachronistic design of the wider MAM policy fields contributes to explain the structural difficulties that the EU is finding in providing effective responses to such issues.

We have finally tried to outline possible future scenarios, according to the different responses of the various actors to the tension between centripetal and centrifugal dynamics.

The mobility of EU citizens is already a fully-integrated field of policy at the EU level, meaning that the maintenance of such an *acquis* is the most optimistic scenario which can currently be envisaged. However distant and legally problematic, options of opt-out from the freedom of movement, whether or not associated with threats of secession from the EU, undermine such a conservative perspective.

The governance of mixed flows is the probably the most demanding short-term challenge facing the European Union in the MAM policy fields. The risk of paralysis and lack of action, which would mean a *de facto* betrayal of promises of solidarity and burden-sharing as regards the asylum and protection system, stands out as a likely scenario as, at least in the short term, formal (or even informal but stable) reinforced cooperation among peripheral Member States aimed at upgrading the common asylum policy seems unlikely to occur. Micro-coalitions with possible European financial support could improve concrete situations and allow a marginally more efficient control and protection system, but the risks of mutual free-riding and retaliatory behaviour could also lead to an extreme scenario of exit from Schengen on the part of some Member States.

As far as the governance of labour migration is concerned, at one extreme of the spectrum of possible scenarios lies the stagnation of the current piecemeal approach, whereby the maintenance of a *de facto* intergovernmental method to decide on legal migration flows and labour migration policies constitutes the most likely scenario.

Although no regressive signs nor any major step forward are envisageable in the short term, in a longer perspective, a complete overhaul of European economic governance would necessarily include labour migration. In fact, although in extraordinary circum-

stances, this has been happening already: governments operating under the control of the "troika" have certainly not maintained full control of their domestic labour migration policies, which is also true of any other policy field structurally affecting the domestic economic outlook.

A jump ahead from the muddling through of the current migration governance could be brought about in the future by a substantial breakthrough in the economic governance of the EU or at least of the Eurozone. How this could happen, through which paths and with which outcomes: addressing these questions would require a visionary effort which clearly goes beyond the scope of this paper.

References

Books and articles

Richard Black et al. (eds.), *A Continent Moving West? EU Enlargement and Labour Migration from Central and Eastern Europe*, Amsterdam, Amsterdam University Press, 2019

Tito Boeri, "Nuove regole per gli immigrati", in *La Repubblica*, 7 January 2014, p. 1, http://didattica.unibocconi.it/mypage/dwload.php?nomefile=Repubblica_070120140127105852.PDF

Claudia Finotelli and Giuseppe Sciortino, "Through the Gates of the Fortress: European Visa Policies and the Limits of Immigration Control", in *Perspectives on European Politics and Society*, Vol. 14, No. 1 (2013), p. 80-101

Béla Galgoczi, Janine Leschke, Andrew Watt (eds.), *EU Labour Migration Since Enlargement. Trends, Impacts and Policies*, Farnham and Burlington, Ashgate, 2009

Andrew Geddes, *The Politics of Migration and Immigration in Europe*, London, Sage, 2003

Andrew Geddes and Christina Boswell, *Migration and Mobility in the European Union*, Basingstoke, Palgrave Macmillan, 2011

ICF GHK and Milieu Ltd., *A fact finding analysis on the impact on the Member States' social security systems of the entitlements of non-active intra-EU migrants to special non-contributory cash benefits and healthcare granted on the basis of residence*, October 2013, http://bookshop.europa.eu/en/-pbKE0413060

Federica Infantino, "La frontière au guichet. Politiques et pratiques des visas Schengen à l'Ambassade et au Consulat d'Italie au Maroc", in *Champ pénal/Penal field*, Vol. 7 (2010), http://champpenal.revues.org/7864

Elena Jurado and Grete Brochmann (eds.), *Europe's Immigration Challenge: Reconciling Work, Welfare and Mobility*, London and New York, I.B.Tauris, 2013

Jobst Koehler et al., "Migration and the Economic Crisis in the European Union: Implications for Policy", in *IOM Thematic Studies*, 2010, http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=611

Alex Lazarowicz, "A success story for the EU and seasonal workers' rights without reinventing the wheel", in *EPC Policy Briefs*, 28 March 2014, http://www.epc.eu/pub_details.php?cat_id=3&pub_id=4309

Walter Mayr and Maximilian Popp, "Lampedusa Tragedy: Deaths Prompt Calls to Amend Asylum Rules", in *Spiegel Online International*, 7 October 2013, http://spon.de/ad3aX

Nikolaj Nielsen, "Mooted UK migrant cap would be 'illegal'", in *EUobserver*, 16 December 2013, http://euobserver.com/justice/122491

Marek Okólski (ed.), *European Immigrations. Trends, Structures and Policy Implications*, Amsterdam, Amsterdam University Press, 2012, http://www.oapen.org/search?identifier=426531

Yves Pascouau, "Intra-EU mobility: the 'second building block' of EU labour migration policy", in *EPC Issue Papers*, No. 74 (May 2013), http://www.epc.eu/pub_details.php?pub_id=3500

Yves Pascouau, *La politique migratoire de l'Union européenne. De Schengen à Lisbonne*, Clermont-Ferrand, Fondation Varenne, 2010

Ferruccio Pastore, "Europe", in John Nieuwenhuysen, Howard Duncan and Stine Neerup (eds.), *International Migration in Uncertain Times*, Montréal, McGill-Queen's University Press, 2012, p. 129-151

Ferruccio Pastore, "Visas, Borders, Immigration: Formation, Structure, and Current Evolution of the EU Entry Control System", in Neil Walker (ed.), *Europe's Area of Freedom, Security, and Justice*, Oxford, Oxford University Press, 2004, p. 89-142

Ferruccio Pastore, Paola Monzini and Giuseppe Sciortino, “Schengen's Soft Underbelly? Irregular Migration and Human Smuggling across Land and Sea Borders to Italy”, in *International Migration*, Vol. 44, No. 4 (October 2006), p. 95-119

Guido Ruotolo, “Il ministro Alfano ‘L'Europa immobile aiuta la Le Pen'”, in *La Stampa*, http://www.interno.gov.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2098_500_ministro/2014_04_17_La_Stampa.html_8783070.html

Nathalie Tocci and Giovanni Faleg, “Towards a More United and Effective Europe: A Framework for Analysis”, in *Imagining Europe*, No. 1 (October 2013), http://www.iai.it/content.asp?langid=2&contentid=992

Anna Triandafyllidou and Ruby Gropas (eds.), *European Immigration. A Sourcebook*, 2nd ed., Farnham and Burlington, Ashgate, 2014

Francesca Zampagni, “A Visa for Schengen's Europe: Consular practices and regular migration from Senegal to Italy”, in *CARIM Analytic and Synthetic Notes*, No. 2011/59 (July 2011), http://hdl.handle.net/1814/18485

Official documents

Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:31964L0221

Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32001L0055

Directive 2003/86/EC of 22 September 2003 on the right to family reunification, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32003L0086

Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32003L0109

Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States…, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32004L0038

Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32004L0114

Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32005L0071

Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32009L0050

Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32011L0095

Directive 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32013L0032

Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex-:32013L0033

Directive 2014/36/EU of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32014L0036

European Commission, *Establishing a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013* (COM/2005/0123), 6 April 2005, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=ceelx:52005DC0123

European Commission, *Free movement of EU citizens and their families: Five actions to make a difference* (COM(2013)837), 25 November 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013DC0837

European Commission, *The Global Approach to Migration and Mobility* (COM(2011)743), 18 November 2011, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52011DC0743

European Commission, *Green Paper on an EU approach to managing economic migration* (COM(2004)811), 11 January 2005, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52004DC0811

European Commission, *On migration* (COM(2011)248), 4 May 2011, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52011DC0248

European Commission, *On the work of the Task Force Mediterranean* (COM(2013)869), 4 December 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013DC0869

European Commission, *An open and secure Europe: making it happen* (COM(2014)154), 11 March 2014, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52014DC0154

European Commission, *Policy Plan on Legal Migration* (COM(2005)669), 21 December 2005, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52005DC0669

European Commission, *Proposal for a Directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer* (COM(2010)378), 13 July 2010, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52010PC0378

European Commission, *Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities* (COM(2001)386), 11 July 2001, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52001PC0386

European Commission, *Towards a job-rich recovery* (COM(2012)173), 18 April 2012, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52012DC0173

European Commission, *Working together for Europe's young people. A call to action on youth unemployment* (COM(2013)447), 19 June 2013, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013DC0447

European Council, *Conclusions of the European Council 24-25 October 2013* (EUCO 169/13), 25 October 2013, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/139197.pdf

European Court of Justice, Case C-4/11, *Bundesrepublik Deutschland v Kaveh Puid*, 14 November 2013, http://curia.europa.eu/juris/liste.jsf?num=C-4/11

European Parliament, *Resolution on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa* (P7_TA(2013)0448), 23 October 2013, http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2013-448

Italian Chamber of Deputies-Schengen Committee, *Audizione del Ministro dell'interno, on.Angelino Alfano, nelle materie di competenza del Comitato, con particolare riferimento alle politiche in materia di immigrazione*, 15 April 2014, http://documenti.camera.it/leg17/resoconti/commissioni/stenografici/html/30/audiz2/audizione/2014/04/15/indice_stenografico.0005.html

Italian Chamber of Deputies, *Informativa urgente del Governo sulle dichiarazioni del Ministro dell'interno relative ad un ingente incremento del flusso di migranti e sulle misure che si intenda adottare per farvi fronte*, 16 April 2014, http://documenti.camera.it/leg17/resoconti/assemblea/html/sed0213/stenografico.pdf

The Schengen acquis. Convention implementing the Schengen Agreement of 14 June 1985…, 19 June 1990, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:42000A0922%2802%29

Imagining Europe

As the unprecedented financial crisis and ensuing economic recession push Europe to the brink, a critical question arises as to what the foreseeable trajectories for EU governance are in the decades ahead. The crisis has already accelerated EU policy and institutional evolution in key policy areas, but the integration project remains torn apart by centrifugal political and economic forces. The "Imagining Europe" series aims at delineating what kind of governance models the EU could head towards, and which of these models is best suited for the purpose of a more united, effective and legitimate EU. In particular, the research sheds light on the degree and nature of integration at the "core" of Europe and the relationship of that core with those member states (current and future) which opt to remain outside it. It does so by exploring five policy areas: fiscal and monetary policy, infrastructure and communications, security and defence, migration and citizenship, and energy and environment.