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The Fragility of Freedom of Movement

On the morning of 24 June 2016, millions of EU citizens woke up to the news that the rights they took for granted for their very livelihood were not nearly as enshrined as they had previously assumed. The Brexit vote threatened the residency rights of the 3 million EU citizens in Britain as well as the 1.3 million British citizens residing in other EU member states. The result also reverberated around the 16 million EU citizens who in 2016 resided in member states of which they were not citizens. Britain's decision to exit from the EU was born of a backlash against allegedly forced intra-EU migration, and it was assumed that the eventual Brexit to be pursued by the British government would involve a rejection of this aspect of European integration. Unfortunately for the British government, this aspect of European integration – freedom of movement – is one of the fundamental and inseparable four freedoms of the EU, and a rejection of any one of these meant a rejection of all four, and thus the all-important single market. Britain's opposition to freedom of movement in the EU therefore has made a hard Brexit all but inevitable, and this is an existential threat to those who have chosen to take advantage of this freedom.

Freedom of movement in its first iteration was introduced in 1957 when the treaty establishing the European Economic Community added a provision for the freedom of workers to move between member states. In 1992 the Maastricht Treaty, by introducing the legal concept of EU citizenship, converted the freedom from “workers” to “people”, meaning that – with certain restrictions – any citizen of an EU member state could move to any other member state, regardless of initial employment status. At around this time, hundreds of thousands of ageing British workers decided to retire in the south of Spain. In 2004 the accession of eight new member states from the less-developed former Soviet bloc (as well as Cyprus and Malta) meant that an extra 75 million people had been granted EU citizenship and therefore also had the right to freedom of movement. While most of the old member states enforced temporary restrictions on migration from the accession countries, Ireland, Sweden and the UK did not. In 2002 there were around 20,000 Polish citizens resident in the UK; in 2008, there were over 700,000. As long as the booming construction industry in London needed extra labourers, this was not an issue. However, once the financial crisis hit, these construction sites shut down, and suddenly this level of immigration was too much for the UK to bear.

While discussions in the media about freedom of movement usually focus on Eastern European economies, what is often lost is that every one of the over 500 million EU citizens can take advantage of it. Rights granted regarding this freedom do not only apply to the Slovakian man who just moved over with his family; they also apply to Geert Wilders, Marine Le Pen and, for a little while longer, Nigel Farage. It is an under-reported fact that freedom of movement is actually the EU's most popular achievement: a 2013 Eurobarometer survey ranked the freedom above both sustained peace in Europe and Erasmus student exchanges. Both of these are highly valued on the continent – over a quarter of a million people participate in the Erasmus programme every year. A 2010 Eurobarometer study reported that ten per cent of those surveyed had taken advantage of the freedom of movement, while 17% stated that they intended to do so. As well as being popular, studies show that freedom of movement has conferred many benefits. The OECD estimated in 2012 that free mobility of labour in the EU had yielded a six per cent reduction in unemployment across the territory. The European Commission has argued that freedom of movement rights granted to the citizens of accession countries in 2004 had by 2007 been responsible for a one per cent increase in the GDP of the old EU15.

The benefits of freedom of movement, however, are not nearly as publicised as the perceived costs. The EU's Social Security Coordination programme, established to aid those who moved between member states, was quickly hijacked by critics as a means for citizens from poorer member states to use freedom of movement to choose another member state to live in based purely on social security benefits in the destination country. Little evidence supports the argument of widespread "benefit tourism", yet it is still a staple trope of right-wing political parties and media across the continent. Similarly, no compelling evidence has emerged to support the familiar cry that immigrants take the jobs of domestic workers, thus increasing unemployment within the native-born population, or that immigrants from lower-wage countries drive down low-skilled wages in their destination country. When the financial crisis hit, the freedom of movement labour market reacted just as economic theory would have predicted: in 2008 the number of registered Polish workers in the Irish social security system dropped by 42%. In 2009, this figure dropped a further 60%. Workers from Lublin had no great desire to be poor in Dublin.

Despite this lack of damning evidence, intra-EU migrants benefitting from freedom of movement often find themselves portrayed as a cause of much of their host country's domestic woes. This was the case in the first half of 2016, when the 3 million EU citizens in the UK were the subject of intense debate in a referendum in which they themselves could not vote. People who had lived in the UK for decades were suddenly challenged with justifying their contribution to UK society, and following the Brexit vote, they were faced with the possibility of expulsion from a place where they had built a life.

Immigration has long been and likely always will be a source of great debate in political and media circles, particularly in the context of a referendum or general election; the Brexit vote was simply an extreme example of this. Immigrants are an often easily identifiable group within a country who do not – and are unlikely to ever – have the right to vote in referenda or national elections and are therefore open targets for politicians and right-wing media to criticise without retribution. For decades, EU citizens who moved to another member state have been granted special rights under freedom of movement and therefore have felt somewhat immune from the rise of anti-immigration parties within EU member states, as their rights were guaranteed by European treaties, in addition to the national legislation of their adopted member state. EU citizenship, and the resulting right of freedom of movement, is a right that has been taken for granted by millions of people all over the bloc, yet the Brexit debacle has exposed its fragility. For the 16 million EU citizens living in another member state, this was a wake-up call. To the 4.3 million of those people whose residency rights will be determined by the Brexit negotiations, it is probably already too late.

The EU has consistently argued that freedom of movement is fundamental to the successful functioning of the single market. To critics, however, it has always been unnecessary, merely a Trojan horse designed to further European integration. The nationalistic backlash, to a large extent caused by the Great Recession and resulting austerity measures, has shown that native populations do not distinguish between migrants from within the EU or without. In many countries, it seems that freedom of movement also implies the courtesy of returning home when the EU immigrants are not wanted anymore. While economic theory might support this, as migrant workers are assumed to appear to fill temporary labour shortages and return home when no longer needed (like the Polish workers who left Ireland), models of social capital accumulation would not. The lives, relationships and economic activity forged by millions of intra-EU migrants all over Europe under freedom of movement have been dealt a heavy blow, and it is unlikely that any of them will take EU citizenship for granted again.

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