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Towards a European Migration Policy

Migration issues have arrived at the top of the European Union's policy agenda. The high numbers of desperate boat people from Africa landing on the shores of Southern Europe have shocked European societies. In the first ten months of 2006, over 27,000 migrants landed on the shores of the Canary Islands and almost 17,000 on the island of Lampedusa. The increasing arrivals of people from different less developed areas seeking shelter and work have put particular emphasis on the fact that migration is a transnational phenomenon which calls for transnational answers. Consequently enough, the EU considers migration to be one of the most visible challenges of globalisation.

In recent years the European Union and its member states have taken important steps to building up a legislative framework for managing immigration flows. Two directives were adopted for the admission of researchers and students originating from third countries. The European Commission's Policy Plan on Legal Migration published in December 2005 further proposed four directives for the management of entry and residence of highly skilled workers, seasonal workers, intra-corporate transferees and remunerated trainees respectively. With the Communication on a Common Agenda for Integration, the Commission also put forward a framework for the integration of third-country nationals into the EU and a directive was adopted concerning the status of third-country nationals who are long-term residents. Finally, the Commission's Communication on Migration and Development highlighted the importance of enhancing collaboration with migrant sending countries on economic migration and developing initiatives offering win-win-win opportunities to countries of origin and destination and to labour migrants. Concrete orientations were given regarding migrants' remittances, collaboration with Diasporas, circular migration, and mitigation of the adverse effect of brain drain.

Just recently, EU Justice and Home Affairs ministers have outlined proposals for a more effective management of migration flows as well as for better prevention of illegal immigration. At the informal ministerial meeting in Tampere in September 2006 they stressed the need for a common European asylum system and for more efficient border controls. However, this can only be the first step. Others have to follow. They should strive for a comprehensive and coherent European Migration Policy (EMP) which adequately addresses both the opportunities and the problems of migration in a globalised world.

The next step on the way to a comprehensive and consistent EMP should be an increased coherence between the EU's various policies related to migration. EMP has to combine social, economic, security and development issues. However, it also means a clear differentiation between asylum policy, which should follow humanitarian goals, and migration policy, which should be directed towards economic goals. A Common European Asylum System should centralise national asylum policies. Economic immigration should be managed according to European labour market needs.

The very recent Schäuble-Sarkozy paper, presented at an informal meeting of the EU Justice and Home Affairs ministers from the six biggest member states in Stratford-upon-Avon in late October 2006, provides some useful proposals for an EMP. They suggest that EU asylum policy should be centralised, that long-term economic immigration should be managed by quotas and that short-term immigration should be regulated by temporary visas.

It always was, and still is, a good idea to offer two possibilities for people from third countries to work in the EU. They could stay for up to one year on a national ticket as temporary workers or they could stay longer on an EU immigration ticket. Temporary workers are then only permitted to work on a specific contract offered by an EU employer and issued by a single EU nation. This means that they have to find a European employer who is willing to pay a fee for a temporary work permit. The scale of the fee should follow market principles. Basically it should be higher if the (national) demand for temporary foreign la-

bour is stronger. We could consider a national quota that is allocated by an auction process. The fee would be substantially higher if the foreign worker wished to bring along a family. The family members would not be allowed to work or to move their residency away from the owner of the permit. The validity of the temporary work permit should be strictly restricted to one year (and not 3 to 5 years as in the Schäuble-Sarkozy paper) to avoid the well-known problems of the guest-worker programmes. However, it could be renewed for a second year (if the employer again pays the fee). Temporary workers are not entitled to work for another employer or to move from one place to another in the EU. Consequently the number of temporary work permits issued (i.e. the quota) and the level of the fee should be determined by the different national governments (or by an auction) and the fees should flow into the national budget.

Actually, this type of temporary specific work permit comes very close to the so-called Green Card regulation that was implemented in Germany in summer 2000. Both are issued under a national regulation to fulfil national labour market goals and to bridge national labour market shortages. However, there are three important differences: a) in a new EMP temporary workers should be an option for every industry and service activity and not just for information specialists, b) the temporary work permit should cost a fee according to the demand for such temporary workers and c) the permit would be strictly limited to one year. After this period the contract would have to be renewed. The temporary work permit for non-EU citizens could also be restricted to purely seasonal activities. Its validity would be between one month and one year. Again, this segment of the labour force would be immobile and fixed to the employer. The national governments would decide how many seasonal workers from outside the EU they were willing to accept. They would also fix the level of the fee and collect it.

People from outside who want to stay longer than a year could become permanent residents if they fulfil certain criteria that are defined on an EU-wide level. The right to stay permanently could be obtained either for humanitarian reasons through international asylum law or via an economically driven selection process. There is no connection between these two ways of obtaining permanent residency. Refugees would be allowed to stay and work temporarily as long as their lives were threatened in their home countries. Once the danger was over they would be expected to return home. If the temporary period lasted more than a certain amount of time (e.g. 18 months) they should be given asylum and become permanent residents.

There would be several ways to become a permanent EU resident via economic criteria. Permanent residents could be chosen according to a point system similar to the one in Canada. Once allowed in, permanent immigrants should have the same rights and duties as natives. They could bring their family members along (parents and children only). Accepted immigrants and their family members could stay and work within the EU and decide where they wanted to live and for how long. In order to ensure economic efficiency within the EU, permanent residents should not be restricted with regard to changing jobs or moving from one location and one employer to another. The annual quota of new permanent residence permits for foreigners should be fixed by the EU Commission.

Given the dimension and trend of recent and future migration flows towards Europe, it is vital for the EU to establish a comprehensive and coherent EMP. No single EU member state can cope with the challenge of migration successfully. This is why coordinated measures are needed at EU level to maximise the benefits of migration for all countries concerned and for migrants themselves, and to minimise the negative effects on the sending and receiving societies. The Schäuble-Sarkozy paper should become more than just an informal proposal. It should become the foundation for a new EMP.

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