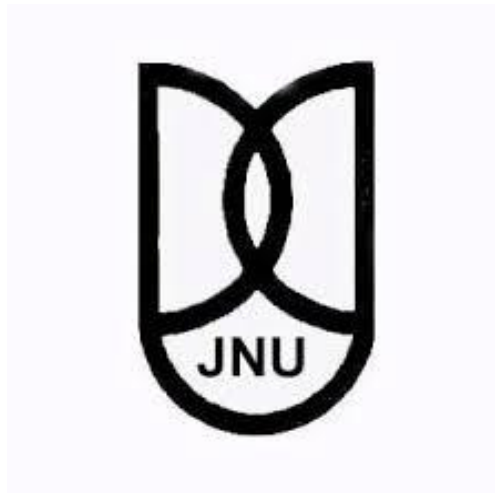


**REGIONAL ORGANIZATIONS AND INTRA-REGIONAL MIGRATION: A
STUDY OF THE EUROPEAN UNION**

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements for
award of the degree of*

MASTER OF PHILOSOPHY

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Date: 24/07/2015


DECLARATION

I declare that the dissertation entitled “Regional Organizations and Intra-regional Migration: A Study of the European Union” submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.


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**DEDICATED TO MY PARENTS AND MY
SISTER ANKITA**

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Errors which remain are mine.

Place: New Delhi

Amrita Purkayastha

Date: 27/07/2015

List of Acronyms

ACP	African, Caribbean and Pacific
AFSJ	Area of Freedom, Security, and Justice
ASEAN	Association of South East Asian Nations
CACM	Central American Common Market
CARICOM	Caribbean Community
CBI	Confederation of British Industry
CEE	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defense Policy
DG FSJ	Directorate-General for Freedom, Security and Justice
DPP	Declaration of Political Principles
DWP	Department of Work and Pensions
EASO	European Asylum Support Office
EBID	ECOWAS Bank for Investment and Development
EC	European Commission
ECB	European Central Bank
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
ECSC	European Coal and Steel Community
ECFR	European Charter of Fundamental Rights
ECHR	European Convention on Human Rights
EEA	European Economic Area
EEC	European Economic Community
EMN	European Migration Network
EU	European Union
EUROPOL	European Police Office
EUROSUR	European External Border Surveillance System
FRONTEX	Frontières extérieures

GCC	Gulf Co-operation Council
GDP	Gross Domestic Product
GFMD	Global Fund on Migration and Development
HLD	High Level Dialogue
IASFM	International Association for the Study of Forced Migration
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IOM	International Organization for Migration
ISS	Internal Security Strategy
JHA	Justice and Home Affairs
LAFTA	Latin America Free Trade Association
MERCOSUR	Southern Cone Market
NATO	North Atlantic Treaty Organization
SBC	Schengen Border Code
TFEU	The Functioning of European Union
TUC	Trade Union Congress
UDHR	UN Declaration of Human Rights
UK	United Kingdom
UKIP	United Kingdom Independence Party
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNPF	United Nations Population Fund
USSR	Union of Soviet Socialist Republics
VIS	Visa Information System
WAEMU	West African Economic and Monetary Union
WRS	Workers Registration Scheme

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CHAPTER 1

INTRODUCTION

Migration as defined by the Oxford dictionary is the movement of people to a new area or country in order to find work or better living conditions . The general phenomenon of migration has a greater scope in comparison to ‘intra-regional migration’. Migration in general may refer to movement of people to different regions but intra-regional migration has a limited scope and refers to the movement of persons across the borders of states belonging to a particular region. The increase of global and regional migration of people along with the structural transformation in the world economy and the constant economic crisis leads to the creation of new prospects and challenges for both the sending countries and the receiving countries. This study examines the phenomenon of intra-regional migration, its region-specific characteristics and the role of regional organizations in promoting and managing it. The study focuses on the particular case of the EU region, where intra regional migration takes a different form than in other regions. While intra-regional movement in other regions like Africa is driven by conflicts or life threatening situations in the region, migration within Europe is guided largely by economic considerations.

Regional organizations in recent times have become an important medium for the growth of a region. However, regional integration has not always been successful in promoting a standard for rights in the context of labour. Basic labour rights and principles have not been implemented equally throughout different regions of the world. At the international level, labour rights and values have been included into different conventions and recommendations of the International Labour Organization (ILO). ‘But at the regional level, the question of trade and integration requires immediate attention’ (Lombaerde et al 2011) and in this, the regional organizations have an important role to play.

Migration as a concept has been associated “with the Global Approach to Migration and Mobility (GAMM) which identifies the push and the pull factors of

migration (ICMPD and ECDPM 2013). Migration as a concept has been dealt with by a number of scholars through different perspectives. Migration can be seen as both an opportunity and as a challenge. Migration if controlled can result in development and prosperity in the origin and the destination countries. Migration is desirable because “it contributes to the optimal allocation of resources and thereby generates higher output and promotes welfare” (Zimmermann 2013). Again, migration, if mismanaged, can result in risking social cohesion and integration and even national sovereignty.

Regarding migration in general, it may be noted that for over centuries, migration has taken place from Europe to Australia, America and Africa for better standard of living or for escaping political and religious persecutions at home. But today the picture has been reversed and Europe has turned into a home for immigrants. In the post World War II period, the European countries invited people from other regions to work in their economies in order to recover their economies in the 1950s and 1960s. The migrants who came back then contributed significantly towards creating a prosperous Europe. The “decline and aging of the European population has also contributed to an increased awareness concerning the need for immigration” (IOM 2008). As such, many “European countries have benefited from immigration in the past decades. The large-scale, mainly low-skilled immigration of the 1950s and 1960s was a crucial component of post-war economic reconstruction in Western Europe. Today, labour migration fills critical gaps in the IT sector, engineering, construction, agriculture and food processing, health care, teaching, and catering and tourism, and domestic services” (Christina Boswell 2005). A number of European countries have opened up possibilities for labour migrants.

The EU as an organization initially did not have any powers where migration policy was concerned, but its importance “has expanded rapidly since the matter was first introduced at the end of the 1980s” (Focus Migration 2009) with the adoption of the Single European Act’s “four freedoms” of movement (along with goods, services, and capital). “European cooperation on matters of asylum and migration policy has been communitized step-by-step” (Focus Migration 2009). Member states share central

powers and responsibilities with the supranational institutions of the EU and the European Commission now has the power to adopt legislative initiatives. The collaboration between EU member states started with the freedom of movement with the first Schengen Agreement in the year 1985 which was initiated by France, Germany and the Benelux countries regarding the immigration policy in order to eliminate all checks on persons at their respective borders (Focus Migration 2009). Intergovernmental cooperation within the Schengen framework can be considered as the motivating force for cooperation in the EU in terms of migration policy. The second stage of cooperation on migration policy can be said to have started under the Treaty of Maastricht which made intergovernmental co-operation official and set it on a new basis under “the third pillar of the European Union. However, a clear basis of power was not established at the European level until the Treaty of Amsterdam in 1997, which reflected the fundamental priority that asylum and immigration policies now enjoy in the EU. The Amsterdam treaty also contained a detailed list of measures to be gradually adopted” (Focus Migration 2009).

The inclusion of ten new countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Slovakia in 2004; Bulgaria and Romania in 2007) in the EU marked a historical turning point as one of the main consequences of this enlargement was the opening of national labour markets for the citizens living in those countries. This invited the migrant labours to the territorial entity of the old EU 15 members giving rise to intra regional migration. Migrant workers from the erstwhile Soviet members of the Eastern European countries were eager to enjoy the benefits of high pay scale and widen their experience from the new opportunities. The number of Polish migrants residing in other EU countries doubled between the year 2004 and 2007 reaching almost 2 million.

The EU since its inception has focused on the “oneness” factor for the whole of the continent. Integration has always been the main aim for the policy makers. It may be noted that the concept of European integration has a major link with the concept of intra regional migration. It has become even more important since the enlargement of the EU.

The inclusion of ten more countries in 2004 and two more in 2007 gave access to the population of those countries to the existing fifteen EU countries. This development no doubt has created several opportunities for labour but has also resulted in impacting the cohesion of European society according to some scholars. The policies of the EU over the years have allowed and even promoted an increase of migration. Thus, the issue of migration and the role the EU plays in it needs to be studied.

Since the enlargement in 2004, there has been increase in movement between the eastern and western parts of Europe. UK and Ireland are the two countries which received the maximum number of migrants from the new member countries. Despite the fact that the adoption of common European immigration policy has been a long ongoing process, member states have always been reluctant whenever there has been a question of adopting a common policy. The European Migration Network identifies the role of visa policy and how it has a tremendous contribution to the migration policy as a whole. This study analyses the impact of the evolving visa policy of the EU on the management of migration in the region.

The factors that encourage migrants to work in European countries include a population which is ageing and lacks skilled labour. The demographic changes in European society have had a close relationship with the evolution of labour migration. Certain trends like labour market participation are more among the younger population than the older generation. This may be due to the nature of the work which they are mostly assigned to.

Intra-regional labour migration has become an important area of study in the recent rise of regionalism. Freedom of movement is considered as a basic right in the countries where accession took place. The pre-2004 EU 15 countries on the other hand saw intensive and controversial debates regarding the potential flow of migration and whether they should open up the labour market or adopt measures to curb it (Galgóczi et al 2009: 6). The receiving countries were not open about lifting of the restrictions between countries. However, with the “strengthening of supranational actors like the

Commission, the Parliament, and also the European Court of Justice, the thematic agenda of cooperation has been extended considerably in recent years” (Focus Migration 2009).

This study examines the concept of intra regional migration in general and specifically looks into the case of the European Union, which represents a case of advanced integration that results in a region highly conducive to intra-regional migration. The idea of intra regional migration in EU has gained much importance in the light of the enlargement of EU and the recent economic crisis. The study takes up the particular case of the EU to analyze the intra regional labour mobility in that region. Juss (2013) in his book very clearly shows the policy changes which were undertaken by the EU that further facilitated the movement of migrant labour to Europe. This study is an attempt to understand the laws which are available under the EU that facilitate the flow of migration in the European continent. The study also evaluates the same in the light of the recent movement of populations from the east European countries to Western Europe.

The study looks at the issue of intra regional migration and how regional organizations deal with it and also analyzes the role of the EU in this aspect. Three regional organizations from three continents provide a comparative backdrop to the EU study – the Arab League from Asia, the ECOWAS from Africa and the MERCOSUR from Latin America. It looks through the various EU treaties over the years in order to study the prevailing laws of the organization. The study examines the impact of EU enlargement on intra-regional migration.

This research aims to seek answers to the following questions: (1) What is the role of regional organizations in promoting and regulating intra-regional migration? (2) What are the rights available under the European Union for the migrant labour and what is the current EU position regarding intra-EU migration? (3) How does the EU deal with the issue of intra regional migration and what was its role as the umbrella organization in the light of the recent economic crisis?

This study aims to test the following two hypotheses: (1) “Regional organizations use labour mobility as a tool for stimulating growth and development in the region.” This hypothesis asserts that intra-regional migration or labour mobility have a positive impact on the growth and development goals of a region and are therefore promoted by most regional organizations. (2) “Liberal measures adopted at the organizational level of EU give rise to the increased intra regional migration in the region.” This hypothesis is specific to the European Union and claims that the adopted policies of the European Union have tended to promote intra-regional migration by progressively removing barriers to movement.

The methodology used is largely descriptive, wherein the concepts of intra regional migration and the role of regional organizations are introduced. The research uses the case study method, taking up the European Union as the focused objective study. The research is analytical and based on primary sources such as official documents of the relevant regional organizations as well as secondary sources namely books, journal articles, newspapers and internet sources.

The main arguments revolve around the focal points of migration amongst the labour within the European region and how the EU as a regional organization deals with the issue. Here, the policies adopted by the organization are the independent variable while the phenomenon of intra-regional migration is the dependent variable.

This study has been divided into the following five chapters. The introductory chapter is followed by a chapter entitled “Intra-Regional Migration and the Role of Regional Organizations”. The chapter will look through the concept of intra-regional migration and how regional organizations play a role in the context. The chapter will take up certain organizations like the Arab League, the ECOWAS and the MERCOSUR and analyze the role they play in their respective regions in the context of intra-regional migration. The third chapter titled “Intraregional Migration in the European Union” takes up the case of European Union in the context of intra-regional migration. The EU

as a regional organization deals with the issue of intra-regional migration very differently than other regional organizations. The fourth chapter entitled “EU Enlargement and its Impact on Intra-regional Migration” provides an overview of EU policy on intra-regional migration and discusses it in the light of the enlargement of the EU. The chapter evaluates the prospects and the challenges associated with the issue and examine it in the light of EU expansion and the economic crisis. The final chapter entitled ‘Conclusion’ summarizes the findings of the above chapters, tests the hypotheses and offers concluding remarks.

CHAPTER 2

INTRA-REGIONAL MIGRATION AND THE ROLE OF REGIONAL ORGANIZATIONS

Introduction

Migration and mobility have become important issues in global politics. Governments, organizations along with other non state actors acknowledge the importance of migration and its contribution towards the socio-economic development of society. The Oxford dictionary provides the definition of migration as “Movement of people to a new area or country in order to find work or better living conditions” (retrieved from oxforddictionaries.com/definition accessed 10th June, 2015). Migration as such refers to the mobility of people across borders in search of work or other purposes. Migrants and refugees are not the same although both conceptually refer to movement of people from one place to another. Migration usually is a voluntary movement which is undertaken in search of a new domicile while refugees are asylum seekers who had to leave their home under hostile circumstances. These people face the urgent need of registering themselves under legal protection in order to find security.

There has been an increase in the regional and global mobility of people and the structural transformation in the international economy have created new opportunities and challenges for both the country of origin and the destination country. Migration has become an important issue in the global agenda and has increasingly been receiving the attention of international organizations. The United Nations General Assembly organized the first High Level Dialogue (HLD) in 2006 which was devoted to the discussion of issues of migration and development in order to highlight upon the benefits of migration and to reduce its negative impact. The second High Level Dialogue on Migration and Development – titled “Making Migration Work” – took place in 2013 and emphasized the role of migrants as mediator of advancement and growth. The 2013 HLD tried to recognize concrete procedures to strengthen coherence and co-operation at all stages in order to enhance the benefits of global migration for migrants and countries and to emphasize the link between migration and development (European Commission 2013: 1).

Migration is directly linked to development; migrants move from one place to another in order to have access to better prospects in life. The concept of migration has become more important in the era of globalization. The increased interaction between nations has led to easy accessibility of opportunities among people and brought them together. This has resulted in the development of relations between various nations which in turn has led to the increase of migrants crossing borders in recent times. Apart from this, there are several other factors that have led to the increase of migration which can be divided into two categories – the push and the pull factors. Those factors which arise in the countries of origin are called push factors while the factors which originate in the countries of destination are called the pull factors (Stanojoska and Blagojce 2012: 4). These factors include social, political and economic aspects which differ for both sending and receiving countries. The social factors due to which humans migrate are generally due to discrimination faced in terms of religion, racism etc. Example may be given of the partition of colonial India in 1947 into Hindu majority India and Muslim majority Pakistan, which resulted in one of the largest migrations in the history of mankind. The political factors due to which people are forced to migrate may arise due to war, oppression, instability in the country. Examples of political migration may refer to the migration of several Germans to America in the period of World War – II due to the anti-Semitic law in Germany. Apart from these factors, people also migrate owing to economic considerations. People migrate owing to factors such as higher living standards as pull factors and poverty and unemployment as push factors which contribute to economic migration. Reference may be cited of the North-South migration where people from the third world countries choose to migrate in search of better opportunities. Economic growth is a factor which drives the issue of migration. (Academia 2015).

Migration can occur on different levels. It may be inter-regional which occurs between different regions or different continents or intra-regional which is between countries of the same continent or the same region. Migration in general and intra-regional migration differ from one another in the sense that while migration considers

the movement at all levels and all scales starting from intercontinental (between continents) to intra continental (within a continent) and inter-regional (across regions), intra regional migration considers the movement within a particular region. Region here may be within a state, between two states or between nations depending on the way a region is defined. Such kind of migration generally occurs in search of better opportunities or in the absence of proper law and order in the area. Thus, intra regional migration is a subset of migration in general which may be considered as the superset (National Geographic Society 2005).

Labour mobility can affect the regional market in two ways: First, it encourages flow of knowledge when a worker is exposed to a much wider set of other workers which will naturally increase his capability for human interaction and will also facilitate the flow of knowledge in the entire region. Second, the” match between a worker and a job is likely to improve as the worker moves between different employers and tries different jobs. A better match between workers’ skills and aptitudes and what is required by the job leads to a more efficient allocation of the workforce and higher overall productivity. Thus labour mobility can bring a positive impact upon the regional growth rate and its productivity” (Thulin 2009: 3). Most regional organizations encourage intra-regional migration and take initiatives to increase the number of skilled workers because they recognize the importance of effective labor mobility regimes that generate increased investment, productivity, and competitiveness and better long-term prospects for employment. Factors like demography, society and economy drives the mobility of labour in a region between a labour abundant and labour resource countries. These factors of labour mobility are expressed as challenges to the growth of the region (IOM 2010) because the more the number of workers in a particular region, the higher the chance of unemployment. But in contrast migration has been a central pillar for developing local and national policies when it has been included in the national development plans. Thus labour mobility and migration can be said to be part of the answer to the problems of development which is reliable with local governance and social models but also permits people to realize their full capabilities for the growth and expansion of the region (IOM 2010).

Attempts at regional integration have increased in the recent years alongside the push for globalization and ‘new regionalism’, which has made an appearance in the post cold war period. Regional organizations and “regional networks of non-state actors have taken up a series of issues in governance directly within a regional frame” (Munck and Hyland 2013). Labour rights which were once considered valid for a particular section of the society have been increasingly used at par with human rights. Regional organizations have been acting as a medium of growth in their respective regions but they have not always been successful in promoting standards of rights in the context of labour, because labour rights have not been applied uniformly across the world. “At the international level, labour standards have been incorporated into various conventions and recommendations. It may be noted that at the international level, several rights have been accepted in different conventions of the International Labour Organization (ILO). However, at the regional level, the problem of trade and integration requires immediate attention. Migration constitutes an important part of the regional integration process. Different regional organizations have different arrangements for regulating the movement of labour towards the development of the region. They make possible or limit, “to varying degrees, migrant workers’ rights of entry, residence and admission to employment, social security and mutual recognition of qualifications” (Lombaerde et al 2011).

With the rise of globalization, demography in most of the countries is changing. It is leading to diversity in ethnicity and labour markets are bound to become integrated (Zimmermann 2013). John Kennan in his article “Open Borders” has shown through a static model that net gains in a region increase due to the lack of restrictions in labour mobility in the region (Kennan 2012). Labour mobility in a region is useful in economic terms because of the optimal allocation of resources which generates higher output and welfare. Migration results in interaction of different identities in a same area or territory. This leads to integration of different cultures mainly in the economic context and the blending of different identities of migrants. In the light of globalization, such mingling of different cultures results in the increase of economic opportunities. Apart from

creating opportunities for the people, it also increases economic efficiency among the people.

One of the most well-known theories regarding migration is the ‘push-pull model’ for explaining the causes of migration. Push factors refer to the negative factors that make migrants move out from the home country while the pull factors refer to the positive factors that draw the migrants to settle in the destination country. A combination of push and pull factors determines the extent and the direction of the migration from the source country to the destination country. Push factors consist of elements like economic, social, and political adversities in the poorer countries, while the pull factors comprises of the economic advantages in the richer countries. Neo classical macro economic theory of labour migration states that wage differences encourage migrants to move from a poor or a low wage country to a rich or high wage country. The neo classical micro economic theory focuses on the labour markets. This theory assumes that the individual can make a rational cost-benefit computation and determine whether it is feasible to migrate or not and it also helps in considering alternative destinations. “Individual cost-benefit calculations produce different outcomes with regard to the decisions to migrate. The flow of migration shares a direct relationship with the differences between countries with the expected returns” (European Communities 2000: 23).

Due to economic growth , the emerging countries of the Global South are experiencing an increase in the flow of the migrant workers, “between countries of the same region, as well as between different regions and continents of the Global South, such as Asia and African countries or Latin America and Africa” (International Organization for Migration Report 2014: 45). Migration is seen as a major instrument for reducing poverty in many countries of the global south. It is used for enhancing the growth of both the sending and the destination country. Mobility from one place to another in general brings two things – talent and competition both of which are important for economic growth. Hence, many regional organizations facilitate and encourage migration in their region. Since migration is a very complex phenomenon

that involves more than one country, a single state cannot manage the complexities associated with it. Regional organizations have an enhancing capacity and strengthening ability to ensure growth both at the regional and international level.

Economic growth in the developing countries, especially in the Global South, has led to the rise of the flow of the migrant workers between nations of the same region. If the governments of respective states are able to manage the phenomenon of migration properly, it will lead to the development of those countries. Governments and regional organizations play a major role in trying to increase the remittances acquired due to migration. Regional organizations in order to strengthen their region enter into contract to upgrade co-operation amongst the nations. In order to integrate the region, free trade between nations is supported. This in turn allows free movement of people thus facilitating intra regional migration or movement of people within the region. Different organizations have been involved with the issue of intra-regional migration and have dealt with the issue in different ways. This chapter will look into the role of three different organizations - the Arab League in the West Asian and the North African region, Economic Community of West African States (ECOWAS) in the West African region and the MERCOSUR in the Latin American region. The chapter considers three regional organizations from three different continents. The Arab League is considered because it represents one of the most dynamic zones of the Asian continent. Moreover, it considers intra-regional migration as an important feature and is the most vital economic activity of the region. In the Arab League, the highest number of migrants resides as compared to the national population. (Thiollet 2011: 2) The West African organization-ECOWAS is taken into consideration because it is one of the organizations which not only facilitates migration through free trade, but also deals in common passports and visa leniency. Lastly, the case of MERCOSUR is taken because in comparison to the rest of the American region, it is the most active organization which has provided its citizens legal rights to work which is considerably greater than the other organizations. The three organizations are taken from three different continents where there is a prevalence of intra- regional migration. It will act as a guide to understand the

phenomenon of intra-regional migration better and it will also provide a backdrop to the case of European Union where such kind of migration is more prevalent.

2.1. Intra-regional Migration and the Arab League

2.1.1. Overview of the Arab League

The Arab League is a voluntary association of countries where Arabic is the first language of the people or the official language is Arabic. It consists of 22 members including Palestine which the organization considers as an independent state. The League was established in 1945 by six member states - Egypt, Iraq, Jordan, Lebanon, Syria and Saudi Arabia. Since then, sixteen more states joined the League. The roots of this organization can be traced to the Pan Arabic movement of the 19th century which was started by Sharif Hussein ibn Ali as a reaction against the Ottoman Empire. The Arab countries struggled for independence against colonialism and the member countries wanted to create a bloc which will give a political expression to the Arab states and to foster economic growth in the region. The blue-print of the confederation of Arab state was adopted in 1944 by the Alexandria Protocol and was officially founded in Cairo in 1945 by signing the declaration entitled “Charter of the League of the Arab States” (Retrieved from Al-Bab website accessed on 29th of June, 2015).

Like most other regional organizations, the Arab League also works to look after the members’ economic, political, cultural, national and religious interests. It has been an dynamic organization which is helping the Arab world to develop economically and culturally while trying to resolve the conflicts both within and outside the Arab League. The objectives of the Arab League include the maintenance of solidarity among the Arab states in the face of external threats. It tries to ensure the co-operation of member states in various areas like social, legal, parliamentary, financial and cultural affairs. The Arab League serves as a forum that strives to work for the interests of the Arab countries.



Fig 2.1: Arab League

Source: <http://www.asiantribune.com/node/62680>

In the initial years, the Arab League was involved in supporting the independence of the Arab countries against the colonial powers of Britain and France. It served as mediator in resolving political disputes. It has created the organization representing the Palestinian people at the Cairo summit in 1964 (Al-jazeera website accessed on 29th of June, 2015). But the League saw many more failures than successes mainly because of the successive wars in the Middle East in the past half century starting from the Arab - Israeli conflict in 1948 to the present crisis in Syria. This has placed a strain in the relations among the member states and prevented a close cohesion from developing between member states.

2.1.2. Migration in the Arab League Region

Although migration has a long history in the Arab region, labour mobility significantly started since the oil boom in the 1970s. The discovery of oil led to the rise of different degrees of economic growth. Intra-regional migration continues to be a significant phenomenon in the region which has been shaping the lives of millions of

Arab migrants as it contributes in circulating the financial and human capital within the region. “Remittances sent to Jordan, Egypt and Lebanon from other Arab countries are 40 to 190 per cent higher than trade revenues between these and other Arab countries” (egypt accessed on 10th June, 2014). Arab migrants continue to move from one place to another in search of employment. Presence of common history, religion, language and culture has led to the social, cultural and political integration in the region. The Arab Economic, Developmental and Social Summit held in Kuwait in 2009 focused on the need to develop Arab economic integration in order to encourage the socio- economic growth of the region.

Intra-regional migration has been a prominent feature of Arab integration and can be said to be the most active economic activity of the region. ‘Oil-importing countries in the region experienced significant growth and the oil sector plays a major role in the Gross Domestic Product (GDP) of the Arab countries’ (ALO-IOM Report 2010). It was as early as 1943 when “Iraqi Prime Minister Nuri al-Said made public a project for the creation of a Unified Arab state” (Cohen 2014: 377). Unemployment in the Arab region has increased to a large extent and intra regional mobility has become a mechanism to curb it. Policymakers have laid the foundations for migration in this region way back in the 1960s when the pan-Arab movement was flourishing. A number of Arab governments at that time signed “the *Arab Economic Unity Agreement* (1964). Article 1 of this agreement included the freedom of mobility for individuals to live and work and the freedom of mobility for funds and commodities. It also included the right of Arab citizens to own property in any other Arab country. An Arab free trade zone was ratified by the Arab Economic and Social Council three decades later (1995). The Arab Labour Ministers’ conference in 1965 called for the encouragement of mobility of manpower and that they be given more preference over the non-Arabs” (IOM 2010). *Arab Agreement for the Mobility of Arab Labour* was approved by the ministers that encouraged and regulated mobility in a later meeting held in Kuwait from 25 – 29 November in 1967. The “agreement focused on the simplification of official procedures (Article 1) and an Arab citizens’ priority for employment (Article 4), and equality between national and Arab workers in terms of wages and benefits (Article 6). It also

emphasized on the importance of bilateral cooperation and the exchange of data and information necessary to facilitate labour mobility once a year at least (Article 3)” (IOM 2010). The agreement was ratified by only seven countries therefore there was the need for amendment of the agreement. The amended agreement was approved in the fourth session held in 1975 and it mainly focused on the regulation and facilitation of migration in consideration of social economic developmental plans. This agreement gave more preference to Arab labour and resulted in replacement of foreign labour with Arab labour. The agreement was accepted moderately with only a third of the organization ratifying it. The Arab region in the recent years has experienced a growth in population and as such labour forces have also increased compared to most of other regions. This has led to a rise in unemployment amongst the Arab youths. The inclusion of structural reforms and privatization programmes has made the public sector weak but the response by the private sector is also declining day by day.

More than half of the Arab labour forces are dependent upon four countries of Algeria, Egypt, Sudan and Morocco. Apart from the structural reforms, the global financial crisis of 2007 also led to high unemployment crisis primarily in the workforce that are considered vulnerable such as women, children or those who are involved in the informal sector (IOM 2010). “When domestic labor markets cannot fully absorb the increase in labor force, migration is an important channel for resolving local market imbalances with potentially large benefits to the individuals and nations involved. Arab labor movement is particularly important for countries facing excess labor supply (such as Egypt, Yemen, Syria, Palestine and Jordan), and countries facing excess capital supply (such as the Gulf Co-operation Council countries). This imbalance within the region creates an opportunity for a mutually beneficial exchange between the two groups of countries” (Hassan 2009: 3).

Three types of trends prevail within the context of intra-Arab mobility. First trend is where the migration takes place between a non-Gulf labour exporting country and a Gulf labour exporting country. The second trend is where migration takes place between some population abundant Arab countries and resource rich Arab countries.

The third trend is where migration takes place when a country is sending and receiving migrants at the same time (ALO-IOM Report 2010). The quadrupling of oil prices during the Arab oil blockage in 1973 led to a rise in the revenues of the oil-exporting countries which made the role of migration an important component in order to recognize the socio-economic development plans in the Gulf (IOM 2010). In this period, the states started the open door labour market policy where the states started the ambitious project of using escalating oil prices to sponsor the vast expansion of free health care and education as well as undertook a massive project to upgrade transport and communications (Elafif 2014). This resulted in doubling of the number of migrant workers in the Arab region. According to the 2008 report of IOM, by 1985, an estimated “7.2 million foreigners were working in the Gulf, of whom 5.1 million were migrant workers, constituting between 24 per cent and 78 per cent of the total population of the GCC” (IOM 2010). But the percentage of Arab workers declined in the GCC countries after the peak point of the 1970s. The reason behind this decline is the sudden expansion of private sector in the GCC countries which gives more preference to non-Arab workers due to low wages.

The second trend of migration takes place between an Arab country and a country which is not located in the gulf. Libya can be taken as an example. Migration policy in Libya has been an integral part of its diplomacy and has been given much importance. The 1973 census shows that nearly 200,000 foreign nationals were working in Libya which increased to over 617,000 workers in 2005 according to a UN report (UNDESA 2008). The migrants from Libya originate from different places like Algeria, Egypt, Sudan and Tunisia, in addition to Chad, Niger and other sub-Saharan countries. Libya being a member of two socio-economic blocs (Union of the African Maghreb and the African Union), there is free circulation of people and the African people were allowed to enter Libya without visa until 2007.

The third trend is regarding a phenomenon where a sending country becomes a “hosting country of a significant number of migrant workers which is usually referred to as ‘replacement migration’”. There are mainly two types of replacement migration as

identified by scholars. The first type of replacement migration is ‘direct replacement migration’ wherein the jobs vacancies are filled up by the incoming migrants” (IOM 2010). The another type of replacement migration is known as ‘indirect replacement migration’ wherein the skilled migrant generally fills up the position of the lower occupational positions which leads to the rise of intra-social mobility that will increase the living standards and “consumption levels through remittances sent by the migrants” (ALO-IOM Report 2010).

The relationship between migration and unemployment is different from one society to another. High unemployment is generally considered a push factor for migrating from the sending country but there are other pull factors that decide on migration to the destination country. Migrant workers in West Asia are generally recruited under the policy of guest worker that restricts their rights. These workers cannot leave the country of their employment without the approval of their employer. Only certain categories of workers are allowed to bring their families.

The economies of labour exporting countries and the families of over six million workers who were working in this region received a severe blow due to the outbreak of the Gulf War in August 1990. As a result, almost “two million migrants were estimated to have returned to their own countries. Consequently, the Gulf countries experienced economic slowdown which led to the cutback of migrant workers” (UN report on Migration, 2002: 22). The level and extent of migration in West Asia has become more and more multifaceted. Many countries are plays the role of a labour sender or labour exporter but many of the countries have turn out to be both a host and sending countries. Additionally, investments by the multinational companies throughout Asia have been guided by major flows of trained labour from both Western and Asian countries. Along with the migration of people in the Arab region, forced migration also exists which continues to drive migration in the Arab region. The International Association for the Study of Forced Migration (IASFM) defines the term forced migration as “a general term that refers to the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental

disasters, chemical or nuclear disasters, famine, or development projects” (forcedmigration accessed on 11th June, 2015). Forced Migration usually is caused by three factors- conflicts, development policies and projects and disaster (forcedmigration accessed on 11th June, 2015). The Palestinian refugees come under the category of migration caused by conflicts. The increase of forced migrants in this region is the result of internal and international displacement of the Iraqis and the demographic growth of the refugees from Palestine and others in the region (Joint report by Arab League and IOM 2010: 28). In “regard to the intra-regional Arab labour movement, the complementary supply and demand of migrant Arab labourers within the region has to some extent been perceived as a mutually beneficial mechanism” (Nassar 2003: 1).

The Arab labour migration within the region was deeply affected by the Iraq war in 2003. Iraq witnessed a huge increase in the number of emigrants. In addition to this the Israeli- Palestine conflict also reached its climax which affected the intra Arab migration. The “region faces the increase of new forms of migration which include migration that consists of companies which employ local labour in an environment which is similar to that of foreign countries through the use of communication networks” (Nassar 2003 :1).

Remittances have a very important role in the context of migration in the Arab region. They can contribute in reducing the inequalities resulting from globalization. Migration improves the welfare of a country from which the migrant is originally from as migrants accumulate savings overseas given the low wages and capital market distortions which might have been impossible without migrating. Moreover, migration enables the emigrant to acquire new skills of labour and improve the growth of human capital. The Arab countries however have not been able to organize institutional frameworks in order to mobilize remittances effectively for savings and investment purposes. Over the past decades, migration has become an important aspect in the Arab region. Education plays a major role in terms of youth mobility in this region. Education becomes a doorway to permanent migration for the high skilled and educated youths.

On the other hand, Arab youth with lesser qualification do not wish to remain on the other side and therefore become an easier prey to irregular forms of migration.

A very large part of the Arab population is the youth. It is “referred to as the rejuvenating effect of migration whereby significant international migration flows, which have not only been significant in size but also sustained over long periods, have had a “rejuvenating effect” on the age distribution of the population of host countries (IOM 2010). The increase in the population of the youth leads to a continuous rise in the labour force. The traditional sending countries such as Algeria, Lebanon and Tunisia experienced a fast transition to an aging labour force. In the case of these countries, it has been that there is a continuous rise of emigration amongst the high skilled nationals and immigration between low-skilled migrants (IOM 2010). Countries that have usually been destination country face the difficulty of labour shortage with the exception of Libya, Oman and Saudi Arabia, where labour migrants are anticipated to double (World Bank 2009). While the rise in the youth population will be an opportunity in the demographic context of migration but it will also result in significant challenges to educational systems. The growth in youth population has an inverse relationship with the employment opportunities. As such, it has resulted in the division between high skilled labour and low skilled labour as the high skilled labours are able to find employment abroad more easily than the low skilled labour. This interplay between the growth of the population of the youth and the employment opportunities available makes migration a necessity in the Arab world.

Three challenges can be observed in reference to the mobility in the Arab world. Firstly, structural imbalances lead to high unemployment which results in migration. Migration helps in lessening the severity which results due to economic crisis. Secondly, the young population becomes vulnerable to trafficking in persons smuggling due to lack of regional mobility. Thirdly, student mobility remains an underused option inspite of being a powerful tool for migration for facilitating intra-regional migration. The Arab region has a comparative advantage over other regions because of the homogenous structure (common language and religion) within the region. A free market

for encouraging education would facilitate student migration and thereby lead to a wide amount of migration (IOM 2010). Student mobility will also circulate talent as the measures are more liberal and flexible. During the oil era which started in the early 1900s characterized by the increase of petroleum in products and as fuel, much of the labour in GCC countries came from the Arab nations. They were more relied upon than the non Arab labours because of the similarity in language, religion and culture.

But there has been a decline in the Arab workforce, which took place in two phases. First, a decline in the oil prices led the government to cut the costs including the labour costs, resulting in a shift of labour force. Therefore, it became easier to use the Asian forces as they were prepared to leave their families and work while their Arab counterparts were not ready to do so. As such, the GCC countries preferred Asian migrants over the Arabs. Secondly, the improvement in the educational, occupational and professional skills of the GCC countries resulted in the increase of domestic supply of skilled labour in the GCC countries. The second phase was the result of Iraq's invasion of Kuwait in 1991. This changed the attitude towards Arab workers. There was an increase in the demand for Asian workers. If the workforce coming from non-Arab countries are restricted and the local Arab workers are taken instead, it will lead to the decrease of unemployment. Following measures can be suggested in order to increase the labour market for the Arabs - free health fees and insurance for the migrants and their families; free issuance/renewal of residence permits, work permits, driver's license etc, raising the fee for hiring a non- Arab worker (Hassan 2009: 28).

Despite the higher educational levels and occupational structures among Arab workers than Asian workers, the Arab region is in need of establishing an organizational body responsible for design, plan, follow-up and evaluation of a pan-Arab training program. Designing of these training programs should be according to international standards. These training programs aim to enhance the capacity and skills of Arab labor to satisfy the needs of Arab and international labor markets. These training programs will implement, either in the country of origin, before migration, or on-site training at the place of destination. The certificate of completing these training will be highly

appreciated and will be mostly required for jobs with high and intermediate educational levels. Similar vocational training programs should be designed and implemented for workers with low or intermediate vocational education levels.

Developing new financial and banking tools in GCC countries enables Arab workers to keep and invest their remittances for different periods of time and with an encouraging rate of interest. Such tools will be useful for both the workers and the economies of GCC countries. On one hand, it will maximize the value of workers' remittances and on the other hand, it will delay transferring these remittances abroad, and increase the revenue from reinvestment of these remittances inside the society (Hassan 2009: 29).

The most distinct feature of Arab intra regional migration is that the integration is based on a common shared language, common culture of values and the common identity linked with the Arabian lifestyle (Thiollet 2011: 11). The Arab region experienced a rise in intra-regional migration since the oil crisis in 1973. The Arab League as a regional bloc encouraged human mobility between nations in the region. The movement was mainly from the labour abundant countries to the resource abundant countries. In the 70s and 80s when intra-regional migration was at its peak due to the oil crisis of the 70s, the sending countries lightened the exit procedures of visa so that migration becomes an easy process (Thiollet 2011: 12).

The Arab League agreed with the United Nations Population Fund (UNFPA) on the following recommendations on 2010 relating to Global Fund on Migration and Development (GFMD). The League would consider the international initiative on the part of GFMD to facilitate the exchange of information and experiences and promote networking and finances, The League would work with the donors to facilitate financial support to poorer countries. It will encourage countries to receive Arab experts and professionals to facilitate and support the participation of the youth who are in vulnerable positions (LAS-UNFPA Report 2010). Thus migration in the Arab region was encouraged by the Arab League. Because of the homogenous culture and

demographic similarity, intra-regional migration in the Arab countries has been a reality. Arab world is one of the major drivers of regional integration. The migrants contribute to their own countries by reducing unemployment rates and providing remittances to their own government. Thus, it can be seen that if policies are implemented properly, migration can bring a change in the Arab region.

2.2 Intra-regional migration in West Africa

Migration in West Africa is caused by poverty, economic depression and socio-political crises. Thousands of migrants are crossing borders in search of a decent living which itself reflects the crisis situation in Africa. This has resulted in the increase of intra-regional migration instead of illegal migration to the developed countries of the North. In the pre colonial times, migration occurred mainly in search of new land fertile enough for settlement and farming. Colonial regime changed the pattern by imposing tax regime and establishing boundaries. The colonial masters employed several policies like forced labour migration, contracts and compulsory retirement in order to stimulate regional labour migration. Roads were developed and transportation facilities encouraged migration (Adepoju 2002: 1).



Fig 2.2: West Africa

Source: <http://www.institut-numerique.org/chapter-4-ecobank-518ccd0a41412>

Traditionally, the countries of immigration are Côte d'Ivoire and Ghana but since the oil boom in the 1970s, Nigeria also experienced generation of employment in various sectors of its economy. The major labour exporting countries are Burkina Faso, Guinea, Mali, and Togo. Senegal has been both a labour exporting and labour receiving country. Since the eighties, the relatively richer states of Western Africa began to experience widespread political and economic crises which stimulated migration. The “leaders of West Africa acknowledged in the early 1970s that intra-regional integration could be an essential step towards the sub-region’s shared integration into the global economy. In the lengthy and indirect process of setting up the African Common Market and African Economic Community, the Lagos Plan of Action and the Final Act of Lagos set out clearly a framework for establishing sub-regional cooperation unions – to act as building blocks towards a continent-wide economic integration. The prospect, and indeed the requirement, of creating sub-regional and regional economic collaboration and integration organizations in West Africa – and in fact in all of Africa – was reinforced by the experiences both in developed countries, and in other developing countries. Such organizations include the European Economic Community (EEC); the Latin America Free Trade Association (LAFTA); the Caribbean Community (CARICOM); the Association of South East Asian Nations (ASEAN); the Central American Common Market (CACM); cooperation agreements among African, Caribbean and Pacific (ACP) countries” (gfmnd accessed on 19th Dec, 2014), and others.

2.2.1 Overview of the ECOWAS

Although it was officially created in 1975, several events preceded the formation of the ECOWAS. The former Liberian President William Tubman is generally given the credit for coming up with the idea of establishing a West African economic Community. His idea inspired other leaders to sign an agreement between Cote d'Ivoire, Guinea, Liberia and Sierra Leone in May 1965 but this agreement was more of a formality rather than an agreement. It was in April 1972 when the idea was reintroduced by General Gowon of Nigeria and General Eyadema of Togo. They drafted the proposals and then assessed the interest among the countries and gained support for the new community

(Retrieved from globaledege website accessed on 29th of June, 2015). The treaty was further examined by the potential member states by experts and jurists in three separate meetings between December 1973 and January 1975 after which finally the Lagos Treaty was signed on 28th of May, 1975 which created the ECOWAS that covered wide areas of economic activity. The ECOWAS is a regional group which has fifteen member countries. The goal of this organization is to promote economic integration in the fields of “industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters.....” (Retrieved from au.int accessed on 12th June, 2015). The ECOWAS consists of the Commission, the Community Parliament, the Economic Court of Justice and the ECOWAS Bank for Investment and Development (EBID).



Fig 2.3: ECOWAS region

Source:<http://www.euractiv.com/sections/development-policy/west-african-states-close-trade-deal-eu-301206>

The ECOWAS was formed in order to promote integration and development that was intended to establish an economic union in Africa which would enhance the economic stability and relations between member states. The founding fathers realized that the domestic economy of the member states was very small and far from being competitive in order to exist in the world market. They were of the view that through the integration of member states into an economic bloc with a single market organized around an economic and monetary union the economies of the member countries would become self sufficient. The ECOWAS had its fair share of its success, including the fact that it has managed to reduce the conflict and distrust to a great extent if not fully between the Anglophone and Francophone member countries. Moreover, the region which experienced unrest and civil war in the 70s due to dictatorships in various governments are today guided towards democracy and sovereignty. It was in 1991 that ECOWAS adopted the *Declaration of Political Principles (DPP)* in which member states committed themselves to democratic governance, human rights and rule of law. In 1997, it also adopted the Protocol Relating the *Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security (ECOWAS Mechanism)* which essentially had the characteristics of good governance. Apart from its emphasis on the promotion of democracy on the basis of political pluralism and respect for human rights, the Declaration reaffirmed the objective of promoting better relations by ensuring a stable and secure political environment. It was a huge achievement for a region which was dominated by conflicts and dictatorship. However, there are challenges which need to be addressed in the areas of peace, security and good governance.. The member groups decided on a common currency in 1999 in order to integrate further but this is still pending. Intra- regional trade is frustrating at 11% while common tariffs remains a dream and financial policies are not yet finalized. Nigeria remains a dominating member state that interferes in all matters which leads to the non co-operative status amongst the member countries (Frempong 2006).

2.2.2. Migration in the ECOWAS Region

Article 27 of the Lagos treaty comprises of a long-term aim to set up a community citizenship that could be obtained automatically by all citizens of the

Member States. It further strengthened the preamble of the treaty which outlined the main objective of eliminating the barriers to the free movement of goods, capital and people in the sub-region.” It is because of this that the *Protocol on Free Movement of Persons and the Right of Residence and Establishment* of May 1979 emphasized on free movement of labour. Phase 1 of the Treaty, the *Protocol on the Free Movement of Persons* was the first phase to be ratified and was put into effect by the member states in the year 1980. It guaranteed free entry without visa for ninety days, ushering in an era of free movement of ECOWAS citizens within member countries” (Adepoju 2005: 6).

The implementation of the first phase over the first five years helped in abolishing the need for visa and other entry permits. Community citizens in possession of valid travel documents and international health certificate could enter Member States without visa for up to ninety days. The second phase which covered the rights of residence came into force in the month of July 1986 with all member states ratifying it. In 1992, the revised Treaty of ECOWAS, along with others, confirmed the right of citizens of the Community to entry, residence and settlement and enjoined Member States to recognize these rights in their respective territories. It also insisted on the Member States to take all essential steps at the national level to make sure that the provisions are appropriately employed. The free movement of persons ushered in due to the *Protocol of Free Movement of Persons* in 1980 increased the growth of labour migration. This protocol coincided with the period of economic recession in most countries while Nigeria’s economy started booming with the huge oil sector earnings and it became the economic haven for other countries of the region. “The oil-led employment opportunities attracted migrants of all skills in droves from Ghana, Togo, Chad, Mali and Cameroon to work in the construction and services sectors. Thousands of ECOWAS nationals – men and women – mostly Ghanaians, flooded Nigeria in regular and irregular situations. Professional and skilled immigrants were recruited as teachers in secondary schools in the country, but especially in Lagos, to fill vacancies created by the introduction of the free secondary education scheme in 1979” (Elumelu 2013).

But the sanction of the second phase of the ECOWAS Protocol, on Right of Residence, which was adopted in July 1986, corresponded with the execution of the structural adjustment programme in Nigeria. Almost 200,000 illegal aliens were expelled due to the economic crisis in 1985. This caused the loss the confidence and rocked the community to the very core. In reply to these problems regarding the promotion of such an approach, the ECOWAS 30th Ordinary Session of the Authority of Heads of State and Government which was held in Abuja in June 2006, commanded the Executive Secretariat to accept the idea of defining an ECOWAS Common Approach on Migration. “This was established in January 2008 at the 33rd Summit of Heads of State and Government in Ouagadougou which focused on the promotion of free movement within the ECOWAS zone; promotion of managing the regular migration; policy harmonization; curbing irregular migration and human trafficking, mainly of women and children; to protect the rights of migrants, asylum seekers and refugees, taking into consideration the gender and migration dynamics dimension” (ECOWAS Report 2000). The major purpose of this approach was to improve the management of migration by developing a coordinated system along with an all-inclusive and balanced approach as a base according to which the member states would develop, support, execute and harmonize migration policies and programmes in association with the international community. The member states were focused to create a regional infrastructure that would boost the development of regional integration. For this, the heads of governments and of states met in Abuja in March 2000 and decided to create a borderless ECOWAS territory. “Two rail links: a coastal route from Lagos to Cotonou, Lomé and Accra, and a second Sahelian route linking Lagos to Niamey and Ouagadougou were supposed to be established as the first step to create a borderless region. Several other aspects were also discussed in this meeting which included the creation of a free trade area and private sector involvement; adherence to the principle of 90 days entry without visa, and free movement of persons; the dismantling within ECOWAS of all check points on international highways the manning of the many border posts only by essential agents (customs and immigration officials); and the elimination of rigid border formalities, together with the modernization of border procedures through the use of passport-scanning machines” (ECOWAS Report 2000).

The introduction of the ECOWAS Brown card, which introduces a multi-country visa, similar to the Schengen visa and the adoption of a Single passport for the entire ECOWAS region are some of the important decisions which were adopted for effectively using the ECOWAS travel certificates. Brown card as an idea was proposed in 1982 and started in 1985 to make sure of the quick and reasonable compensation in case of accidents of vehicles from one ECOWAS state occurring in a different Member State. Suggestions were given on how to harmonize and modernize shipping laws to encourage the liberalization of maritime services. In order to create a successful free trade zone zero per cent rate of duty would be adopted on approved industrial products, goods and traditional handicrafts. Residency permits were stopped and immigration officials granted the maximum 90-day period of stay to ECOWAS nationals at the starting point with effect from 15 April 2000.

Although these initiatives were progressive in nature, they faced many challenges and the major obstacles were weak political support and enmity along language lines (Francophone versus Anglophone), lack of funding by member states and the non-ratification and non-execution of protocols. “The non-convertibility of currencies also hindered financial settlements and the harmonization of macro-economic policies and procedures. The presence of different economic groupings in the region constrained the goal of effective integration in the region. The composition, objectives, population size, market size and political structures of these organizations are as diverse as are their memberships. In addition to this, the member states of one organization are also the member states of other organizations. This creates conflicts in opinions and also in meeting financial obligations – especially as the economic crisis deepens” (Adepoju 2005). Factors like lack of political will, political instability and inter-state border disputes and wars, and the lack of enthusiasm of countries to give up national sovereignty to a sub-regional organ also disrupt the progress of the regional integration.

In spite of the obstacles ECOWAS saw a major victory because of the adoption of the free movement of persons without visa within the West African region. In spite of

this, success of ECOWAS is not much in comparison to the objective of the monetary policy, communication, trade and other similar policies, yet it constitutes progress. This success comprises of the initiation of ECOWAS traveler's cheques, the West African Unit of Account to correspond with the region's monetary policy and the approval of the Brown card to certify it as the ECOWAS passports which would contribute to cross-border trade transactions. "The concept of 'Border Countries/Cross Border/Local Integration' was adopted by the Heads of State and Government in January 2006 and provided the basis for a Community Legal Framework, and a Cross-Border Initiative Programme to accelerate regional integration through practicable joint social, economic and cultural development projects was created. The regional strategic document 'Regional Integration, Growth and Poverty Reduction in West Africa: Strategies and Action Plan' drafted jointly in 2006 by ECOWAS and WAEMU acknowledges the contribution of migration to economic transformation, growth and poverty reduction" (ECOWAS website accessed on 17th of Dec, 2014).

The ECOWAS decided on creating a borderless region in its meeting held in Abuja in the early 2000s. The ECOWAS passports were projected as the symbol of unity and were to be circulated within a period of ten years. Member States developed their transport and telecommunication links "by trans-coastal, trans-Sahelian and trans-coastal/Sahelian road network" (Adepoju 2005: 10). Regional infrastructure has been expanded to encourage economic integration through the establishment of rail routes. Two routes has been established, one from Lagos to Cotonou, Lome and Accra which is a coastal route and another from Lagos to Niamey and Ouagadougou which is a Sahelian route. It is only the Customs and immigration who can control and regulate the border posts and all checkpoints on international airways. A zone which was scheduled to operate from April 2000 was set up for circulating goods which would be free of custom duties and that encouraged the freedom of movement of people across borders of the ECOWAS states. Prior to that, the *Lome Protocol* was signed in December 1999 for preventing, managing and controlling conflicts and also for maintaining peace and security. (Adepoju 2005).

“The establishment of a common Investment market of ECOWAS was decided after which a *Supplementary Act on Community Rules on Investment* was adopted in 2008. Within this framework, a Community Investment Code has been finalized, to harmonize national investment codes, in line with the provisions of ECOWAS protocols on the right of establishment” (Aremu 2010). The West African region since its inception has been a region of very high mobility. It is estimated that almost 80% of the population in this region has migrated within the region and do not live in the country of their origin. The ECOWAS Commission which was adopted in 1975 and was revised in 1993 includes certain provisions that facilitate the people to move within the region. “Article 59 of the treaty establishes the rules of immigration. Article 59 (1) states that the citizens of the community have the right of entry, residence, and establishment anywhere in the territory. Article 59 (2) states that the member states have to undertake all measures to ensure that the citizens enjoy all rights referred to in terms of their movement in the territory. Article 59 (3) states that member states have to undertake to adopt all measures at national level for the effective implementation of the provisions of the article” (Elumelu 2013).

It may be noted that continuous economic downturns have ruined the capability of states to follow constant macro-economic policies which led to poor funding of cooperation unions. Due to non-convertibility of currencies, financial settlements and the management of macro-economic policies get hindered. The implementation of trade liberalization and privatization programmes gets hampered through the various economic reform programmes “which could have opened up domestic markets to foreign direct investment and the establishment of a free trade zone” (Adepoju 2005). The Trade Liberalization Scheme was intended to make sure the free movement of goods satisfies the rules of origin of the Community. It had the capability of enlarging the export market within the sub-region, create jobs, reduce poverty and enhance foreign exchange earnings. Apart from the lack of political will, and the practice of corruption by the officials, there has also been the presence of fear on the part of the smaller countries of domination by the larger countries of the ECOWAS. Examples may be cited of the growing concerns of Ghanaians that Nigerian commercial operators are

dominating the Ghanaian market. Again, the refugee regime which was long been “localized in the Horn of Africa and the Great Lakes region has spread swiftly to the sub-region as Liberia’s contagious civil war soon spread to Sierra Leone, engulfing Guinea Conakry and Guinea Bissau and Cote d’Ivoire” (Adepoju 2005: 8) and pulling up thousands of people who have been internally displaced or are refugees because no sooner one refugee crisis gets solved, another one emerges immediately.

The ECOWAS adopted the Common Market for Migration in its 33rd session in January 2008. The West African region holds the record of strongest flow of intra-regional migration in Africa. The direction for the flow of migration is from the northern countries of Sahel West Africa like Mali, Burkina Faso and Niger to the southern part of mineral rich and plantation rich countries like Cote d’Ivoire, Ghana, Nigeria, Liberia, Senegal and the Gambia. Apart from the policies approved by the ECOWAS to facilitate migration, there are also some challenges and gaps that act as an obstacle to the intra-regional labour mobility. In most of the member countries, data collected are usually poor and outdated. Absence of national labour policies, lack of harmonization of national laws and policies with the ECOWAS protocols on migration, weak institutional and coordinating mechanisms along with the tensions created by the dominance of migrants in national economies are some of the challenges that hinder the process of intra-regional mobility in the ECOWAS region (Awumbila et al 2014: XIV). The ECOWAS in 2014 along with the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD), and the International Labour Organization (ILO) and funded by the European Union (EU) launched a € 26 million project on migration that will support free movement of people and migration in Africa. The project will provide support at the national level to the member states of ECOWAS. It aims to inform citizens of their mobility rights and obligations, fund actions of civil society and local authorities to promote and implement regional and national policies at the local level (ILO accessed on 12th June, 2015). The first phase of free movement has been achieved. The second and third phases, relating to establishment and residence, respectively, are still not implemented. But the question remains as to whether a borderless West Africa is possible or not.

2.3. Intra-Regional Migration in the MERCOSUR region

The movement on the part of the migrants in Latin America has been on the rise since the 1970s. A significant wave of intra-regional migration has taken place because of the political persecution and repression under authoritarian regimes. It was in the light of 1980s Latin America Debt crisis that the MERCOSUR came into existence to address the problems. The idea of integration was promoted in the mid 1980s after the democratization process of Argentina and Brazil. The integration policy aimed at the liberalization of economic and trade issues as a way to move on from the “Lost Decade” and spur economic growth and, at the same time, creation of strong group of democratic regimes that one day would form a common market, similar to the EU.

2.3.1 Overview of the MERCOSUR

MERCOSUR was established on the basis of the 1991 Treaty of Asunción, aiming for the free movement of goods, services, and the factors of production which included labor. It includes a group of countries in the Latin American zone like Argentina, Brazil, Paraguay, and Uruguay with Chile and Bolivia joining later. These countries are geographically adjoining and have similarity in cultural and historical dimensions. The Latin American countries have been colonies of outside forces until the second half of the last century as a result of which the socio-economic gap between the Latin American countries and the developed countries increased. Moreover, the economic crises, social unrest and the adoption of dictatorial regimes in a number of Latin American countries led the countries to form an alliance to fight against these problems (Patarra 2000: 2).

To address these issues, a working group was created in 1991 to take up the theme of migration of labour. It was in March 1991, that the MECOSUR was established under the Treaty of Asuncion but the Treaty of Ouro Preto gave it wider recognition and formalized a customs union. MERCOSUR includes Brazil and Argentina as the economic giants along with Uruguay and Paraguay while Bolivia, Chile, Columbia and Ecuador are associate members who can join free-trade agreements but remain outside the bloc’s customs union. The membership of Chile was

suspended after it signed a free-trade deal with the US in 2002. The MERCOSUR aims to create a free-trade area in the full continent. The institutions under MERCOSUR are the policy making Common Market Council and the Common Market Group that implements policies and checks the Council's decisions (BBCnews accessed on 12th June, 2015).

MERCOSUR is a trading bloc which includes 250 million people which makes it the fourth largest trading bloc in the world. MERCOSUR in its last 24 years of existence has been tremendously successful in reducing the tariff and non-tariff barriers and increasing the intra- regional trade. From 1990-98, trade investment increased by 75% and exports up to 44% to the countries outside MERCOSUR. Moreover, the bloc has been successful in harmonizing the macro-economic policy and consolidating democracy among the member countries. The member countries agreed according to the Ushuaia Protocol in 1998 that democracy was an essential condition for the integration amongst the member states. But all is not good for the organizational bloc. The organization does not have a formal mechanism for settling disputes and have to deal with occasional setbacks and imbalances in trade. Moreover, the big members of the bloc- Brazil and Argentina are not in good terms which create an atmosphere of hostility and trade sanctions flourish and integration is jeopardized (Paiva and Gazel 2003).

But MERCOSUR is not only a trading bloc. It is a socioeconomic bloc with a complex cultural reality. In its initial days, its activities were marked by the regional move towards democratization from the rule of military dictatorship. Regarding migration, the role of MERCOSUR has been very progressive. Intra-regional migration has been significantly high especially in Argentina “where some 350,000 Paraguayans and 250,000 Bolivians reside, most working in the informal sector” (Munck and Hyland 2013: 11).



Fig 2.4: MERCOSUR region

Source: http://www.argentour.com/en/argentina_economy/mercosur.php

2.3.2 Migration in the MERCOSUR Region

Migration has been on the rise in the last two decades. One of the unique features of the “migratory patterns for the Southern Cone region is the imbalance in migration destinations for intraregional migration. While all member states have dealt with population emigration, Argentina has been and continues to be the main destination of intra-regional migration” (Margherities and Hummel 2010). MERCOSUR is not a supra-national institution and it is founded on the principles of inter-governmentalism. As a result, the organization does not have any autonomous power to create and implement legislation on the member states. Each of the members had different motivations to participate in the creation of this institution. Nevertheless, the population since the 1980s has observed a decrease of rhythm in migration, mainly due to the economic crisis. The intra-regional migratory processes, however, have become more visible from the 1970’s on. It may be noted that in Latin America, Venezuela and

Argentina were the main attraction countries, mainly in the 1970s. In spite of the economic crisis in the 1980s, Argentina registered an international intra-regional migratory balance of 147 thousand people and Venezuela of sixty thousand between the years of 1980-1990.

The Asunción Treaty established a customs union and a common market in the Southern Cone (i.e. the southern part of Latin America), with free circulation of goods, services and factors of production, as well as the coordination of macroeconomic and sectoral policies. Since then, trade has been liberalized. MERCOSUR's agenda is not limited to achieving a common market. Its major purpose was to outline a roadmap towards the completion of the customs union and the common market, however it also incorporated several other areas, which range from macro-economic coordination to home affairs, environment, education, infrastructure, etc. "The labour markets of the MERCOSUR countries are characterized by the growth of new types of occupation, many of which are part-time or home based, and by the growth of the informal workforce. In this context, the MERCOSUR nation states propose the free trade of goods, services and means of production, as well as the establishment of a common external tariff and the co-ordination of macroeconomic and sectoral policies such as the harmonization of relevant legislation" (UNESCO 1998:14). Intra- regional migration in Latin America is caused by both historical factors like unequal economic and social development and political unrest, and by current circumstances. The flow of the intra-regional migrants doubled in the 1970s which got stabilized in 1990s. Argentina and Venezuela became the two prime destinations for the migrants because of the availability of natural resources in both the countries with migrants varying from countries like Colombia, Chile and Paraguay. Costa Rica and Mexico have also received large numbers of displaced people from Nicaragua, El Salvador and Guatemala as a result of social and political turmoil (UNESCO 1998: 16).

After the creation of a common market in the MERCOSUR region, migration within the region increased tremendously. Because of the new factor of regionalism being induced in the pattern of migration, future migration pattern in MERCOSUR depends on the

following: the “strengthening of the integration project between the four MERCOSUR countries, which will particularly influence intra-regional movements; the articulation of the integrated MERCOSUR group with the other countries in the region, specifically whether or not the agreement is expanded, and whether new policy on the circulation and settlement of people within the regional economic spaces is introduced; the insertion of MERCOSUR into the global economy” (UNESCO 1998: 17).

The MERCOSUR since its inception has taken on issues of migration policies. One of the foremost steps was the multilateral accord in 1997 for Social Security which aimed for harmonizing the social security system of the countries which would ease and facilitate the movement of workers later. Reference may be made to the Residency Agreement that was signed by all the member states plus Bolivia and Chile which guaranteed the citizens of any member states to obtain legal residence for two years in any other member states if they can show the required identity documents. This was a milestone in terms of providing equal social, economic and political rights to the migrants. The agreement also guaranteed the right to send remittances, to family reunion and education for the children of the migrants (Margheritis and Hummel 2010:9).

Most migrants who move within the region are in the age group of 15-64 years and there has been a majority of female workers. For the intra-regional migrants, the percentage of single women outweighs that of single men, although the percentage of women with higher education is lower than that of men. Labour force participation is higher for men. The effects of migration have been mainly positive with increased income and higher standard of living but there have been negative aspects too, as it has been associated with higher levels of social, economic and political insecurity for the families who stay behind. The MERCOSUR as a regional bloc although faced difficulties regarding the policies of convergence and harmonization, changing global economic conditions created an incentive for the member states in order to counterbalance the South American region. The harmonization within MERCOSUR is largely incomplete as the bloc could not reach its target and the social issues or rights of

the migrants were not the matters that the bloc took up to address. But the bloc initiated and adopted an agreement called Residency Agreement which intends to legislate and protect certain basic, social, political and economic rights of the migrants. The agreement guarantees right to residence and work and also promises sanctions against those who seek to abuse and exploit migrants. This agreement works positively in regard to the migrants and MERCOSUR adopted it in order to deepen the integration in the region. The objective of the Asuncion Treaty and the creation of MERCOSUR as such were to create more favorable conditions for international competition.

2.4. Comparative assessment and Conclusions

Migration as a concept has become an important issue, more particularly in the light of globalization. The structural changes in the global economy create new opportunities and challenges for the countries of origin and destination. It has become a core issue in the agenda of international organizations and a powerful tool for boosting development in the region. This chapter looked into the concept of intra-regional migration from the vantage point of regional organizations and examined three different regional organizations in this context-the Arab League, the ECOWAS and the MERCOSUR.

In the case of the Arab League, it has been observed that intra-Arab migration has been very dynamic, even though not comparable to that in the EU region. Migration in this region can be traced to the period of Pan Arabism when a number of Arab governments signed the document of Arab Economic Unity Agreement in 1964. The document preferred Arab labour to the non-Arab labour which helped in replacing foreign labour with Arab labour. The oil blockage in 1973 also led to the increase of migration in the region in order to realize the socio-economic development in the Gulf. Although challenges like structural imbalances, lack of regional mobility policies and underutilization of student mobility can be observed, yet due to homogeneity in culture, language and religion, intra-regional migration has been a reality. Migrants by providing remittances help their own countries by reducing unemployment. The Arab League along with the UNFPA agreed on certain recommendations that emphasized on

the bi-lateral exchange and co-operation of information and experiences that will promote networking and finances. It will encourage the League to support the participation of youth and facilitate financial support to the migrants of the poorer countries.

In the context of the African region, intra-regional migration has been much more successful as compared to other regions. The West African regional bloc ECOWAS has encouraged migration within the region. Although it saw limited success in terms of monetary policy, trade and communication, it has adopted certain policies like the introduction of ECOWAS travelers' cheques –to harmonize the sub-region's monetary policy; the proposed adoption of a common currency to facilitate cross-border trade transactions and, with it, the introduction of Brown Card travel certificates as ECOWAS passports. A vision of common investment market has also been proposed in the region to liberalize trade.

In case of MERCOSUR and the Latin American region, migration has been on the rise mainly due to the democratization process. Moreover, in this region, it is Argentina that experiences intra-regional migration compared to the other countries. The Asunción Treaty which created the MERCOSUR bloc in 1991 established a customs union and a common market in the Southern Cone of Latin America with free circulation of goods, services and factors of production, as well as the coordination of macroeconomic and sectoral policies. The bloc also adopted an agreement called Residency Agreement which intends to legislate and protect certain basic, social, political and economic rights of the migrants. The agreement guarantees right to residence and work and also promises sanctions against those who seek to abuse and exploit migrants. This agreement has become a tool for the migrants in Latin America in order to deepen the integration.

In all the three cases, it has been observed that the regional organization which is in operation has initiated certain policies which have led to the increase of migrant labours to move within the region. In spite of the limitations and difficulties it has to face

in terms of migration and the flow declines, the regional blocs have tried to adopt certain other policies. Comparing the three it can be observed that the ECOWAS has been relatively more successful. ECOWAS has been much more successful in implementing the policies of intra-regional migration. MERCOSUR and the Arab League on the other hand have failed to realize it to that extent. MERCOSUR have been mainly acting as a trading bloc who became the trading partner with the EU and they both signed a regional agreement in 2007 and the EU has been assisting the bloc to strengthen the institution. These organizations encourage migration between the countries within the region because it helps in boosting the development of the region. It may be noted that intra-regional migration has often helped in redeveloping the economy of a nation. Hence it can be seen that regional organizations use the concept of intra-regional migration in order to develop the region.

Compiling all the cases, it can be assessed that regional organizations play an important role in integrating the region by their policies, which allows interaction of people and movement of labour within the region. Intra-regional migration, although most successful in the European context, is a phenomenon that is visible in all the three regions. One of the prime differences between the EU and the other organizations is that while in the other organizations, migration facilities are mainly provided to the migrant workers; in EU the facilities are available to all persons to move within the EU area without much difficulty. Although trade helps in most cases to create an area without barriers, no other organization could build a borderless network like the European Union. The concept of sovereignty is still prioritized in organizations such as the Arab League, MERCOSUR and ECOWAS while in EU the concept of sovereignty is modified. Traditional concerns like territorial boundaries and legal systems of individual member states often act as an obstacle when it comes to regional organizations. It is in this context that the EU is much more successful in creating a borderless area. The assessment of these three organizations therefore will act as a comparative backdrop to the EU case which has many more complexities.

CHAPTER 3

INTRA-REGIONAL MIGRATION IN THE EUROPEAN UNION

Introduction

This chapter takes up the case of the European Union (EU) in the context of intra-regional migration. The EU as a regional organization deals with the issue of intra regional migration very differently than other regional organizations. Unlike most other regions, the EU commits itself to facilitating and promoting migration within the region. The EU's overall objective of integrating the EU region and adopting the policies of open borders, free movement, common currency etc. has given an impetus to migration within the region. This chapter looks into the evolution of EU policies and their role in intra-regional migration. It will look at the legal framework of EU over the years by looking at different treaties like the Tampere, Amsterdam and Lisbon treaties. It also analyzes the role of the visa policy that plays a major role in integrating the European region in terms of migration.

Although migration has become an important issue in the agenda of international organizations, it has different implications in the European context. The issue of intra-regional migration has a much wider implication in the European region as it is considered “a role model of... regional integration and social cohesion within a framework of shared sovereignty” (Munck and Hyland 2013: 6). Since its inception, the EU as an organization has aimed to facilitate migration within the region. This has resulted in the organization dealing with regular international mobility and interexchange of rich variety of cultures between nations. “Migration in its various forms has been, is and will continue to be an important characteristic feature of European societies. Mobility in the form of free movement is a key component of the EU treaty framework dating back to the 1950s that seeks to guarantee free movement rights.” (Geddes 2013: 2).

3.1 Overview of the European Union

The European Union (EU) is a political and economic bloc which was initially started by six Western European countries ((Belgium, France, Germany, Italy, Luxembourg and the Netherlands) to foster interdependence in order to make another war unthinkable. The bloc in the present day consists of 28 states which includes countries from Central and Eastern Europe and has helped in promoting peace and stability. The EU is built upon many treaties and the member states over the years have adopted common laws and policies on several “economic, social and political issues. The member states share a common customs union, a single market where goods, capital and people move freely, common trade policy and a common agricultural policy. Nineteen of the member states use a common currency called Euro. Additionally, the EU has also adopted a *Common Foreign and Security Policy* (CFSP) which includes a *Common Security and Defense Policy* (CSDP), and is pursuing cooperation in the area of *Justice and Home Affairs* (JHA). The EU works together through common institutions in order to set policies and promote their common interests. The important institutions of the EU are the European Council which is composed of EU Heads of State or Government and acts as the strategic guide and driving force for EU policy, the European Commission which maintains the common interest of the Union and functions as the executive organ of the EU and the Council of the European Union (also known as Council of Ministers) which represents the national governments of the member states and the European Parliament which represents the citizens of the EU” (Archick 2015). The EU is a supra-national authority which has modified the contours of nationalism in the region. The organization has evolved over the years and includes the following organizations:

The EEC (European Economic Community): The EEC was established through the Treaty of Rome and was named informally as the “Common Market” in 1957. One of the most important provisions is the elimination of tariffs between European nations and creation of new ones which were applicable to all.

The EC (European Community): The EC was established in 1965, the major concern for this organization was the unified approach towards atomic energy. It also helped in the

transition of democracies which transformed their approach from communism to capitalism.

The EU (European Union): The EU, which was created through the Maastricht Treaty in 1991, created the modern organization which has authority over monetary policy, foreign affairs, national security, transportation, environment, justice and tourism. One of the important goals was to co-ordinate economic policies through the means of common currency (Euro) which replaced the national currencies of different member states and a common European Central Bank (ECB) in order to influence the economic policies of the member states (Wood 2011:91-93).

The EU member states share central powers and responsibilities with the supranational institutions of the EU. Migration policy has progressed through different stages of co-operation. The first stage has its origin in the Schengen Agreement of 1985 which abolished all checks on persons at their internal borders. This agreement was signed by Belgium, the Netherlands Luxembourg, France and the Federal Republic of Germany. The signatories committed towards the gradual abolition of barriers to movements across borders between them and also co-ordinate to fight against drug trafficking and crime as short term measures and dedicated themselves to work for harmonizing the laws for common police co-operation and common visa policies. The convention started to work on the implementation of Schengen Agreement in 1990 to set out the application of abolishing border controls. It also aimed for strengthening the external border check and defined laws that would help for issuing visas. The Schengen Agreement was implemented on 26th March 1995 (European Commission 2008). The second stage of co-operation was during the 1992 Treaty of Maastricht which made the existence of the EU official. The treaty was named after the place Maastricht in the Netherlands and it came into force on 1st November, 1993 after being approved by 12 states in the European Community. The Maastricht Treaty apart from establishing the EU, also grants citizenship to the citizens of the member states. It also established an outer border for the citizens within which they could travel, move, live and work without any restrictions. The treaty also called for a common monetary and foreign policy according to which the European Central Bank was established and a common currency which required its members to co-operate with the common policies.

The EU was built around three sets of pillars. The first pillar aimed to create a community which would make all the nations of Europe collaborate with each other. This pillar was called European Community Pillar and was related to the pillars of supra-nationalism and inter-governmentalism. This pillar covered issues like creation of a union in customs and the economic market, common agricultural policies, citizenship, education, culture, consumer protection, healthcare, employment, asylum policies, immigration policies, etc. To summarize, the first pillar drew the ways in which the conflicts between nations of EU would be dealt and laid a yardstick for the nations in areas such as agriculture, environment, transport, medicine and education. Hence this pillar was crucial for the creation of a unified Europe (Herkert et al 2009: 6). The second pillar dealt with the Common Foreign and Security Policy (CFSP) of the EU. The EU had the task of defining and forming a common foreign and security policy at the supranational level. The member states were to agree with this policy in a spirit of loyalty and solidarity. The objective of this pillar was to protect the common values, fundamental interests, independence and integrity of the Union which conforms to the United Nations Charter, to strengthen the interdependence and security of the Union, to promote co-operation and to consolidate democracy and rule of law with respect for human rights and fundamental freedom (European Parliament 2015: 2). The third pillar was based upon the Justice and Home Affairs (JHA). It was marked as a sector which focuses on the common interests of the nations in asylum policy, immigrant policy, customs area and justice. The fundamental instrument of the JHA was based upon the common police EUROPOL (JeĜábek 2009: 9). The second stage of co-operation was during the 1992 Treaty of Maastricht and was set under the third pillar of the EU. The third stage of co-operation was the Treaty of Amsterdam which reflected the fundamental priority about immigration policy. The Lisbon Treaty subsequently entirely removed the pillar system from the EU structures.



Fig 3.1: EU before enlargement

Source: <http://www.economist.com/node/1500515>

The Amsterdam treaty contained a list of measures for five years which coincided with the date April 1, 2004 when ten nations of Eastern Europe joined the existing EU 15 nations. The EU 15 countries are the existing nations of mainly Western Europe who were already the members of the EU before ten new nations of the Eastern Europe joined the Union. These nations are – Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Luxembourg, Portugal, Spain, Sweden, and United Kingdom. While the new ten members of the EU comprises of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia. Migration after the enlargement of EU will be specifically dealt in the next chapter.

The European Union is a political and economic bloc which consists of 28 member states which was set up to end the war between neighboring countries which resulted in the World War – II. At the end of the World War- II, Germany was divided into four zones. While Soviet Union got to keep the Eastern part of Germany, the Allies occupied West Germany. They wanted to create a new democratic country in West Germany except France who wanted to hold on with the industrial region of Ruhr because of the fear that Germany would use the industry for armaments to resurge back

while the British and the American government wanted the new German government to take up the resources. In order to deal with this situation, Jean Monnet, an international civil servant from France proposed an idea to Robert Schuman that would deal with the problem of how France and Germany could deal with each other. Monnet suggested that the coal and steel industry of these countries should be merged under a higher authority that other West European states can also join (Archer 2008: 7-8). It is in this context that the European Coal and Steel Community (ECSC) began to unite six European countries (Belgium, France, Germany, Italy, Luxembourg and the Netherlands) in order to secure peace among them. The neo-functionalists opine that the interest groups cooperated with each other across borders and interacted under the High Authority which was the forerunner of the European Commission to make the national governments transfer responsibilities and increase the scope of European governance. It is in the dream of building a peaceful Europe that the Treaty of Rome created the European Economic Community (EEC) which started the common market and facilitated a free movement of capital, services and eventually labour in the region (Dinan 2007: 1123-1124). The period of the 1970s saw the first enlargement when Denmark, Ireland and United Kingdom joined the European Community on 1 January, 1973 raising the number of member states to nine. It is in the 90s that the concept of borderless Europe came into being (Retrieved from http://europa.eu/about-eu/eu-history/index_en.htm accessed on 14th June, 2015).

3.2 Origins and Evolution of Migration in Europe

Because the Industrial Revolution started in Europe in the first place, the process of urbanization naturally took place there. As a result, migration became very prevalent in the European continent. Immigrants from foreign countries have benefitted from migration to the European countries mostly in the light of the reconstruction of the economies after World War II. These migrants have filled up critical positions in the IT sector, engineering, construction, agriculture and food processing, health care, teaching, and catering and tourism, and domestic services. Moreover, the European economies have also opened up many possibilities for the labour migrants in the European continent.

The importance of the migration policy in Europe increased at the end of the 1980s with the adoption of the Single European Act's "four freedoms" of movement (goods, services, and capital and labour). Member states share central powers and responsibilities with the supranational institutions of the EU and the European Commission now has the power to adopt legislative initiatives. The free movement of workers forms part of the four freedoms upon which the European Community was founded in 1957. Initially the right focused on the European nationals who were economically active but today the right is applicable to all the citizens of the European Union. The opening up of borders among nations within the region was possible even before 1914 but after the World War I, borders became important and it was in this period when passports and visas were introduced for security reasons.

But it was in the post World War II period when Europe was experiencing economic growth that labour migrants were encouraged. In order to gain more and more skilled workers for the economy, the treaties founding the European Economic Community (EEC), which is the predecessor of the European Union emphasized on the freedom of movement of qualified industrial workers among the different nations of Europe. Over eight million work permits were issued to workers in Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany (the original six members of the EEC) during the period of 1958 to 1972. (Koikkalainen 2011).

The European region has been the perfect destination for workers to migrate because of the free mobility and the administrative decisions taken by the EU. The European Court of Justice (ECJ) has consistently recognized the principle regarding the freedom of movement and has established it as the basic foundation of the EU. The freedom of movement is one of the founding principles of the EU and it is laid down in Article 45 of "The Functioning of European Union" (TFEU) and is a fundamental right of the workers. It prohibits any kind of discrimination of any workers based on nationality as regards employment, remuneration or any kind of work conditions.

Europe is generally described as a patchwork quilt because of the presence of different cultures in a single region. Migration became an important issue in the West European region after World War – II and is still a significant issue today. The course of immigration in Europe can be mainly divided into two phases. The first phase is after the end of World War II until the enlargement of European region while the second phase starts with the inclusion of the eastern part of Europe along with the erstwhile 15 members. But the broad two phases can be further divided into several phases. The first period covers the years from 1945 until the early 1960s. In this period the four freedoms within the European region were recognized. Since the 1970s, the rulings of the European Court of Justice have played a crucial role in broadening the “free movement of persons”. Reference may be given to the case of “Commission V The Netherlands , C- 68/89, 30 May 1991” where the Court declared that the citizens of the member states can enter the territory of other member states “in the exercise of the various freedoms recognized by the Treaty and in particular the freedom to provide services, which is enjoyed by both the providers and the recipients of services. The Court held that the establishment of conditions of entry other than the production of a valid passport or identity card was inconsistent with Union law.” (Retrieved from europa website accessed on 14th June, 2015). With free movement being recognized the leaders of Europe reflected their desire to broaden the possibilities of free movement and reduce travel restrictions within Europe. This decision was revealed in the Schengen free border project which was an intergovernmental collaboration in 1985 which provided the blueprint for the European cooperation in immigration and asylum. The Schengen Agreement, which first went into effect in 1995, created a common, essentially borderless area between Belgium, France, Germany, Luxembourg, the Netherlands, Portugal, and Spain, wherein travel credentials were only required at the external borders of this area (Koikkalainen 2011). The Schengen Agreement was further incorporated into the Amsterdam Treaty.

The European Commission created the first procedure for a Community policy on migration, but its power was called into question by the member states, and any cooperation unfolded initially outside of European institutions on an intergovernmental

level. Therefore, the Schengen Agreement was an indicator for the states to verify the “measures to safeguard inner security after the abolition of border checks. The adjoining measures were concluded with the 1990 Convention implementing the Schengen Agreement. Alongside cooperation on the part of the police and judiciary in criminal matters, this included the standardization of regulations for foreigners entering and remaining for short stays within the “Schengen area” (a single Schengen visa), border police cooperation, and in asylum matters, the determination of the member states responsible for an asylum application. The provisions relating to asylum policy were adopted in the same year in the Dublin Asylum Convention, which was ratified by all EU member states and, after difficult internal policy ratification processes, came into force in 1997” (Focus Migration 2009).

The Schengen Agreement, although initially binding upon five European countries, with the “Schengen acquis” of 1997, was transferred into European law under the Treaty of Amsterdam; the original area was expanded step by step and presently the “Schengen regulations apply in all EU member states with the exception of Ireland and the United Kingdom, Bulgaria, Romania and Cyprus. Iceland, Norway and Switzerland are associated with the Agreement as non-EU member states. The driving force and laboratory for EU-wide cooperation in matters of migration policy and, over and above that, in criminal and police issues” (Focus Migration 2009) is the intergovernmental cooperation among the member countries within the Schengen framework.

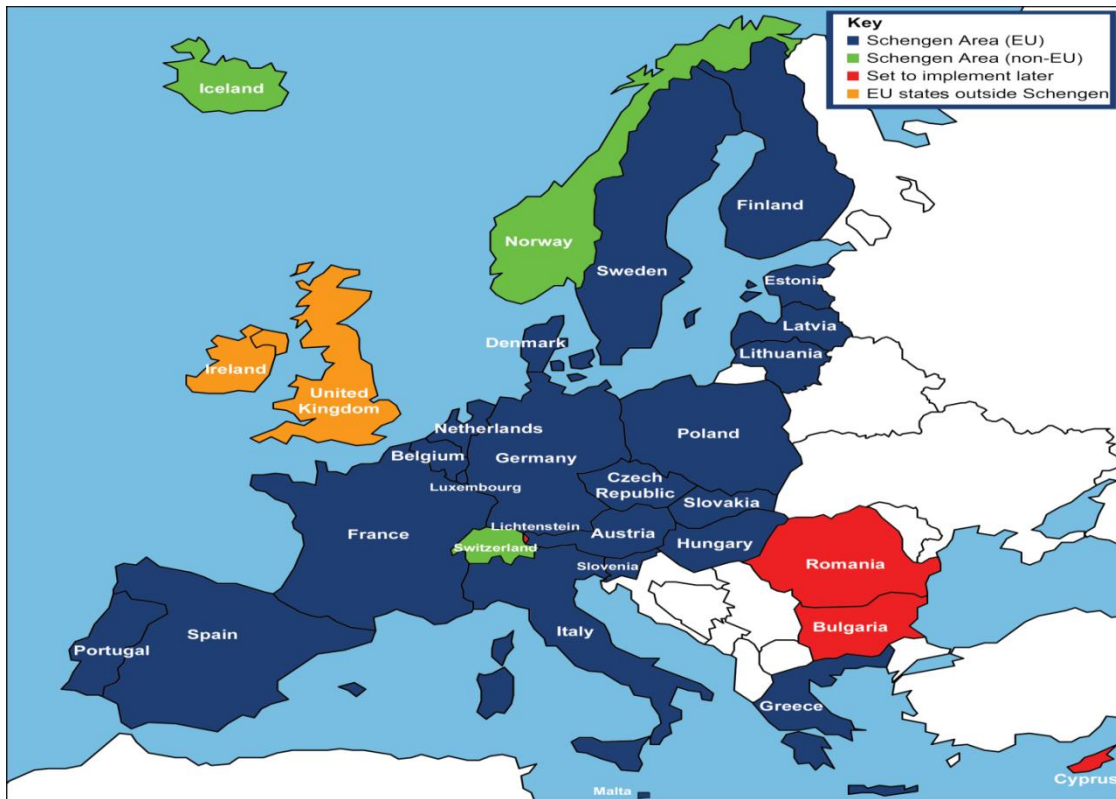


Fig 3.2: Schengen area

Source: eu-magazine.com/files/Schengen-alternativaeuropae.png

The Amsterdam Treaty (1999) provided the EU with legal competences by incorporating the Schengen rules and regulations into the EU's legislative framework and transferring immigration and asylum, together with visa, external border controls and civil law matters, from the intergovernmental 'Justice and Home Affairs' Pillar to the 'European Community' Pillar. With these new competences in mind, the European Council quickly called for the development of 'a common EU asylum and migration policy (Trauner 2014: 3).

Migration in Europe can be understood in many phases. The first phase was the years between 1945-60 which was the period of postwar adjustment and decolonization and a period of pure supply-driven migration. Germany dealt with a strong inflow of people who had to relocate because of the war. "The United Kingdom, France, Belgium

and the Netherlands were affected by return migration from European colonies and the inflow of workers from the former overseas territories. For example, in the United Kingdom, the immigrants were mainly from the newly independent Commonwealth countries, starting with the Caribbean countries and finally with people from the Indian subcontinent. The second phase of labour migration continued till the first oil price crisis in 1973-74 which was motivated by the very strong economic growth at the time. It resulted in shortage of labour in the second half of the 1950s and the 1960s which led a number of Western European countries to open up for immigration” (Zaiceva and Zimmermann 2008). Countries like Germany, Austria, Belgium, the Netherlands, Switzerland, Denmark and Sweden actively employed inexperienced workers from the Southern European countries on a transitory basis which was recognized as guest worker system and became permanent in a number of cases. The migrants who had returned to Belgium, the Netherlands, the United Kingdom and France were also permanent, since they were the outcome of decolonization.

The third phase of post-war migration into Europe was the restrained migration from 1973 onwards, when active labour recruitment was stopped in the face of increased social tensions and fears about a recession after the first oil price shock. “In spite of the fact that the guest-worker system was installed to foster temporary migration, return migration was sluggish. To the contrary, family reunification and humanitarian immigration went on. In sum, immigration from non-EU countries continued while net immigration from EU countries became low.” (Zaiceva and Zimmermann 2008: 4-5). The fourth phase of migration was much different from the first three phases because in those phases asylum seekers originated mainly from Asia and Africa but in the fourth phase, the asylum seekers and migrants were mainly from the East European countries “originating in the dissolution of the political regimes in the former socialist states in Eastern Europe. The wars in Croatia, Bosnia-Herzegovina and Kosovo caused a migration surge from these regions that followed established ethnic networks. Also the clashes between Turks and Kurds in the South-East of Turkey generated a substantial number of additional refugees” (Zaiceva and Zimmermann 2008). But this phase was also short-lived and the migrant flow was stabilized soon. In

the 1990s, some countries like Germany became restrictive about the immigrants from Eastern Europe and other asylum seekers and refugees. Thus, the fifth phase of migration was largely closed for economic and non-economic migration. But some countries were exceptions like United Kingdom which continued to receive immigrants from the traditional migrant countries. Apart from these, a new list of nations like Italy, Greece and Spain also became immigration countries (Zaiceva and Zimmermann 2008).

The EU has facilitated the movement of migrant labour to Europe by several legal steps. The EU Charter of Fundamental Rights encourages the process of migration to Europe. It shows that the EU is based on the principles of democracy and the rule of law. The four freedoms of the EU, that is free movement of goods, persons, services and capital are promoted through the charter which states that it is essential to reinforce the protection of fundamental rights, freedoms and principles (Juss 2013). There are other factors which encourage migrants to work in the European countries. These factors include a population which is ageing and lacks skilled labour. Much of the population in Europe consists of old and aged people, the phenomenon called ‘the greying of Europe’. The “persistent low fertility rates will lead to a marked reduction in the labour force in the near as well as more distant future. These developments reflect the deep transformations in the age composition of European populations. Along with changing family and household structures, they set a largely new demographic scene for development prospects in Europe. Challenges posed by demographic change have increasingly been a focal point of debates on the future of the EU. Population and labour force ageing in particular, accompanied by a shrinking of the work force, raise concerns about future economic growth.” (European Commission 2014:8).

3.3. Role of the EU in Facilitating Intra-Regional Migration

The Treaty of Rome adopted in 1957 grants the freedom to the EU citizens to move from one place to another in the region. This open legal framework has been supported by the European Court of Justice, which has interpreted the rules in order to promote freedom of movement. Since the Amsterdam Treaty in 1997, the EU has adopted various measures which are mainly related to security. Border management,

visa policy, irregular migration and readmission agreements have been important for the member states. The Amsterdam Treaty integrated the Schengen Agreement of 1985 which created an area without borders between 25 states into an EU law. It added anti-discriminatory provisions along with their applications in employment, social security, healthcare and education. The Tampere agreement which was initiated of 1999 made immigration policy the most important theme and also designed guidelines for a common migration and asylum policy (Margheritis and Hummel 2010: 5). Intra-EU mobility, i.e. the option for an individual to move from one part to another member state in order to seek a job, and live there can be accessed under two different schemes. The first scheme is applicable to EU citizens who benefit from the full exercise of freedom of movement and the second scheme is mainly for the third country nationals. Apart from the workers, the rules regarding the entry and residence of persons holding the nationality of an EU member state were extended to students, retired persons and others. The Maastricht Treaty started with a larger movement where the concept of EU citizenship was introduced (Pascouau 2013:).

The freedom of movement is therefore granted by the Court of Justice. In spite of the prevalence of a legal framework which offers generous prospects for EU citizens to move, the freedom of movement has not been possible to the extent it was expected. On the other hand, it has been depicted as a ‘weak’ phenomenon. “According to the European Commission, only 3.4% of EU-born workers work in a member state in which they are not born” (Pascouau 2013: 11).

The Maastricht Treaty also initiated European citizenship which means that every person holding the nationality of a member state is automatically also an EU citizen. The EU citizenship does not replace the national citizenship of a person but merely complements the national citizenship. The treaty therefore established the right to move from one place to another. It also “established the active and passive right to vote in European and local government elections. Ultimately, EU citizenship also improved diplomatic and consular protection by giving EU citizens the right to turn for help to the diplomatic or consular authorities of any other member state represented in a

third country, if the citizen's own state is not represented there. The Treaty of Amsterdam, finally, extended the rights of EU citizens by prohibiting discrimination on grounds of gender, race, ethnic origin, religion or ideology, disability, age or sexual orientation" (Focus Migration 2009: 8).

The initiation of the EU citizenship separately does not cause any problem with the individual member states. Although the member states acknowledge the principles of *jus sanguinis* (citizenship by blood) and *jus soli* (citizenship by birth), there is no comparable liberal trend discernible where naturalization regulations are concerned. The migration policy has developed dynamically and is one of the primary concerns of the EU. But regarding the integration and assimilation of diverse populations in the European region, there have been mainly two problems. Firstly, there is a gap in balancing between the supranational standards and traditional state sovereignty. Secondly, there is a gap between the primary nations that contribute to the internal security and universal human rights, humanitarian values and economic priorities.

Intra-EU labour mobility has been offered as one of the possible solutions to the Euro zone crisis. Since employment opportunities are unevenly distributed throughout the region, labour movement offers a system to lessen their differences, especially when there is a single currency zone and where exchange-rate adjustments cannot be used to reduce economic imbalances between countries.

Germany, Spain, the United Kingdom, France, and Italy are the countries where the maximum numbers of EU citizens live. These are the countries where almost 80 percent of the adult populations of EU non nationals who are of the working age live. European workers have a long history in terms of free mobility. It has been since 1968 that the feature of free movement has been part of the EU law and regional mobility between Germany and Austria; Belgium, the Netherlands, Luxembourg, and France; and the United Kingdom and Ireland have been common for decades. This occurrence has taken on particular characteristics during three main periods: pre-enlargement which was till 2004, post-enlargement which was from 2004-2010, and during the economic crisis from 2007 onwards.

Mobility within the region and seasonal migration were of a small scale before the enlargement of EU. Before the enlargement, “the main destination countries for seasonal work were Germany, France, Spain, and the United Kingdom. Cross-border mobility between Eastern European countries including Poland, Hungary, the Czech Republic, the Baltic States, and Germany was well-established.” (Benton and Petrovic 2012: 4-5).

Different opportunities result in migration. Potential gains like increased earnings, chance of getting a job, or career development opportunities determine the scope of migration against the likely social and other relevant costs. It is also based upon external factors like no visa requirements or work permit, few bureaucratic hurdles, relatively short geographical distances, and the low costs associated with changing one’s mind or decisions to persuade other, more promising opportunities which may ease the intra-EU mobility while difference in language and family ties are often cited as the major barriers in movement. The selection of destination is also subjective to a diverse number of social and economic factors. Factors like better economic opportunities, including large wage differentials and considerable disparity in employment prospects explain the large flows from Eastern Europe to the United Kingdom and Ireland following the 2004 and 2007 EU enlargements.

The EU free movement laws goes back to the Treaty of Rome in 1957 but it was the Lisbon treaty in 2000 that started the movement of professionals and welcomed the people with skills or talent in the urban hub of Europe. In this way, the culture of smart “Eurocities” was introduced and cities like London followed by Amsterdam and Brussels benefited the most in this scheme. These cities became the destination for the brightest and the most talented lot of generation from the economies of French, German, Italian and Spanish migrants who were not satisfied in their economy (Favell 2009: 178). Intra-EU mobility is also more and more dependent upon movements which are motivated by lifestyle in addition to employment opportunities. The proportion of EU citizens in 2008 who resided in another Member State for study ranged from 2 percent

in Spain and 16 percent in the United Kingdom. By far, the United Kingdom is the largest destination for study in Europe. Almost 96 percent of Irish students are in the United Kingdom. According to the surveys, the education quality and the availability of programmes in English as well as funding are significant pull factors for the migrants (Benton and Petrovic 2012).

Migration can have both positive as well as negative impact upon the destination countries. Competition among the immigrants and the local population arises in the job market which may bring down the earnings if they agree to work at a lower rate. But it also increases the public fund as well as leads to the development of new industries and creates job opportunities. In general the economic impact of migration is considered as positive because it decreases wages and the employment prospects for certain groups. While sending countries have to lose a certain number of populations, but on the other hand, remittances can get extra funds into the country, and outflows can lessen unemployment through the deduction of labour surpluses. The loss of better skilled workers through brain drain policy or shortage caused by large worker outflows from definite sectors can stunt the economy. It is generally perceived that the flexibility of intra-EU migration and the relatively short geographical distances involved lend themselves to circular migration and a successive trade of human capital. But it might limit the chances of up skilling and make it more likely that the investments that the sending societies had made in training them will have been wasted. Migrants can either serve as benefits or be a burden to the society, depending upon their role and contribution (Benton and Petrovic 2012: 17).

From the legal point of view, in order to improve intra-EU mobility the present rules which exist should be implemented. It falls under the guidance of the European Commission which has the power to start a violation procedure before the European Court of Justice against a weak member state. But the Commission has never taken the subsequent step of bringing member states before the Court of Justice in support of non-implementation or poor implementation of EU rules at the national level. Under EU law, the EU rules and its implementation by the member states depends upon the

European Commission and it is also responsible for countering any violation in the procedures or if the laws are not fulfilled properly according to the directives of the EU policy. The estimation of “national transposition concerns all provisions of the directives, including in the present case questions related to obstacles to intra-EU mobility” (Pascouau 2013: 24). But the actual situation is not so satisfactory because the member nations keep on blocking the adoption of individual rights as well as the freedom of movement. The Commission should have the courage to go against a member country else the rights for intra-regional mobility will always be a distant dream (Pascouau 2013).

One of the tools to enhance intra EU mobility is the EURES network, which “...provides significant opportunities to increase the intra-EU mobility of migrant workers permitted to freedom of movement” (Pascouau 2013: 25). However in the real situation, the potential does not get totally recognized due to lack of information. Therefore, steps should be taken to raise awareness among the people regarding the mobility rights and the chance to access the EURES network. In this system, the migrants from the EU country could be hired to fulfill the labour and skill shortages rather than to call external labour from outside the borders. (Pascouau 2013).

In order to keep away from the difficulties at the EU level, several rules have been accepted to assist the mutual appreciation of certified qualifications between member states. However, the system is quite complex as it involves an important set of directives which cover definite sectors or a common structure which is valid to all professions and are not covered by a particular directive. The general system is organized by Directive 2005/36/EC on the recognition of professional qualifications. The Directive is primarily applicable to nationals of the 28 EU member states and nationals of Iceland, Norway and Liechtenstein. But in reality, the member states have much more influence over this directive. One solution to come out of this situation would be to create a system of recognition which would be more flexible and to recognize skills and trainings after three years of being in the profession in one member state, notwithstanding the existence of official recognition of the qualification by the state.

One of the most competent forums where the issue of qualifications may be discussed is the mobility partnerships. It must allow the development of comprehensive discussions and recognize qualifications obtained in the country subjected to the partnership. It may take the form of final agreements as well as qualification provided by different schools or institutions.

The recognition scheme would be valid for the member states who have involved willingly in the partnership. It could later be expanded to other member nations or form the foundation of an agreement between the EU and the third country involved (Pascouau 2013: 28-29).

In the current scenario, the EU fulfils certain conditions that are necessary for intra-EU mobility. It is open directly for the students and researchers for the purpose of studies or research and after 18 months of legal residence they can apply for or EU Blue Card, and after five years of legal residence they can apply for long-term residency. Therefore, the right to move to another member state is basically open after five years of legal residence excluding the high skilled workers. In order to bring in more consistency at EU level, a period of three years could be established equivalent to the period after which the recognition of qualifications becomes regular. Secondly, conditions for using the right to move should be connected to the reason of employment, i.e. the applicant should have a job opportunity or a firm job offer. “Enabling intra-EU mobility under such a scheme would help to reallocate the workforce whenever needed and consequently help to complete the Single European Labour Market. Finally, the rights under which migrant workers would exercise freedom of movement are those defined by the Single Permit Directive, i.e. the right to have access to work and the right to equal treatment” (European Commission 2014).

In this regard, the recent suggestion proposed by the European Commission with researchers and students should be welcomed. It proposes that after graduation or after their research contract has come to an end, both students and researchers can stay in the territory in order to look for a work and set up a business for a period of 12 months

(Pascaou 2013 : 31). It will be subjected to continuing execution of the general conditions of admission. Moreover, the condition states that in a period between 3-6 months, member countries might ask non-EU citizens to give documents which show that they are looking for a job or setting up his own business. It also states that after six months the member states can ask the non-member states to show that they have chances of getting hired or to set up a business (Pascaou 2013).

This suggestion should be considered for a number of reasons. Firstly, the option for students to have access to the labour market is a huge motivation to study in the EU. It is also an advantage for member countries. Secondly, while encouraging the cost of study, member states gain from the graduates who are experienced employees and are integrated into the receiving society. Lastly, the acceptance of general rules in this regard reduces the threat of competitive policies arising between member states. In every way, giving access to the labour market looks like an encouraging situation.

It may be noted that in order to control the negative aspects of migration, the EU established the Frontex which is the European Border Control Agency. Frontex as the key actor of European policy connects the concept of migration to security. It plays the crucial role in the EU's policies to prevent unauthorized immigration and crime across borders. Traditionally the state has been perceived as an important factor when studying migration and security. However, over the years because of changes in sovereignty, security, and borders, the concept of migration has also changed. In the EU, general public possess a citizenship of the Union, and the standard symbol of state sovereignty is no longer possible. The formation of the European Union and the Schengen Agreement, with the elimination of internal boundaries, has signified new requirements for understanding and defining the notion of security and migration, as well as the connection between the two concepts. It can be noted that the EU border control system, with Frontex as the main actor, is based on security and safety concerns, which differentiate between both citizens and non-citizens of the EU, and also between safe and potentially dangerous individuals. The approach of securitization depicts a procedure where the urgent 'security issues' or 'threats' are recognized or created in

order to gather together opinions and represent legitimacy and authority for the means of dealing with that threat.

This approach is extensively used within both civil society and human rights organizations. Critics agree that restrictive border control measures are necessary to fight human smuggling and trafficking. When the European Schengen agreement was implemented in 1995 it removed the internal border controls between nation states in Europe. Also the Schengen Agreement identified the free circulation of commodities, finance, and labour, and it pushed for a common market within the EU. Migration into the European Union all together became the subject of growing importance and which became relevant to all member states and the borders of the countries on the rim of Europe gained more importance as external borders of the EU.

A significant development of migration policy has taken place in Europe since the 1980s. Simultaneously a common set of laws on migration in Europe has highlighted the need for restraining the population flows. Widespread cooperation has consequently evolved between the states of Western Europe in their policies and practices with reference to entry and border control. In the 1950s and 60s, migration within the EC (now the EU) was primarily measured in the context of social and economic rights and the construction of an integrated labour market in which workers could move freely between member states. Several countries used a permissive and promotional migration policy due to a severe shortage of labour. The late 1960s and 1970s saw more control in comparison and restrictive policies were launched mainly because of the changes in the labour market and a desire to protect the social and economic rights of the domestic labor force. One of the important decisions from this period was the decision to differentiate between the right of free movement of nationals of member states and the right of free movement of nationals of third countries. In the mid-1980s, immigration was more politicized through questions of both refuge and of misusing asylum as another route for economic immigration in the EU. Links between asylum and “illegal” immigration were therefore established.

Informal transnational and intergovernmental policy networks, such as the Schengen Group, developed to discuss co-operative regulation of immigration and asylum. These networks played an important role in motivating the later assimilation of migration and asylum policy into the legal structure of the EU. After the Schengen Agreement was adopted into EU law in 1999, the Council of the European Union began formulating the general guidelines for the coordination of a common EU migration management system. Closely related policy fields include border control, asylum law, refugee policies and visa policies. The EU's *Area of Freedom, Security, and Justice* (AFSJ, often referred to as the Schengen Area) was formally created by the Amsterdam Treaty in 1999, and further developed by the Lisbon Treaty, which came into force in December 2009. The AFSJ has brought together formerly dispersed policies on Justice and Home Affairs; it includes policing, legal cooperation in criminal and civil matters, border controls, immigration, and asylum rules. One of the key elements of the EU, the AFSJ has changed due to dynamic policy-making and legislative initiatives during the recent years of European integration. The founding of supranational actors, in the form of EU regulatory agencies, has led to a progressive institutional reshaping. Frontex is one such actor, and it is located at the heart of the institutional foundations of the EU's AFSJ (Gavelstad 2013:18).

The institutional elements (the Treaties) of the EU's AFSJ, comes with policy strategies—five-year political programmes that outline the EU's agenda defining the AFSJ policies. The first programme was the Tampere Programme of October 1999; corresponding with the Amsterdam Treaty, it focused on the development of the AFSJ. The Tampere Programme placed the foundation for further development of common policies within the field of asylum. When the second programme, the Hague Programme of 2004, was established, the political climate had changed due to the 9/11 attacks in 2001. To tackle organized crime and terrorism, the Stockholm Programme which was the third multiannual programme focused on the need for legal and political coherence within the AFSJ. While it provides priority to the protection of the lives and security of European citizens, it also stresses the fact that the AFSJ must be an area in which fundamental rights are protected (Gavelstad 2013).

3.4. EU Policies on Migration

One of the most communitised aspects of the European cooperation policy where migrants and asylum seekers are taken into concern is the visa policy. A list of 101 states is under the EU in which the citizens have to possess their visa in order to cross the EU's external border. This regulation has been challenging for the countries who wish to join the EU. It is these countries which are required to enforce visas on socially, economically and culturally related neighbor states. An electronic visa information system (VIS) is used for all visa applications in which data are stored including the applicants' fingerprints and biometric data for the common visa policy. Family reunification directive and the directive concerning the rights of the third country nationals are the two central instruments in relation to the legal migration. "Both directives aim to harmonize national laws by specifying minimum standards. The directive concerning the status of third-country nationals who are long-term residents (2003/109) provides a framework for harmonizing the legal status of third-country nationals (with a settlement permit, i.e. after five years of legal residence) with that of EU citizens." (Focus Migration 2009: 4-5).

It may be noted that one of the most important policies relating to the regulation of migration is the visa policy. The European Migration Network analyzes the relationship between the visa policy and migration management. The visa policy facilitates legal migration and checks on irregular migration. "Visa is the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States." (European Migration Network 2012:10).

Visas are granted within the EU by the Schengen member states under the following:

- i) Type –A visas are granted for Airport transit.
- ii) Type –C visas which are short stay visas and are granted for a period of not more than three months in a six month period.
- iii) Type –D visas also called "National Visa" are long stay visas and are granted for envisaged stays of more than three months in a twelve month period.

The Treaty on the Functioning of the European Union (TFEU) makes a differentiation between short stay and long stay visas. Article 77(2) of Schengen Acquis covers short stay visa and Article 79(2) covers long stays as part of a Common Immigration Policy. Both short and long stay visa policies are therefore seen as crucial tools to be used by Member States balancing the need for effective and efficient access to the EU, and also for the need to guarantee security.

One of the most important elements in managing legal migration in most Member States is the National visa policy. Many of the Member States have a national visa policy in place, many of which are inserting focus on different types of migration, as well as on diverse aspects of the admission and processes of immigration. Most Member States regard the main function of visas to be the management of first access to the national territory. Visa policies and border controls are clearly very much linked. The Visa Regulation lays down the lists of countries where citizens require visas to enter the EU and those who do not. The Community Code on Visas (the Visa Code) came into force in 2010 which sets out the general requirements for issuing transit and short-term visas to enter the EU.

In many Member States, national visa policy has been used to facilitate and, in some cases, support particular types of legal migration, such as economic migration and migration of highly skilled workers. In these cases, visa procedures are geared to make the process of entry and admission simpler. A strong relationship between national visa policy and migration management can be discerned specifically in France, Slovenia and the United Kingdom, where the national visa policy and practice have been fully geared to support the Member State's national migration strategy. The EU must ensure that measures for integration are encouraged with the participation of both migrants and the societies in which they live. Access to education, social and health services is the right that is important for integration. The EU's rich cultural and societal diversity as well as open-mindedness needs to be maintained to serve as a positive example. "...However, it is disturbing that there have been a growing number of incidents of xenophobic

violence against migrants across the EU” (European Migration Network Report 2012: 39- 45).

3.5 Challenges of Intra-Regional Migration

Migration has been and will be a part of what makes the EU. Labour mobility is desirable because it increases the efficiency of the economy. It contributes to the utilization of resources and ensures the growth of the region. Migration leads to cultural integration and blends the identities of the migrants which in turn increase the opportunities in a globalized culture. Intra-regional migration has brought the diverse culture of different countries of the EU together which in turn made the zone not only one of the most developed continents of the world but also a cultural hub which assimilated various cultures into one (Zimmermann 2014: 5). Much of it has been achieved lately and the future will bring new challenges that will need to be addressed. The increasing number of incidents of xenophobic violence against migrants across the EU is disturbing. “Europe should welcome diversity and build migration a dynamic force for growth and progress. To attract the talents and entrepreneurs that Europe needs, the EU must keep pace with its global competitors. In support of the objectives of the EU 2020 Strategy, situation needs to be created for a forward-looking and all-inclusive labour migration policy and to allow economic activity to thrive in a stable and secure environment” (European Commission 2013:19).

Without the necessary support, the development of immigration and asylum cannot be decided. The overall framework for the European Union’s budget for the period 2014 to 2020 should be effectively put in place. Policy dialogues with the member states regarding the parts of the Internal Security Fund among the Schengen associated states will be held by the Commission. The policy dialogue must guide towards a better focus on objectives, outcome and impacts. Meanwhile, Member States need to make optimum use of the funds that are presently offered, “to support the implementation of EU’s migration policy. The Commission looks forward to further debates on the basis of this report, both in the European Parliament and the Council” (European Commission Report 2012A: 18-19).

The Directorate-General for Freedom, Security and Justice (DG JFS) of the European Commission only plays a minimum role of coordinating in the negotiations. This type of labour mobility comes under the category of ‘circular migration’, which the Commission defines it as a form of migration that is dealt in a way approving some amount of legal mobility back and forth between two countries. Mobility partnerships maintain a normative structure of the phenomenon of migration motivated by the public policy objective of managing the human mobility of foreigners in a way that prevents their social settlement, permanent residence and social integration.

3.6 Conclusion

The European Union which was shaped as a trade bloc in the post world war-II period was expected to reduce the chances of conflict. The EU functions as a single market which facilitates the free movement of goods, services, money and, most importantly, people across the member states. It is often seen as typical of regional integration within a democratic development viewpoint. Even before the freedom of movement across European borders, intra-European migration was a major phenomenon, although workers came from outside Europe as well. The first phase of migration started in the period immediately after World War II and was defined by the mass arrival of workers from the third world countries of the Mediterranean, the developing world and Eastern Europe when the economies of the Western European countries involved in the war began a period of recovery and restoration. Within a few years many of these countries were faced with labour shortages and had to look beyond their own borders to hire labour. It is estimated that approximately 30 million people entered Western Europe as workers, or dependants, during this period, making postwar migration ‘one of the greatest migration movements in human history’. This immigration facilitated the fast and sustained expansion of the domestic economies, which fed the Western European postwar economic boom. Post-1989 saw a re –making

of the European migration landscape with large numbers of migrants from Eastern and Central Europe migrating to the countries of Western Europe.

With the collapse of communism in 1989, Europe experienced higher net immigration than at any time since after the Second World War, with Germany being the key target for East and Central European immigrants, specifically for those coming from East Germany. However, these immigrant workers were also keenly sought by employers in many Western European countries which were experiencing sustained economic growth combined with ageing populations, labour shortages and a substantial need for workers. In spite of the fact that the number of people who migrated from Eastern Europe were in the hundreds of thousands, rather than the millions that had been assumed by some, it was during this period that the issue of immigration became provocative on many domestic political agendas which resulted in the formation and electoral success of anti-immigration political movements across much of Western Europe.

EU enlargement in 2004 initiated the most recent wave of migration, with the succession of 10 new member states into the EU permitting the free movement of workers from those countries, initially into just three existing member states, to five others from 2006 and to all Western European states by 2011 when all obstacles to labour mobility from those countries were removed. The process of planning a common European policy on immigration goes back to the Amsterdam Treaty of May 1999 when the community institutions first asserted their capability in the fields of immigration and asylum. Accordingly, later that year, at the European Council Meeting held at Tampere in Finland the Council called for the development of a common EU policy on migration and asylum to include areas such as a European asylum system, fair treatment of third country nationals and management of migration flows (European Parliament, 1999). Prior to that, migration policy was seen as the main national policy area. The Maastricht Treaty of 1992 instigated its first extensive engagement with the issue of migrant labour at its 1999 Helsinki Congress where it accepted a resolution on Trade Unions without Borders in order to develop mutual, cross-border support systems.

Thus it can be seen that the labour migration in EU has a history for over a century which has been growing and building while making society more democratic and more respectful of the poor. It is in that remaking of global labour which includes about a billion or so migrant workforce – that may be one of the sources for the (re)emergence of a changed vision for worldwide democratic development.

CHAPTER 4

EU ENLARGEMENT AND ITS IMPACT ON INTRA-REGIONAL MIGRATION

Migration in the EU has changed over the years. This chapter discusses intra-regional migration in the light of the enlargement of the European Union after 2004 and examines it in the light of EU economic crisis. The enlargement of the EU in 2004 and 2007 by twelve new member states became an opportunity for a large group of new citizens to move within the EU. Some member states like France, Spain and Portugal have kept their labour market closed to new EU citizens for period of time and allowed only workers who had a work permit or students and researchers. However, “the European Commission reported that the inflows from EU-12 countries to EU-15 countries were considerable between 2003 and 2010, numbering 3.6 million people” (Pascouau 2013: 15).

2004 and 2007 saw the historical enlargement of the EU where ten countries of Eastern Europe became members of the Union. The 10 new member states – Poland, the Czech Republic, Hungary, Slovenia, Slovakia, Lithuania, Estonia, Latvia, Cyprus and Malta – added almost 73 million people to the existing population and changed the borders of the Union. These countries were formerly part of the Eastern bloc. The EU enlargement has been a symbol which united the eastern and western part of Europe which had differences for long. It represented stability and democracy and upheld the principle of personal freedom and economic dynamism. The enlargement brought institutional changes which are equal to the size of three main EU bodies – the European Commission, the European Parliament and the Council (the secretariat of EU member states). In this context, the excitement of the enlargement has diminished among the member states and on the contrary, it has given rise to the feeling of xenophobia amongst the people of the old EU member states. The accession of Eastern Europe has opened the gates for the people living there to migrate and this gave rise to insecurity and fear among the local inhabitants (euobserver accessed on 12th of April, 2015).

4.1. Enlargement of the EU and its Implications

The inclusion of EU 10 in 2004 and EU 2 in 2007 was a historical turning point as one of the consequences of the enlargement was the opening of national labour markets for the citizens of those countries. This gave the migrant labours access to the territorial entity of the old EU15 countries giving rise to intra-regional migration. Migrants from Eastern Europe were keen to seek the advantage of new opportunities to earn higher wages and broaden their experiences. But the 2004 and 2007 enlargement is not the first enlargement. In fact, the EU saw enlargement long before its official formation in 1993. Starting with six countries in 1957, the first enlargement was in the year 1973, when the UK and Denmark joined the EEC. Then Ireland being a neighbor state also joined it at the same time. The next enlargement was in 1981 when Greece joined the EU followed by Spain and Portugal in 1986. The subsequent enlargement was after the official formation of the EU. It was in 1996 when Austria, Sweden and Finland joined the Union. The next enlargement was the big enlargement of ten countries in 2004 and the two countries in 2007 followed by the entry of Croatia in 2013. These countries were the Central and Eastern Countries usually termed as CEE countries (Laermans and Roosens 2009: 399). The enlargement of the EU in 2004 and 2007 is termed as ‘the new migration’ as it legalized the people from Eastern Europe who were earlier considered as illegal migrants. This enlargement joined the Eastern and Western Europe together and created a huge change in the social sphere as the mobility of people from Eastern Europe to Western Europe became legalized (Glorius et al 2013).

With the end of the Cold War in 1989, Europe went through a geo-political shift in terms of migration and population which brought the biggest demographic change in Europe since the Second World War. The Cold War being finally over, Europe was united again and the new citizens were able to access the same free rights which were always enjoyed by the citizens of Western Europe. Freedom of movement of persons still remains a debatable issue while some borders remain in place and not all restrictions to free movement are yet down. Yet one by one, formal restrictions were brought down on the movement of the East Europeans enabling the legal regularization

of migration and mobility which has been in practice since long. The formal borders being down, Europe is going through a new east-west migration in the entire continent. The enlargement of the EU marked a historical watershed. (Galgóczy et al 2011: 6).

One of the most important consequences that followed the eastern enlargement of the EU has been the partial or full opening of labour markets to the citizens of the other member countries. The workers of the new countries were interested to take the advantage of the new work situations to earn better wages and broaden their experience. For example, in Poland, the number of workers temporarily residing in another EU country increased twice between the year 2004 and 2007 reaching almost 2 million (Galgóczy 2011: 5).

Free movement was seen as a fundamental right in the accession countries. Accession in the EU15 countries was preceded by intense debate about likely immigration flows and whether receiving countries should immediately open up the labour markets fully without any restrictions and whether the existing restrictions should be changed or maintained for the foreseen transitional periods. These debates generally revolved around the impact of the EU enlargement. While the old member countries were mainly critical about the enlargement, the European policymakers portrayed the enlargement in a positive light. Various questions were considered and debated regarding the future of the enlargement and scholars expressed their concerns about blockade and gridlock of policy. Since the enlargement in 2004, it was realized that some of these fears were baseless. Yet the course of the scholarly debates suggests that the outcomes simply swung from one pole to another (Mulle et al 2013: 8). There have been various surveys and debates regarding the acceptance of enlargement of the EU. Several sectors had shown a negative attitude towards enlargement. However, the citizens in the candidate countries generally showed a positive interest as compared to the citizens of the existing member states since the latter were likely to face the impact on their own country (europarl 2015).

The receiving countries in some cases experienced the rise of populism and xenophobia while others still experienced high unemployment. Among the receiving countries, the UK has seen the largest influx of migrant workers from Eastern Europe after it opened its borders to intra-EU mobility in 2004. Germany, on the other hand has continued with its restrictions but it has seen a large volume of immigration under special programmes and temporary workers from the new members. Among the sending countries, Poland has been by far the largest source of labour workers and this has had major demographic and social effects in the country.

With the accession of 8 countries in May 2004(also referred to as A8 or the ‘Accession 8 countries) and A2 countries in January 2007, the principle of four freedoms was extended in the new EU countries. Most of the EU countries, however, initially decided to restrict full access of the citizens of A8 and A2 countries to their labour markets for a temporary period of seven years due to fear of mass influxes and negative outcome for the local market. The seven year period can be divided into three periods. In the first two years, a non- binding report with a possible extension of another three years was reviewed by the European Commission and by the Council. It implies that the new member states still require a work permit to enter the labour market in these countries. Full access for the A8 countries was provided after 30th April 2011 and after 31st December 2013 for the A2 countries.

The European level political actors in contrast to the member states were of the view that free movement of labour should be granted as soon as possible. The European Commission has always voted for the freedom of movement and held that migration in the post enlargement period has positive effects on the economies of EU15 countries. The EC helped to alleviate skills bottlenecks and enlargement has helped to formalize the underground economy. Moreover, there is no direct connection between the intensity of migration flow from A8 member states and the transitional measures adopted. The Commission recommended that member states ought to consider if they will continue applying the restrictions. The European Parliament in April 2006 addressed the EU15 countries to abolish the transitional arrangements given the fact that

there are no strains from intra-EU mobility on receiving country markets. It also called for a systematic monitoring of migration flows within the EU in order to guarantee equal treatment to all workers (Galgóczi et al 2011: 9).

The EU has welcomed and facilitated the changes which were caused due to the social and economic transformation which has been accompanied by progressive political and economic integration with the EU. The fall of the Berlin Wall resulted in a severe recession in Eastern and Central Europe which lasted till 1993. The recession was characterized by a steep decline in the GDP which was the result of the restructuring and transition process from formerly planned economies into market economies. Trade relations almost broke down completely with the countries of the former USSR, which helped in reformulating the relation with the EU. Since 1993, the Central and East European countries started stabilization programmes including measures such as the application of tighter fiscal and monetary policies and wage controls. Reforms like liberalization of domestic prices, foreign trade and capital movements, privatization and restructuring of state-owned enterprises took place and the creation of new governmental institutions and the development of the legal framework supported the changes.

The enlargement of the EU in May 2004 which involved eight Central and Eastern European countries (A8) in addition to Malta and Cyprus, and the accession of Bulgaria and Romania (A2) in January 2007 were unparalleled in the way they changed the European migration landscape. The difference between the older members and the newer members in terms of income and employment opportunities was large. Free migration between the Eastern and Western parts of Europe during the time of division by the “Iron Curtain” while the new members from Central and Eastern Europe had undergone a shift from a centrally-planned economy to a market based one, giving rise to apprehensions regarding the potential economic, social, cultural and political consequences of migration.

The freedom of workers is constituted as a fundamental principle of the EU as stated in Article 39 of the Treaty which established the European Community. Yet a transitional period of seven years was provided which restricted the access of the citizens of the new member states within the borders of the old member states. Because of the differences between languages, culture and identity between different nations, a homogenous atmosphere between nations was not possible amongst them. The EU in the recent years has been facing problems like aging population global competitiveness and growth, and the sustainability of social security systems. The diversity which flows predominantly in the migrant population constitutes an important policy issue that interacts with these challenges in both receiving and sending countries. Out of this population, a significant number of migrants constitute the women workforce which is another important prerequisite for tackling these challenges adequately for the successful integration of the labour force.

Due to the complex “issues related to migration, transitional arrangements were specified by the Accession Treaties of the 2004 and 2007 EU enlargements. These treaties are based upon the 2-3-2 formula: for the first two years following accession, access to the labour markets of the incumbent member states depends on their national laws and policies. National measures may be extended for a further period of three years. But, if an EU member state finds, after the period is over, that the labour market has been severely disturbed, the measures can be extended further to two more years” (Kahanec and Zimmermann 2008: 4).

The post EU enlargement period in 2004 saw Ireland, the UK and Sweden open their access to their labour markets immediately. On the contrary, Sweden, decided to apply the rules of the European Community. Eight more member states opened their labour markets by November 2008 (Spain, Finland, France, Greece, Portugal, Italy, the Netherlands and Luxembourg) in the second phase of these arrangements (European Commission 2006a). Most of “the EU15 member states have continued with their restrictions and have cut down their existing national access systems or procedures by different degrees or liberalized the access rules in some sectors or professions (Belgium,

Germany and Denmark). Germany and Austria have continued to maintain national measures for the second phase too. Regarding the 2007 enlargement, ten new member states (the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Poland, Slovenia, Slovakia, Finland and Sweden) opened up the access to Bulgarian and Romanian workers of their labour markets during the first phase” (Kahanec and Zimmermann 2008: 5).

One of the chief reasons for implementing the transitional arrangements was the insecurity of mass migration from the new member states. A large body of literature is available that attempts to calculate the potential migration after enlargement. The extent of individuals who were planning to emigrate after the 2004 enlargement was found to be larger in the new member states than in the old EU15, which was smaller before the enlargement. There was an increase in immigration from the new member states into most EU15 countries, although this increase differed quite significantly. While in maximum EU15 countries Poland was the main sending country, Estonians are dominant in Finland, and Romanians in Spain.

Prior to enlargement, barriers to trade, foreign direct investment and other capital movements had already been largely removed while the free movement of people and workers was possibly the most important dimension of economic integration after accession. The post migratory outflows following the accession period have been subjected to a certain amount of uncertainty and analysis of developments until now is hindered by data limitations. It can be said without doubt that large differences exist in per capita income and wages across the EU after the enlargement which supplies high incentives for east-west mobility and are likely to continue for quite some time. Additionally, geographical proximity and established historical and cultural ties also allow migration flows easily. It will match “with the 1.2 percent of the projected working-age population of the former EU15 in 2020. The short-run annual impact under the assumption of a completely unrestricted flow of workers was estimated at 300,000 to 350,000 in the first few years following enlargement” (Guardia and Pichelmann 2006: 16 quoted in ECFIN, 2001; Boeri and Bruecker, 2003).

These numbers are not enough although it allows for a significant upward margin of error, to affect the EU labour market in general. To summarize, these projections recommend that from a largely economic perspective, potential east-west net flows of labour do not threaten the jobs and wages in the EU as a whole. Nevertheless, if we assume that “migration streams from the A8 could flow along existing immigration networks and geographic distance, there were predictions that some countries and regions, in particular Austria and Germany, might face some short-run adjustment problems to cross border labour flows, including exchanges, which were enough to cause labour market disturbances. As per the earlier enlargements, provisional arrangements with respect to labour mobility have been approved of and included in the accession treaties to make sure and guarantee a smooth process of integration”(Guardia and Pichelmann 2006: 16). This system of provisional arrangements combines a two-phased shift period of five years (with a review after 2 years) and a prospect for a continuation for individual Member States, if asked for, of a maximum period of two years. As for the ‘acquis communautaire’ will be fully functional in all Member States after a maximum period of seven years.

Nevertheless, the economic foundation for preserving restrictions on the free movement of workers after the date of accession is weaker than what is frequently understood in the popular debate. While the income gap between the new Member States and the EU15 is likely to lessen to some degree over the evolution period, the basic motivation to migrate will not be essentially diverse from now in all chances. In order to avoid emigration and shortage of labour or push the wage in numerous sectors, transitory restrictions on the free movement of labour could actually be seen in the interest of the new Member States. The exodus of the population, mainly of the working-age, from small new Member States reaches levels of 2 to 3 per cent of the population. Reports of shortage of labours have been issued in numerous sectors in many of the EU10 Member States. Poland is lessening the employment of non- EU nationals to ease labour shortages.

Since 1990, the Central and East European countries have gone through a major change and economic transformation which has been approved by the EU. The EU has welcomed and facilitated these changes. The Central and Eastern European countries went through economic recession which strained their relations with Soviet Union and oriented their relations towards the EU. An important part of this transformation was when they reformed their labour markets and moved towards liberalization and increased the importance of private sectors. This led to the rise of unemployment which resulted in the youths to move afar in search of employment (Dustmann et al 2003: 14-19). The principle of freedom of movement mentioned in the EU treaty allows the people to move from one part to another to take up employment and to settle themselves in the host countries with their family. The migrant members along with their family are entitled to equality of treatment not only in employment but also in public housing, fiscal and social advantages.

One of the main agendas in the new Lisbon treaty has been the removal of barriers to mobility between states. The transitional arrangements (TA) were set out in the Accession Treaty of 2003 which permitted for restricted derogations from the principles set out in the previous paragraph, at some point in a transitional period which will irreversibly come to an end on 30 April 2011. These restrictions were only for the migrant population and were not applicable to the other EU population. Also, these restrictions can help a migrant to access the labour market. After the migrant becomes a part of the labour market, the person becomes applicable to the common laws of the Union like equal treatment as regards remuneration, other employment related matters, an access to social and tax advantages. As such, no discrimination on the basis of nationality between legally employed workers, regardless of whether they come from EU15 or A10 Member States is allowed. There are no transitional arrangements for the community laws to be valid on the coordination of social security schemes.

The transitional period can be divided into three phases each of which has different conditions. During “the first two years according to the Accession Treaty EU15 Member States were to apply national measures, or those resulting from bilateral

agreements, to regulate access to their labour markets by A8 nationals. Because of the measures taken during the first phase, it resulted in different legal regimes for access to the labour markets of the EU25. Sweden and Ireland did not apply for restrictions on access to their labour markets by A8 nationals while the UK had a Workers Restriction Scheme. The other EU15 countries have to maintain their work permit regime which was combined with quotas. The first phase of migration started from 1 May 2004 and ended on 30 April 2006. Four nations (Greece, Portugal, Finland and Spain) lifted their restrictions for the second phase of three years for transitional agreements while the rest of the countries decided to lessen them. Although all the member states were supposed to cease their application in relation to labour market access by 30th April 2009, yet a state may continue to use it so for a maximum period of two years only in reference of serious disturbances in its labour market (Guardia and Pichelmann 2006: 17).

One of the important conclusions is that there are various types of migration and they are to be differentiated mainly between short-term and more permanent movements. The Czechs, Poles and Hungarians have a tendency for short-term migration, including cross border commuting, and seasonal and casual work than permanent emigration which is fairly small. Such examples of 'incomplete migration', with regular short-duration trips abroad in order to earn a living and at the same time maintaining a home in the country of origin, already existed before the enlargement, in both legal and illegal forms. They are alleviated by the speedy growth of low-fare air carriers. Therefore, it is not unbelievable to suppose that, after the accession, incomplete migration will continue to be a more important type of east-west labour flow than traditional migration.

Since the enlargement, there has been a significant increase in the number of workers from A8 countries who are working in the EU15 countries. Nevertheless, the effect as calculated by the number of permits is comparatively limited for the reason of employment as a share of the host country's working-age population. The amount of resident and work permits that was provided overestimated the actual amount of migrants from the A8 countries, because it did not consider the people who returned to

their countries of origin as well as their outflows and the extent of their work permits. It also holds true the fact that the data may show the short-term factors like “regularization of illegal migrants for those who have moved to EU15 Member States over several years” (Guardia and Pichelmann 2006:17-20).

There is no data suggesting any disturbances of the labour market in EU15 countries since the migration flows from the A8 countries. But it can be noted that many of the migrants had their destination in countries that provided unlimited access without restrictions like Ireland and the UK. Migration patterns as well as the stages of migration are determined by certain top-down elements and bottom-up forces. The top-down forces include migration policies such as regularization and bilateral agreements between countries. The Schengen space regulations and EU enlargements are also some of the policies that affected migration. The bottom up forces, on the other hand, include different kinds of networks and economic capital of the migrants as well as the context of community of origin.

Since the 1990s, the growth of technology as seen in hi-tech industries such as IT, software and skilled jobs has led in the increase of opportunities. The Lisbon Treaty within the EU introduced in 2000 set as the top priority of Europe to become the most competitive knowledge based economy by 2010. This sudden rise of technology and growth has given rise to the immigration policies since one of the best ways to fill high skilled labour shortages is to gain employees from the poor countries. The unique combination of long common borders with almost no geographical barriers and high permeability between countries with very different income levels predicts an upsurge in cross-border commuting, perhaps on a weekly or even longer-term basis.

In order to understand migration, it would be better to identify the determinants of migration. It is important to identify and establish the nature of the migration in order to draw the conclusions. Traditionally, migration has stressed on the elements like significance of earnings and income levels, costs of living, unemployment rates, quality of public goods, and the generosity of the welfare systems. Educated individuals tend to

get a better position and important information about the destination country which automatically reduces their costs of adjustment which makes them more inclined towards migration. The nature of earnings and distributions in the source country also determine the incentives for migration on the basis of high and low-worker respectively. Regarding the East-West migration within Europe, while the cultural and linguistic conditions matter, it is also true that employment related factors like higher income, better working conditions and opportunity of finding a job are the prime factors that determine migration. The propensity to migrate is related with income per capita, unemployment rates, and life satisfaction in the new member states. Accordingly, dissatisfaction, insecurity and unhappiness with their work and salary along with concerns about availability of better jobs also contribute to the tendencies towards migration (Galgóczi et al 2011: 14).

The post accession period saw a new phase of labour migration which was characteristically different from the previous migrations before EU enlargement. Firstly, it is a complicated process which has different types of labour mobility existing in the changing nature of mobility because of which its importance has increased in the recent economic crisis. There are different types of migration like circular migration, commuting and permanent migration which play an important role. Migration patterns were geographically directed to countries like the UK, Ireland that opened up their markets after EU enlargement and displayed favourable migration conditions. This led to a shift in respect to certain countries. For example, in case of Poland, Germany was the prime destination for the migrants in terms of labour market before the enlargement while in the post accession period, the UK became the main destination country.

But majority of the EU15 states enforced restrictions on the new member states and the migrants from those countries. The only four countries which allowed the new member states to move freely across borders were Denmark, Ireland, Sweden and the UK. This resulted in diversion of the migrants of new member states from the traditional destination countries with liberal immigration policies. With the enlargement of the EU, almost 1 million citizens from the Eastern Europe area have migrated to the

existing EU15 countries and have acquired the right to bring in dependent family members which represents a potential for family reunification. The same holds true for the 650,000 residents from the countries of Bulgaria, Romania and Croatia after the accession. An important point is of the concern about skills of the labour migrants. Generally, the jobs taken in destination countries are mainly of lower level jobs which are taken by the migrants. An additional group which is comparatively small comprises of the students from the A8 countries receiving education from the EU15 countries but whether these force will later take up jobs in the EU15 countries after their education remains a question.

Immigration constitutes the labour force of the country which increases the labour inputs of the economy which in turn raises the output of the economy and results in sustainable growth. The economic theory of immigration suggests that free movement of labour leads to the benefit of the economy of both the destination country as well as the sending country as the sending country collects huge remittances from the receiving country. Moreover, the immigrants contribute to the increase of dynamic efficiency in the destination country. Most of the destination country gains a huge profit because of the immigrants while the source country does not gain as much.

The key factor for assessing the labour market depends upon the fact whether the immigrants are just substitutes to the native population or complement them. Consequently, the wages depend upon the relative skill composition of the immigrant. Mere substitution of a native population will not benefit the economy as much and it may cause a decline in the immigration flows and vice versa. Immigration also has positive effects. It creates new jobs mainly in the construction sector, domestic services, hotels and restaurants (Guardia and Pichelmann 2006: 23-25). These jobs are basically seasonal thereby causing fluctuations and are also low paid jobs. The high skilled immigrants are more prone to bringing scientific, technical and innovative skills that help in developing the production facilities of the economy.

Enlargement helps in serving the interests of both the receiving and the acceding countries. Moreover, it helps in creating a market that considers economic growth which will lead to higher living standards, safe consumer goods and choice in sectors like telecommunications, banking, etc. The benefits are being shared by all countries of the EU. Therefore, enlargement helped in achieving considerable economic and social benefits for both the new as well as existing member states. It also helped in converting the communist nations of Eastern Europe into market based economies (European Commission 2013).

Immigration helps in creating new industries and results in long term growth through human capital increase. Labour market efficiency can also be enhanced with immigration. Due to the east-west migration within Europe, the demography of Europe will undergo exceptional transformation in the coming decades. Till the year 2050, “fertility rates are expected to remain well below the natural replacement rate of 2.1 children per woman, and life expectancy is projected to continue to increase by about one year and a half per decade. Net migration flows are projected to hover around 0.2% of the total population.”(Guardia and Pichelmann 2006: 23-25).

Since the start of Eastern enlargement, migration has doubled and the UK has seen strong migration in the last decade. The flow of migration to the UK rose from around 50 thousand per annum to 150 thousand per annum which is more than double. It has been observed that the largest migration from the A10 have occurred from Latvia, Lithuania, Poland and Slovakia (Barell et al 2007: 6 quoted from Fihel et al, 2006). It is predicted that the population of the working age would start to decline in 2010 and over the period 2004 to 2050, would drop by more than 15 percentage points, from 307 million in 2004 to 26 million in 2050. Ireland, Luxemburg, Sweden, Malta and Cyprus are the only countries where it is supposed to rise, while, on the other hand, the number of population above the age of 65 clearly shows an increase where it is supposed to rise by 58 million people. Thus, the old age population in both the EU15 and A10 are alike but the rate of increase is higher in A10 countries (Guardia and Pichelmann 2006: 29).

The Schengen Agreement has resulted in opening up of borders between nations thereby also promoting the freedom of movement by citizens from one part of the continent to another. But there are certain numbers of limitations to this freedom. It may be noted that inspite of the high unemployment in the native market not much of the European workforce are ready to resettle in such areas with job opportunities (Gavelstad 2013: 2).

Some of the important human rights instruments in Europe are the *UN Declaration on Human Rights* (UDHR) of 1948, including international fundamental rights, the 1951 *Convention relating to the status of refugees* (the Geneva Convention), and the *European Convention on Human Rights* (ECHR). The EU member states have approved the *Geneva Convention, the International Covenant on Civil and Political Rights, and the UN Convention against Torture*, which place protection obligations on the signatory states. At the regional level, the ECHR is said to be the most important human rights instrument, confirming the commitment to the protection of all persons at risk of torture or inhumane or degrading treatment in their countries of origin. The European Charter of Fundamental Rights (the EU Charter) is legally binding for all EU institutions, bodies and agencies, and for the EU Member states' actions within the scope of EU law. It is applicable to all EU institutions and bodies, wherever they are performed, including extraterritorial operations.

EU enlargement and the resultant migration have changed the demography of the continent. The people belonging to the eastern part of the continent have traditionally started migrating to the English speaking countries of England, Scotland and Sweden. Article 18 is the key source of the right of free movement in the *Treaty establishing the European Union* (TEC). This right gives the freedom to EU nationals to move and reside anywhere in the Union. Article 39 of the TEC on the other hand provides for the right of free movement of workers. Any person who is seeking work or taking up work has the right to cross EU borders for the purpose of doing so. Article 43 of the TEC lays down the right of establishment where a person who crosses a border to set up as a self-employed person in another Member State, he or she has a right to do so

under EU law. Establishment here means self employment which may be individually set up or run by a company. Article 49 of the treaty states that an individual has the right to move and reside in any Member State if the purpose is to provide or receive services there while article 12 of the treaty provides a right to non-discrimination on the basis of nationality. The ground is unusual in international law, as border controls depend on the right of officials to discriminate on the basis of nationality. Article 13 TEC sets out a right to nondiscrimination on more traditional grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation(Cahn and Guild 2008: 22-23).

The EU elaborates the provisions of its two treaties, and makes the laws for the Union institutions and the EU Member States, by adopting secondary rules (Directives and Regulations) that give effect to the fundamental freedoms contained in the relevant EU/ EC treaties. Directive 2004/38 includes the procedures on the right of citizens of the Union to move and reside. All citizens of the 27 Member States “have the right to enter the territory of any other state on presentation of a valid ID card or passport. There is no obligation for an EU national to show that he or she has any money to support himself or herself and his or her family in order to exercise the right to cross the border. For residence up to three months, there is also no need to show any further documents, evidence of funds, accommodation, etc., though Member States are not obliged to confer social assistance on these persons for the first three months (Article 24(2)). There is a requirement that EU nationals must not become an unreasonable burden on the social assistance scheme of the particular state, but for this reason to be used to interfere with the right to cross the border and reside, the individuals must have actually sought social assistance (Article 14(4))” (Cahn and Guild 2008)).

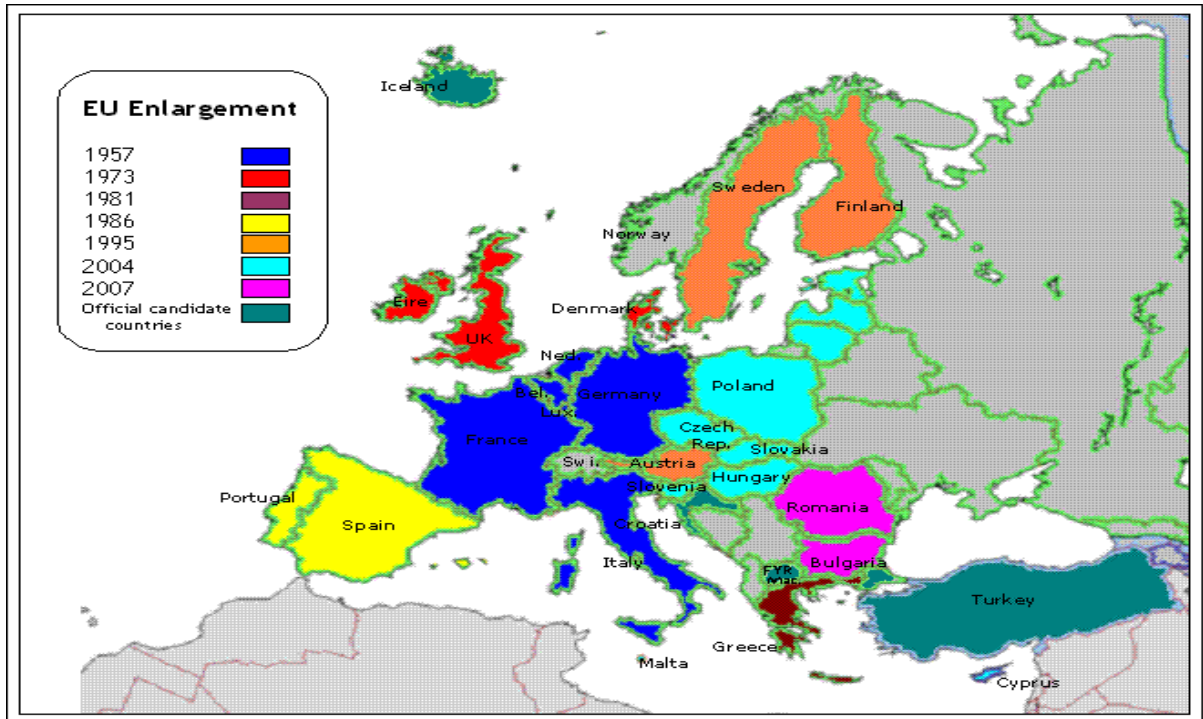


Fig 4.1: EU Enlargement

Source: http://www.civitas.org.uk/eufacts/graphics/eu_enlargement.GIF

4.2. The Case of the Roma Migrants

A prominent case of group migration is provided by the example of the Roma migrants, who move to other countries of the EU in search of work. The Roma tribe is an ethnic group who migrated out of India almost 1000 years ago. They live in the Central and Eastern European countries, in Bulgaria, Rumania, Slovakia and Hungary. The Roma tribe generally makes up a comparatively big share of the population. Together with Italy, Spain and France are the major targets of émigrés from Central and Eastern Europe, because of cultural and linguistic similarity and for the support of resident Roma or Roma who have emigrated before. Several Roma people suffered the same fate as the Jews in the World War II (Lucero and Collum 2006). The origin of this tribe dates back to the 1990s after the fall of socialism because of which many people belonging to this tribe lost their jobs and plunged into deep poverty. Roma migrations have essentially economic reasons, and it has led to justify a predominantly restrictive

admission policy in the EU member states. EU member states fear the increase of the Roma populations. The Roma organizations saw an opportunity to put their agenda of protecting minority rights of their people. But with EU enlargement the position of the Roma actually improved as the very Union which refused much of the rights to the Roma now had to add over a million Roma people which make them the largest minority of the continent (Krop and Striethorst 2012).

The increase of the Roma population is feared all over Europe and this has encouraged the UK government to restrict access to social benefits for all EU citizens. Nevertheless, Britain had assured the door open for labor migrants from the new member states, requiring only that they register with the government. Roma in mainland Europe often speak a language that mixes Romany, a language which has similarities with ancient Sanskrit. With a population in Europe estimated at eight to 12 million, they can be found almost everywhere in Europe but they do not have a particular homeland. Maximum number of Roma can be found in Central Eastern Europe: Romania, Slovakia, Bulgaria, Hungary, and the former Yugoslavia. Since the fall of the Eastern bloc in 1989, many Roma in the former Soviet Union became bankrupt and faced levels of discrimination unknown to the Roma in Western Europe. EU enlargement worked as a boon for them. Since the expansion, the EU has been pushing all governments to provide the Roma with the same rights that other citizens of Europe are entitled to.

Since the European enlargement, the Roma policy has become an important aspect for the EU institutions. Several initiatives have been taken and reports have been written in this regard. The EU is obliged to fulfill the interests of the Roma community with respect to the member states. An important role is being played by the European Parliament. They had demanded that the discrimination and racism against the Roma should be fought and also reminded the history of 500,000 Roma people who were victims of the holocaust despite belonging to the so called 'Aryan' race. The European Commission concentrates on improving the social situation of the Roma people in the Central and Eastern Europe. The Commission provided for Roma Education Funds

which aimed at the integration of the Roma into the national education systems so that they are not discriminated against the other citizens of Europe.

These measures were taken for reducing the effects of migration. Certain measures are taken from the side of the home country in order to prevent emigration. But it plays a secondary role in the reports of the Commission but the issue is mainly raised by the European Parliament. At the request of the European Parliament, the European Commission presented an 'EU Framework for National Strategies Towards the Integration of Roma to 2020' in April 2010. The idea behind this European Framework Strategy is to execute more coherence and to compel the member states to protect Roma people. Controversial issues such as the protection of Roma as national minorities in all the countries of the Union and their structural contribution were not given any attention. The subject of aggression towards Roma in particular was most carefully kept away, although it is this enmity that is behind the numerous cases of discrimination and repression of Roma both in the countries of origin and in the target countries of migration.

The migration of the Roma and the issues related with it cannot be simply overcome in a short period. But it does not free the EU of its duty towards the migrants in the destination countries. The EU must enforce the observation of existing European values and make plan in favour of the Roma. The regular implementation of European freedom of movement and the addition of rights through Union member states in particular play a crucial role for an active European Roma policy. The policy of the EU as to how it tackles the Roma migrants will gain its importance in the future. The living conditions of the Roma are often the cause of discussion which concerns the current or possible accession negotiations and their migration pops up the question that had already effected liberalization of visas.

The European institutions remain largely ineffective in the face of the violations of the Roma's fundamental rights. Nationalisms and the hostility to Roma are gradually on the ascending order, and the consequences of the crisis will keep on going to

strengthen the poverty crisis among Roma in years to come. If the European Union does not only want to protect its values of freedom and equality document wise, a reconsideration of the Roma Framework Strategy is necessary. This alteration would have to include the questions thus far omitted and all member states will be held responsible, including the Western European ones, in binding regulations.

4.3. The Case of the UK

With the enlargement of the EU, the migrants from the CEE countries have mainly migrated to Western Europe where the UK has seen highest influx of migrants compared to the rest of the EU 15 countries. The UK labour market has been flooded with workers from East Europe. Policies which encourage migration are usually approved by economists worldwide as it leads to efficient allocation of resources but the trade unions in the developed countries do not support the unrestricted movement of labour because of the insecurity that they will lose their jobs to the migrants (Biswas et al 2009) It may be noted that “the UK registered some 450,000 workers from the new Member States in the first 26 months since May 2004, mainly from Poland and Lithuania; in Ireland, around 200,000 Social Security numbers were issued to people from the new member States ” (Guardia and Pichelmann 2006: 20) which also includes short term stays.

The case of the UK is very curious since it has always been a reluctant member of the EU zone. The UK is not a member of the Schengen area, nor is a member of the Eurozone and does not use the Euro as its currency. Being a country which is outside the zone of Schengen area, the usual rules which apply to the countries belonging to this zone naturally does not apply to the UK. Yet a huge number of migrants move to the UK every year inspite of not having an easy access in comparison to the countries of the Schengen area.

This resulted in the UK adopting strict measures which stated that the workers would require a work permit but permitted full freedom of establishment and service provision for the following accessions from Bulgaria, Romania and Croatia. These arrangements apply to only workers and not the service providers and those establishing

businesses which give them unlimited access to social welfare provisions. This resulted in the migrants from the A2 countries to register themselves as self-employed and gain access to the UK. It may be noted that 59% of the A2 workers registered themselves as self-employed in comparison to 13.9% of British workers in 2013 (Costello and Hancox 2014).

The UK government started the Workers Registration Scheme (WRS) which would be applicable to the workers for the first 12 months of employment in the UK according to which the workers from the A8 countries should be registered before they started working in the UK. By 2007, the government stopped this scheme for the citizens from A2 countries and instead they were applicable for only temporary jobs whose pay scale was 3500 per year.

Regarding the status of the UK in the EU, opinions among the ruling governments differ. The Labour government is more supportive of the UK having strong relations with the CEE countries. Prime Minister Tony Blair was of the view that Britain should be a leading partner in Europe although the UK continued to resist the adoption of new EU social regulation. The government saw the building of strong diplomatic relationship with the CEE as a priority task for the UK. The government followed the policy of free movement and therefore supported the EU enlargement whole-heartedly. The Conservative party and its government, on the other hand were skeptical of the stand taken by the Labour party. The Conservative party although supported the EU enlargement, they were against the unrestricted and free movement of migrant workers from the Eastern Europe. They were of the opinion that the workers should have permits for at least two years showing that they had worked in the UK. This resulted into a permit based system which displayed their need in the workforce (Clark and Hardy 2011).

It has been observed that a majority of the people in the UK wanted David Cameron to seek to end the right to free movement as part of his proposed renegotiation of the United Kingdom's relationship with the EU during the elections in May 2014.

The UK Independence Party (UKIP) supports and wants the UK to withdraw from the European Union in order to restore the full national sovereignty over migration flows. Withdrawal from the EU however will be a hugely conservative step for the UK. However, imposing any fundamental restrictions on free movement within the EU is likely to leave pro-European politicians in Britain with much more work to do to make the case of free movement positive.

Since 2004, the UK has experienced positive net migration from the EU of between 60,000 and 120,000 persons per year (106,000 in the year ending June 2013). This is mainly due to the free movement from the A8 countries, particularly Poland. Recently, migration from countries was influenced by the Eurozone crisis which has also led to strong inflows of migrants mainly from Romania and Bulgaria, from January 2014. This had caught the attention on whether intra-EU migration is working fairly for the UK (Glennie and Pennington 2014: 2).

One of the major factors which have been working as a disadvantage for the UK workers is that the migrants who come from the EU countries are prepared to work for lower wages and in poorer conditions which is working against the UK workers. Also the UK citizens in some areas feel that EU migrants make little effort to mix with the local communities. The primary reason behind all this is the fact that, unlike migration from outside the EU, the UK government is basically incapable of restricting the inflow of European migrants and therefore the encouragement of controlling them cannot hold true.

Migrants get an easy access to live permanently in the UK. The development of free movement of people has been considerably wider within the EU as compared to the other regions. Directive 2004/38/EC stated the rights of free movement of people and citizenship of the EU. For example, under this Directive, EU citizens can travel to another member state secure and their family could stay with them, as long as they remain independent and working or economically active. These rights are also extended to non-EU national family members of EU nationals. Migrants should exercise these

rights for at least five years before he/she gains a permanent right of residence, whatever may be their economic situation after that. This provision is chiefly important to the concerned EU migrant because it is this provision that leads someone to naturalize as a British citizen after they have lived in the UK for five years and had permanent residence for these years (Brannan 2014).

Since the Eastern enlargement the UK saw a change in the attitude of the people. Initially the UK was an enthusiastic supporter of EU freedom. In fact, Britain was one of the only countries in the EU who allowed immediate access to the UK labour market for citizens of the A8 countries that joined the Union in 2004. But this opinion soon shifted. While the Romanians and Bulgarians were restricted from working in the UK for a long time under EU law, but the Croatians are at present are subjected to restrictions of the greatest length. In January 2014, Labour shadow business secretary Chuka Umunna recommended that free movement of labour in the EU should be restricted to workers with only firm job offers (Brannan 2014).

Intra-European mobility is necessary for the successful functioning of the European single market. This has shaped a 500 million-strong pool of labour for employers to recruit from, which has allowed a lot of them to increase their businesses into other countries and to employ people with diverse language or any other expert skills. It has resulted into innovation and competition. It has also increased the pressures related to unemployment in the countries experiencing economic difficulties, by providing them with opportunities in other European labour markets, and compensating for gaps in skills and shortages in others (Clark and Hardy 2011).

The significant level of EU migration since the last decade has influenced intensely the migration debate in the UK. It has changed the economic and social dynamics in many parts of the country which was not previously been experienced during the levels of immigration which gave rise to concern about the effect of such rapid change in population upon jobs, public finances and services. These fears have been strengthened by constant negative campaigning on the issue by UKIP and other

anti-European voices, and by the failure of the other parties to articulate an alternate answer to it.

The income gap between the A8 countries and the UK shows that an encouragement for migration still exists. Even after seven years of accession there is still a significant gap in per capita income; especially in the case of Poland, the demographic dominant among the A8 countries. This continued the difference in income between the UK and the A8 countries which implies that there still exists a reason for migration from the A8 to the UK. Similarly, there is a considerable gap in per capita income between the A2 countries and the UK, which will lead to migration in the coming years (Vargas-Silva 2014: 7).

As the debate on this issue has come up, the UK government has approved a series of reforms with the hope that it will lessen the levels of EU immigration to the UK. These have largely focused on tightening the access to welfare benefits by the migrants, which was asserted by David Cameron that will ‘make the UK a less attractive place for EU migrants who want to come here and try to live off the state’ (Glennie and Pennington 2014: 20 quoted in Wintour 2013). “The experience of the last 10 years shows that limiting eligibility to benefits is fairly ineffective at limiting immigration flows. Strict benefit restrictions were imposed on immigrants from the A8 countries that joined the EU in 2004” (Glennie and pennington 2014: 21 quoted in Grove-White 2011). From 2004 to 2011, migrants from the A8 had to show that they had completed a year without interruption before they were permitted to the out-of-work benefits, something which was not easy to achieve while filling the kind of transitory, agency work that most of the migrant workers did.

As enlargement became a reality, the opposition to immigration historically expressed in some parts of the UK’s press started over the debate regarding the free mobility of citizens in the expanded EU. A publication which was produced by the Trade Union Congress (TUC) on migrant workers in the UK stated that about the general unfriendliness shown to the immigrants by some sections of the British press,

and how the (then New Labour) government also responded to this by using harsher language and introducing tougher measures against immigrants (Clark and Hardy 2011:4 quoted in Clark 2003).

The British trade union federation and the TUC was fully supporting both the EU enlargement and free movement going by the view that obstacles to free movement would both promote xenophobia and leave several thousands of A8 workers in irregular work, and that they will be vulnerable to exploitation and insecure employment. Generally, this was the position taken by maximum major TUC-affiliated unions, although there were some concerns expressed by unions in the engineering construction industry regarding the posting of workers. Employers organizations, while usually were in favour of the free movement of labour also had some conflicting emphases. The British Chambers of Commerce, which have a propensity to represent smaller employers, said that they wanted workers and not just work permits in reply to the demands for restricting access to employment. The Confederation of British Industry (CBI) on the other hand, entered into the debate over benefits, arguing for a longer period before A8 citizens could claim benefits. Moreover, some employers said that workers from the A8 countries had a better work ethics than UK-born workers, which may be due to their willingness to work for long hours (Clark and Hardy 2011: 6-7).

The whole situation of immigration from the other EU countries became a concern for the UK. In an area of 243,610 km², the population of the UK is 64.1 million according to the World Bank report of 2013 which makes the UK the most densely populated country of Europe. According to the Office for National Statistics (ONS) report of 2012, the UK population will increase up to 70 million by 2027. The extensive rate of migration has led to a wide change in the demography of UK. Almost none of these migrants speak English as their first language and 1 out of 3 people are of non-white descent (ONS report) residing in the largest cities. It may be noted that in large part of London, native English speakers are in the minority.

The case of immigration has been supported politically by these nations by stating the reason that it develops the host country economically. But statistics show otherwise. It may be noted that 98% of the jobs created between 1997-2009 went to the migrants.

The EU directive 2004/38/EC formally opened the UK border to any states of the EU. This had led the EU citizens to come to the UK to work, live and settle here. The EU law apart from the right to reside and work also gives them access to housing and benefit system which has always been one of the most easily accessible in the world. In 2014, the floodgates were opened to almost 29 millions of the Bulgarian and Romanian migrant while the government refuses to estimate the actual figure. According to ILO report of 2012, the wages in Britain is five times higher than the average wage in Bulgaria. Apart from these, the Romanian and Bulgarian population enjoys several inward benefits like child benefits and tax benefits immediately after accessing in the UK (YouTube Video accessed on 20th July, 2015)

Thus it can be seen that it is the EU which ultimately dictates the immigration policies to the UK. Radical measures taken at the UK can make a difference but the EU has currently come up with a new common immigration asylum policy which will help the migrants from the EU to settle in the UK. Presently there are about 1,000,000 Eastern Europeans reside in the UK according to the government estimates in 2013 out of which 136,000 are Romanians and 194,000 are Bulgarians who are actively working according to a BBC survey. As such, PM David Cameron claimed to deport the migrants and restrict the rights of the foreign nationals to social benefits and call for new rules to stop “vast migrations” of Romanians and Bulgarians.

PM David Cameron maintained that Europe has to reform in order to get back the trust of its people with the fear that from 1 January the people of Bulgaria and Romania will have similar rights to work in the UK as other EU citizens. Cameron stated that a lot of people in the UK are ‘deeply concerned’ about the impact migration could have in Britain, by saying that he shares the concern. The rightwing populist

forces, such as the UK Independence party, with the help from the press, have spread fears amongst the people of the massive arrival of Bulgarians and Romanians after 1 January. Bulgarian and Romanian nationals have been granted free access to travel to the UK since their country's EU accession, on 1 January 2007.

Free movement forwards some challenges for both origin and host countries in the EU. The 'benefit tourism' issue may be negligible, but something can be unjust even if it rarely occurs, and the existence of the procedure which the migrants use in order to come to the risks weakening the overall case for European membership. In spite of all tactics used by Cameron to reduce the immigration rate, the net immigration rate has been rising and has reached the highest level. Many Conservatives and other proponents of curbs argue the sharp increases of immigrants are putting a strain on public services which includes schools and housing, particularly at a time when the government is cutting expenditure on public services to reduce the budget deficit.

The ONS stated that around 100,000 more people came to Britain in the year to September 2014 as compared to the previous 12-month period which includes increases both from the EU and outside the bloc while the number of people emigrating remained relatively same at levels since 2010. The immigration issue is also significantly related to the debate about Britain's position in the EU. As a member of the bloc the U.K. must keep its borders open to workers from other member states according to the fundamental principle of freedom of movement. Euroskeptic Conservative lawmakers and the small rival U.K. Independence Party have maintained that the only way Britain can reclaim control of immigration is by leaving the EU.

A majority of the British citizen names immigration as its top concern. This comprises 90 per cent of those in favour of UKIP, whose increasing popularity pressurize to turn over the political establishment. The Conservatives are not the only party who are working against on this issue. Labour has invented a strategy to force the employers to hire a local trainee every time they take on a non-EU worker.

But the very range of concerns calls for a careful listening exercise. Voters feel in a different way “about foreign students, businessmen on a temporary post, reunited family members and asylum seekers although all these falls under the same category of ‘immigrants’. Well-founded fears and wide misapprehensions are often intermixed into one general objection. The facts are seldom one-sided. Foreign workers are very important to the National Health Service; however immigrants may still put undue pressure on public services in parts of the country” (The Financial Times Limited 2015).

Therefore any political response should be equally varied. Specific effects of a high arrival of migrants should be approached separately. Uncertainties about reasonable accommodation require policies that deal with housing more than immigration. Politicians should point out straight regarding the evidence than make impossible vows. One of the major examples is the conviction that EU migrants are a drain on the public purse. Sanity must be brought back to the debate which is often unclear due to wrong solutions. Immigration problem has resulted in a huge crisis in the UK. But leaving EU might not be a permanent solution as it will definitely harm the status of the nation if it is no longer a member in the EU. Therefore, both the pros and cons relating to this issue on both sides should be given an equal weightage before taking a hasty decision.

4.4. The Future of EU Labour Market

The future of the EU labour market is speculated on factors like future age distribution within and outside Europe, policies in the labour market, skills levels, probable rise in the retirement age, the structure and level of pension schemes, employment benefits, foreign workforce policies, and advancements in labour mechanization. The blend of these factors and their complex relationship makes the prospect of EU labour markets extremely doubtful. The unparalleled global economic crisis of 2008 resulted in severe recession and crisis in entire Europe. The crisis being so severe, it had taken the EU back to the level of growth which has not been seen for decades and it had a negative impact upon the migration within the member states. Immigration levels have slowed while emigration has increased in some EU countries.

It is mainly in regard to those countries which experienced large inflow of migration in the pre-crisis period. The rate of unemployment and poverty became high. As such there were some cases which some of the migrants leave the country and go back but they were not in large numbers. Sharply increasing unemployment has made many EU governments introduce measures to protect domestic labour markets.

The UK saw immigration at its lowest level because of the crisis. The increase of unemployment rates in the UK had led to a tightening of its immigration policies. The economic recessions has forced migrants to lose their jobs because the sectors of the economy in which they are employed have been affected. As such migrants return to their place of origin when they lose their jobs. But this happens only in case of the non-EU migrants. On the contrary, migration in case of EU migrants increased by 57 percent because of the outflows. It may be noted that the economic crisis led to some changes in the pattern. “For example, in 2008 and 2009, more women than men immigrated to Ireland. This marks a reversal from past trends where male immigration was higher than female immigration. This is likely linked to declining job opportunities, in particular in the construction sector, which has traditionally been a male-dominated sector in Ireland (Ireland case study). Similar developments were noted in other EU countries where labour migration is the main form of migration. In Italy, net migration of male migrants fell more sharply than that of female migrants in 2008.” (Koehler et al 2010:15).

During the crisis, unemployment among the people became common which caused scarcity of jobs among people and this caused insecurity in their mind against the migrants. The attitude of the people became more and more negative against the migrants. The case studies conducted by the International Organization for Migration (IOM) suggest the increase of xenophobic and racist incidents in this period. For example, while workplace surveys in Ireland showed a high level of discrimination against non-Irish citizens, officially recorded racist incidents actually declined from 214 incidents in 2007 to 126 in 2009 (Koehler et al 2010: 23). The rise of xenophobia and racism may lead to more and more restrictions in terms of immigration policies. “Future improvements in the integration of immigrant groups might cause a decline in

xenophobia or Islamophobia. Moreover, Europe's commitment to international legal norms and principles and multicultural aspirations may suggest a future in which, despite incidences of xenophobia, most migrants will be welcomed and incorporated into society. Consequently, the future of xenophobia, racism and identity politics in Europe remains highly uncertain." (IMI Policy Briefing, 2011: 2). It may be noted that the level of restrictions regarding immigration policies reflects the sentiments towards the outsiders. But a gap exists between the number of migrants European states say and the real number they want to admit because of the real benefits that labour migration brings to European economies. Moreover, in spite of the support the local public often opposes their enforcement (IMI Policy Briefing 2011).

4.5. Conclusions

The 2004 and 2007 enlargements of the European Union were extraordinary in a number of economic and policy aspects. Europe has a diverse culture and immigration from one place to another has been the rule since the 60s. Nevertheless, the enlargement of the European Union in May 2004 involving eight Central and Eastern European countries (A8) along with Malta and Cyprus, and the accession of Bulgaria and Romania (A2) in January 2007 were unprecedented in how they changed the European migration landscape. The difference in the income between the EU15 states and the later included states were huge. There was no history of free movement between the eastern and the western part of Europe when they were separated by the "iron curtain" and the Eastern Europe controlled by the erstwhile USSR. But the Eastern Europe after the collapse of Soviet Union had undergone a change from a centralized economy to a market-based one. The resulting migration created apprehensions of the potential economic, social, cultural and political consequences in the labour markets and the welfare systems of Western Europe. Transitional periods of up to seven years were implemented, which restricted access of citizens from the new member states to the labour markets in the old member states. Only a few old member states opened their labour markets with no or mild transitional measures.

The recent EU enlargements have had mixed effects on the flows of migration across Europe. The diverse flow of migration in the post enlargement period forms an important policy issue that interacts with the challenges in both receiving and sending countries. The free movement of labour is not only a fundamental principle of the European Union, but also a major requirement to reap the benefits from the prospects of labour market development, sustainability of member states' welfare systems, and a reinforcement of the EU's global competitiveness.

CHAPTER 5

CONCLUSION

Migration has become an important issue in the global agenda and has increasingly been coming into the focus of international organizations. There has been an increase of the regional and global mobility of persons and the structural changes in the global economy create new opportunities and challenges for the country of origin and destination. The High Level Dialogue (HLD) between nations and the UN General Assembly attempted to enhance the benefits of international migration for migrants and countries and to explore its link to development. Migration is related to development as migrants move from one place to another in order to have access to better prospects in their life. The concept of migration has become more important in the era of globalization. The increased interaction between nations has led to easy accessibility of opportunities among people and brought them together. This has resulted in the development of relations between various nations which in turn has led to the increase of migrants crossing borders in recent times. The increased interaction between nations has also led to the involvement of several regional organizations in managing migration at the regional level. Policies for migration have been best implemented in the case of the European Union, but three other regional organizations (Arab League, ECOWAS, MERCOSUR) are also relevant for the study of intra-regional migration. These three regional organizations have been discussed in detail in chapter 2 where the case of intra-regional migration has been analyzed in all the three regions.

In the case of the Arab League, migration amongst the labours started with the oil boom of the 1970s. Intra-regional migration in this region became very active in the region due to the rise of unemployment. The foundation of migration in this region goes back to the Pan-Arabic movement of the 60s when the member states together signed the Arab Economic Unity Agreement in 1964 which preferred Arab workers over the non-Arab workers. The document also allows an Arab citizen to own a property in any Arab country. Thus intra-regional migration was encouraged by the Arab League which also became easier in the case of the region because of the prevalence of homogenous culture and demographic unity. Intra-regional migration has been most successful in the

case of African region after the EU. It is the ECOWAS that had integrated the whole of West African region. Migration in Africa is driven by poverty and socio-political crisis. The West African region consists of a road that serves as a transit road for the migrants. The heads of the state wanted to build a borderless territory and accordingly they focused on creating an infrastructure that would lead to regional integration. The objective of ECOWAS was to generate economic growth that would self alleviate the integration in the region through collective action in the region. The creation of free trade area along with the abolition of compulsory residency permit, introduction of brown card which is equivalent to a multiple-country Schengen visa and the adoption of single ECOWAS passport was aimed to encourage intra-regional migration. The MERCOSUR bloc also encouraged intra-regional migration in Latin America. The idea of regional integration started with the democratization process of Argentina and Brazil. The integration policy was to recover the lost decade and to boost up their economic growth. The Treaty of Asunción which was established in 1991 was intended to create a free movement of goods, labour and services. MERCOSUR established the multilateral accord in 1997 and the Residency Agreement which guaranteed the harmony of social security system amongst the countries which facilitated the ease of movement among workers and the rights to send remittances to the family and the education for their children.

But although these organizations have taken several steps in order to facilitate intra-regional migration, they are not as successful as the EU. In the case of the Arab League, lack of proper mobility policies and structural imbalances create difficulties in the course of migration. In spite of having a homogenous culture with similar language and religion over the region, migration within the region remains an underutilized option because of the ongoing political crisis. ECOWAS, on the other hand, has been successful compared to the other two regional organizations. But even it has its fair share of challenges. Rivalry along language lines, lack of political support, poor funding and non implementation of the policies are some of the challenges which hinder the process of intra-regional migration. Additionally many member states are also members of other organizations which often creates a rift amongst each other. Moreover, lack of

political will and inter-states conflicts and disputes also acts as a barrier to regional integration. In the case of MERCOSUR also, everything is not positive. The organization does not have a proper method for settling disputes and therefore often has to deal with occasional slow down and inequality of trade. Moreover, the two big members of the bloc- Argentina and Brazil do not have a positive relationship which often creates hostility between the two because of which trade is put at risk.

Summing up all the three cases, it can be noticed that irrespective of all the positive factors as well as the challenges faced, the regional organizations try to adopt certain policies that would encourage migration. While migration has remained a low key agenda in all three organizations, it has been comparatively more successful in the ECOWAS region. MERCOSUR on the other hand is primarily acting as a trading bloc and the Arab League is struggling with its own complexities of turbulent political situations. Comparing all the three organizations with the EU, it may be seen that it is the ECOWAS only which comes to that level to a certain extent with the adoption of common passport and other protocols. Thus it can be seen that regional organizations do encourage migration in order to boost the economy of the region.

Intra-regional migration in the EU has been much more successful in comparison to any other region. The EU deals in the issue of intra-regional migration very differently from other organizations. The organization was formed in order to reduce the animosity amongst the great powers and to prevent further opportunity of any war. It works as a single market which facilitates the movement of free goods, services and labour. Since its inception, the EU as an organization has been trying to facilitate the regular migration. This resulted in the change of structure of the European society. The importance of migration policy increased with the adoption of different legal measures like the Single European Act's "Four freedom of movement". The formation of EEC emphasized on the freedom of movement of qualified workers among the different nations of Europe. The EU with the opening of Schengen formed a borderless area where same visa can be used for all the Schengen countries. The Schengen Agreement along with the Treaty of Amsterdam provided the EU legal

competences by transferring immigration and asylum, together with visa, external border controls and civil law. The EU has facilitated the movement of migrant labour to EU charter of Fundamental Right encourages the process of migration to Europe. Factors like ageing population that lacks skilled labour have increasingly opened the doors to migration. One of the most used aspects for the process of communitisation is the visa policy. The Maastricht Treaty which provided a common citizenship for the people of the member states. The economic differences between the eastern and the western part of the Europe results in migration because it offers many opportunities and incentives like possibilities of increased earnings, chance of getting a job, or career development opportunities. One of the steps forward in order to enhance the tools for intra EU mobility is the EURES network which provides significant opportunities to increase the intra-EU mobility of migrant workers permitted to freedom of movement. It invites the migrants residing on EU territory to fill up labour and skill shortages without having to resort to 'external' labour migration.

The EU holds certain conditions that are considered necessary for intra- regional mobility. It is open to all citizens after five years of residence with the exclusion of high skilled workers. It is open immediately to students and researchers for the purpose of studies or research, after 18 months of legal residence for EU Blue Card holders, and after five years of legal residence for long-term residents. Therefore, it is beneficial to all who wish to get access to the EU. The importance of state as a sovereign institution has been reduced in the European region. On the other hand, the elimination of internal borders has led to new development between the concept of security and migration. The Amsterdam Treaty brought the Justice and Home Affairs together which was later strengthened through the Lisbon Treaty in 2009. One of the most important policies of the recent times which led to the development of migration in the region is the visa policy. It helps in facilitating legal migration within the region and also helps in checking illegal migration. Migration process has become significantly easy as the legal process became simpler. The visa represents a residence entitlement in itself, hereby simplifying the entry and stay of individuals.

Migration within the EU has led to the increase of efficiency in the economy and ensures growth of the region. The EU guarantees measures like access to education social and health services which are important for integration are encouraged with the participation of both migrants and the societies in which they live. The EU had brought together the diverse cultures of the region together but of late it has been observed that there have been incidents showing xenophobic violence in various areas of Europe. But with controlled and migration and better integration policies, xenophobia can be countered and there can be trust and understanding between different communities.

Labour migration in Europe exists for over a century and has been growing over the years and it is making the society more unified and democratic. It is in the light of the Eastern expansion of the Europe that intra-regional migration has changed and marks as one of the historic development of the Union. This outcome of this enlargement was that it opened the national labour market for the citizens of those countries. It allowed them in accessing the territory of the EU15 countries which resulted in the intra-regional migration. The enlargement of the EU in 2004 and 2007 which added ten new nations as its members saw a unique change in the way it transformed the migration history of Europe. This resulted into a huge influx of labour from the Eastern European countries. The collapse of Soviet Union made the economies of these countries market based one. The workers of these countries wanted to take the advantage of working in a new situation in order to earn better wages. But this resulted in rise of populism and xenophobia among the receiving countries. Among the receiving countries the UK has seen the largest influx of migrant workers from Eastern Europe after it opened its borders to intra- EU mobility in 2004. The income difference is huge between the already existing 15 countries and the new members who suddenly transformed their economy from a centrally planned one to a market based one. Because of the growing insecurities, the EU15 had imposed certain transitional arrangements which restrict certain freedom on the part of the new member states.

The freedom of workers is constituted as a fundamental principle of the EU as stated in Article 39 of the Treaty which established the European Community. But a

period of seven years was given which didn't allow the citizens to access within the borders of the old member states. Due to difference of language, culture and identity, a homogenous atmosphere was not possible between nations. Europe in the recent times has been facing problems like aging population, global competitiveness and growth which have led to insecurity amongst the West European region. The EU Home Affairs agencies play an important role in EU security policies. In order to function properly, the Frontex should cooperate with other actors both at the European and international level. Such examples include the Europol, the European Anti-Fraud Office, and the Interpol.

The recent general elections in UK saw a division among the citizens of Britain where most of the people displayed an unwelcoming attitude towards migrants. It may be noted that Britain always had an open door policy toward migrants but of late the citizens over there wants that the benefits which are provided to the immigrants be reduced so that migration might be checked. Thus it may be observed that a general negativity has been forming among the citizens of different nations of Europe.

Migration has also seen a setback owing to the recent European financial crisis. The crisis has resulted in reduced growth level to the extent which has had a negative impact on migration. The rate of unemployment and poverty have increased and this has led had increase of restrictions in the immigration policy. The workplaces in Ireland and UK showed a high level of discrimination against the migrants. The diverse flow of migrants in the post enlargement period forms a unique feature of the EU. Thus, the free movement of the people should remain an important feature in order to access the positivity of migration and to protect the diverse culture of the EU.

Summing up, it may be stated that migration has emerged as an important issue all over the world. This has resulted in the increase of mobility of persons between nations and region. The concept of migration has become more important in the era of globalization. The rise of regionalism in the post cold war era led to the rise of intra-regional migration. As such, regional organizations play a crucial role in creating opportunities to increase the mobility within the region. Regional organizations thus

ensure growth both at the regional and international level as asserted by the first hypothesis of the study.

Migration in case of European region portrays a unique scenario. The EU since its inception has taken several legal measures that have facilitated the movement of people among the different nations of Europe. The EU as a single market became a huge benefit for the migrants. Moreover, the enlargement of Europe in 2004 and the accession of new members thereafter have led to the widening of the European free market which has strengthened the economy of the EU. But of late, free movement of people has caused fear and insecurity amongst people, and generated anti-migrant sentiments. The second hypothesis holds partially true- although the EU facilitates the migration of people at the organizational level, the attitude and feelings of the people towards the migrants are mixed. The EU will have to complement its policies promoting free movement of people with effort to ensure proper assimilation at the socio-cultural level as well.

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