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“The EU migration policy and the implications of the European Security Strategies. Future prospects? Can Migration be considered a challenge or a threat for the National Security of Member States?”

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“Η Ευρωπαϊκή μεταναστευτική Πολιτική και οι επιδράσεις των Ευρωπαϊκών Στρατηγικών Ασφαλείας - Μελλοντικές προοπτικές; Μπορεί η μετανάστευση να θεωρηθεί πρόκληση ή απειλή για την Εθνική Ασφάλεια των Κρατών Μελών; ”

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KEYWORDS

CEPS: Centre for European Policy Studies

CFSP: Common Foreign and Security Policy

CSDP: Common Security and Defence Policy

EASO: European Asylum Support Office

EEAS: European External Action Service

EES: Entry/Exit System

ENP: European Neighbourhood Policy

ESF: European Social Fund

EU: European Union

EUROPOL: European Police Office

EUROSUR : European External Border Surveillance System

FRA: Fundamental Rights Agency

FRONTEX: The European Agency for Integrated Border Management

HLWG: High Level Working Group on Migration and Asylum

ISS: Internal Security Strategy

JHA: Justice and Home Affairs

RABIT: Rapid Border Intervention Team

RDPPs: Regional Development and Protection Programmes

RTP: Registered Traveller Programme

SIS II: Schengen Information System

TEU: Treaty on European Union

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

VIS: Visa Information System

“The EU migration policy and the implications of the European Security Strategies. Future prospects? Can Migration be considered a challenge or a threat for the National Security of Member States?”

ABSTRACT

The aim of this essay is to present the main aspects of the European Union migration policy through the decades and the changes of policy stances from a policy of strict border management into a more integrative approach in respect to the potential positive role of migrants in the European Societies. The question that is examined is whether Migration can be considered an opportunity and challenge for Europe, taking into consideration that migrants can sustain the social security systems covering the demands for labour force needed as a result of the ageing population, or a threat for the national security of Member States. The method that has been employed is a study of primary, secondary sources and literature review.

Primarily, are defined the different types of people moving from their countries of origin and is presented the legal framework constructed in the European Union. The European Union migration policy is described by the main points of Treaties and Conventions referring to legal migration. There are also analysed, the implications of the European Security Strategies in dealing with migration as a security threat and the tools the European Union has employed in order to apply its policy. Finally, it is presented the European Agenda on migration, as a reaction to the recent refugee crisis.

The analysis reveals that the European Union must combat illegal migration flows and should aim to the successful integration of migrants and the voluntary return of migrants to their countries of origin. Migration in the EU will remain a chance and a constitutional element of the financial and social life. So, the challenge consists that migration will be both of the benefit of the society, the EU citizens, migrants, and their countries of origin. If a common EU policy is applicable, every Member State may define the number of legal migrants needed and incorporate them in the EU society. However, the sociopolitical changes in the Middle East have resulted to disproportionately large migration flows that the EU society could sustain. The migration issue demands a common EU policy with cautious management and collaboration with third countries, allowing also some extent of national policies to Member States in order to preserve their security. So, the national identity of the EU Member States will be protected and the integration of migrants will be more effective. The development of Global Approach to Migration is needed. Europe should respond to the demands of a globalised world by maintaining a single external relations policy.

“Η Ευρωπαϊκή μεταναστευτική Πολιτική και οι επιδράσεις των Ευρωπαϊκών Στρατηγικών Ασφαλείας - Μελλοντικές προοπτικές; Μπορεί η μετανάστευση να θεωρηθεί πρόκληση ή απειλή για την Εθνική Ασφάλεια των Κρατών Μελών;”

Περίληψη

Σκοπός της εργασίας είναι να παρουσιάσει τις κύριες πλευρές της ευρωπαϊκής πολιτικής για τη μετανάστευση καθώς η Ευρώπη αποτελούσε πάντοτε πόλο έλξης χιλιάδων μεταναστών και τις εναλλαγές της πολιτικής από την αυστηρή διαχείριση των συνόρων, σε μια πολιτική ενσωμάτωσης των μεταναστών, λαμβάνοντας υπόψη τη θετική επίδραση των μεταναστών στις ευρωπαϊκές κοινωνίες. Το ερώτημα που τίθεται είναι, εάν η μετανάστευση μπορεί να θεωρηθεί ευκαιρία και πρόκληση για την Ευρώπη, καθώς οι μετανάστες δύνανται να καλύψουν τις ανάγκες σε εργατικό δυναμικό ως αποτέλεσμα του γηράσκοντος ευρωπαϊκού πληθυσμού ή απειλή για την εθνική Ασφάλεια των Κρατών Μελών. Η μέθοδος που υιοθετήθηκε είναι η μελέτη των πρωτογενών, δευτερογενών πηγών και της βιβλιογραφίας. Αρχικά ορίζονται οι διαφορετικοί τύποι ατόμων που εγκαταλείπουν τα πάτρια εδάφη και περιγράφεται το ευρωπαϊκό νομικό πλαίσιο. Η μεταναστευτική πολιτική αντικατοπτρίζεται από την πληθώρα Συνθηκών και Συμβάσεων αναφορικά με τη νόμιμη μετανάστευση. Επιπλέον, αναλύονται οι προεκτάσεις των Ευρωπαϊκών Στρατηγικών Ασφαλείας για την αντιμετώπιση της μετανάστευσης ως απειλής και τα μέσα που υιοθέτησε η Ευρωπαϊκή Ένωση για την εφαρμογή της πολιτικής της. Τέλος, παρουσιάζεται η Ευρωπαϊκή Ατζέντα για τη μετανάστευση ως η ανταπόκριση της Ευρώπης στην προσφυγική κρίση.

Από την ανάλυση αναδεικνύεται ότι η Ευρωπαϊκή Ένωση πρέπει να αντιμετωπίσει τα παράνομα μεταναστευτικά ρεύματα και να στοχεύσει στην αποτελεσματική ενσωμάτωση των μεταναστών και στην οικειοθελή επιστροφή τους στις χώρες προέλευσης. Η μετανάστευση για την Ευρωπαϊκή Ένωση θα παραμείνει μια πρόκληση και ένα συστατικό στοιχείο της κοινωνικοοικονομικής ζωής της. Η πρόκληση συνίσταται στο να ωφελήσει παράλληλα την κοινωνία, τους ευρωπαίους πολίτες, τους μετανάστες και τις χώρες προέλευσής τους. Με μια κοινή πολιτική, κάθε Κράτος Μέλος δύναται να προσδιορίσει τον αριθμό των νόμιμων μεταναστών που χρειάζεται να ενσωματώσει στην ευρωπαϊκή κοινωνία. Ωστόσο, οι κοινωνικοπολιτικές ανακατατάξεις στη Μέση Ανατολή προκάλεσαν δυσανάλογα εκτεταμένα μεταναστευτικά ρεύματα για την Ευρωπαϊκή Ένωση, έτσι το μεταναστευτικό ζήτημα απαιτεί μία κοινή ευρωπαϊκή πολιτική με προσεκτική διαχείριση και συνεργασία με τρίτες χώρες, αφήνοντας ένα πεδίο για τις εθνικές πολιτικές των Κρατών Μελών προκειμένου να προασπίσουν την ασφάλειά και την εθνική τους ταυτότητα και η ενσωμάτωση των μεταναστών να είναι αποτελεσματικότερη. Η ανάπτυξη μιας παγκόσμιας προσέγγισης της μετανάστευσης, θα συμβάλει ώστε η Ευρώπη να ανταποκριθεί στις απαιτήσεις ενός παγκοσμιοποιημένου περιβάλλοντος διατηρώντας μια κοινή εξωτερική πολιτική.

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CHAPTER 1

EU MIGRATION DIACHRONIC SOCIAL PHENOMENON

Introduction

The series of uprisings against authoritarian and dictatorial regimes in the southern Mediterranean countries and the ongoing Syrian crisis resulted to a massive increase in the influx of refugees to EU Member States and have put EU migration policy sharply in focus. The aim of this essay is to present the main aspects of the EU migration policy, the role of migrants in the national security of Member States and the implications of the European Security Strategies in dealing with migration as a security threat.

Migration is a social phenomenon that has undoubtedly been associated with the history and culture of all nations. However, although in the past, people were obliged to migrate in order to avoid natural disasters, climatic changes or because of lack of natural resources for their survival, nowadays, the main reasons for migration are economic, due to the unbalanced division of financial resources globally and as a result of intrastate wars. In particular, the ongoing civil war in Syria and the conflicts in the middle East, North Africa and Sub Saharan Africa have aggravated the phenomenon of continuous and developing numbers of refugees escaping from the terror of war and seeking in Europe prospects for a safer life with dignity, offered in the framework of the European acquis, posing simultaneously, a difficult challenge for the European Union.

Europe has never been so prosperous, so secure or so free. The violence of the first half of the 20th Century has given way to a period of peace and stability unprecedented in European history. The creation of the European Union has been central to this development.¹ It has transformed the relations between the States and the lives of EU citizens. Europe has always attracted millions of migrants seeking for better working opportunities or living conditions, it was considered an opportunity for welfare and development, a chance for a better life. Migration however, might also be promoted as a challenge for Europe as well. Legal migrants constitute a fundamental labour force, necessary to cover the EU's needs as a result of its demography consisting of elderly population. EU's population is gradually aging, but its economy is increasingly dependent on highly-skilled jobs. Migration will increasingly be an important way to provide the EU economy with the talents needed for sustainable growth. Therefore, migrants can sustain the social security and welfare system of the States more effectively than other options such as the motivation for increased fertility or the age of

1 <http://www.consilium.europa.eu/uedocs/cmsupload/78367.pdf>

retirement. However, the EU has come up to the security problem of illegal immigrants violating its borders the last decades and the waves of refugees escaping from the ongoing wars in their countries, so there have been taken initiatives to organize the migration flows and to control the entrances aiming at the securitization of migration and the effective integration of migrants.

Introductory Concepts

Primarily, before analyzing the main aspects of EU migration policy are presented some introductory concepts to distinguish the differences between individuals who move from one country to another.

1.1 Migrant is a person moving in another country or region in order to improve his social and financial conditions.

1.2 Types of Migrants: In Europe live people from various backgrounds, who are treated differently by the EU acquis, according to their country of origin and their reasons of residence in the EU countries.

- Citizens of other EU Member States.
- Migrants of the former colonies acquainted with the culture of the host country.
- Migrants who have been invited to work for a specific period, who have been trained in specific fields with the prospect of returning back to their country of origin; however they remained permanently to the host country.
- Educated migrants or students, who remain seeking better prospects during and after their studies in the host country.

According to the UN General Assembly, Convention Relating to the Status of Refugees, (28 July 1951, United Nations):

1.3. Refugee is a person, who owing to well-founded fear of persecution for reasons of race, religion, nationality, social group or political opinion, is outside the country of his nationality².

1.4. Immigrant is a person, who for reasons other than those referred to in the definition of a refugee is voluntarily leaving the country of origin. If the criteria are economic is considered economic migrant.

1.5. Asylum seeker³ is someone who looks for protection as a refugee even if he/she is not officially recognized as such. Usually the term refers to someone who is still awaiting a

2. UN General Assembly, Convention Relating to the Status of Refugees, (28 July 1951), United Nations

government to decide whether he/she is a refugee. Asylum protection is a form of protection provided by the host country based on the principle of non refoulement of the asylum.

1.6. Illegal immigrant⁴ is a person who illegally settled in a foreign country, without using legal procedures of entrance of the transit or host country. In the EU one could claim that coexist two types of illegal migrants “the acceptable” those who are known to the Authorities but are considered useful financially and “the non acceptable” who are prone to criminal acts.⁵

1.7 Reasons of Illegal migration Increase

One might ask why has occurred an increase of illegal migration flows compared to the previous decades. The main reasons might be considered the following:

- a. The ongoing intrastate wars (the Syrian conflict/ other civil wars) associated with the violation of basic human rights.
- b. The imbalanced share of finance in the West compared to the rest of the world.
- c. The ecological disasters and climatic changes that result to total destruction of States economies.
- d. The increase of measures for combating migration flows by extensive border controls and restrictive measures for visas resulted to illegal entrances.

1.8. The extent of migration pressures⁶

According to Frontex data⁷, the Central and Eastern Mediterranean route were the main areas for irregular border crossing into the EU in 2014, representing more than 75% of the EU total irregular border crossing. In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277% compared to 2013. A steady increase was witnessed also by Greece with more than 50 000 irregular migrants reaching the country, representing an increase of 153% compared to 2013. Statistics for the first months of 2015 confirm this clear trend in respect of Italy. In addition, Greece has faced in the first four months of 2015 a sharp increase corresponding to more than 50% of the total number of irregular border crossings in 2014 (almost 28 000 in the first four months of 2015 in comparison to a total number of almost 55 000 in 2014). A significant proportion of the total

3 <http://www.amnesty.org.gr/campaigns/refugees/fag.htm>

4 G Babiniotis (2004) “Dictionary for school and Office” Cent. Lexicology EPE p 563

5 Charis Naxakis , Michalis Chletsos “Migrants and Migration” Patakis, 2003

6 <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-286-EN-F1-1.PDF> (p.9)

⁷ See Appendix/Migration Statistics (pp.52-67)

number of irregular migrants detected in these two regions included migrants of nationalities which, based on the Eurostat data, meet a high EU level recognition rate (in 2014, the Syrians and the Eritreans, for which the EU level recognition rate is more than 75%, represented more than 40% in Italy and more than 50% in Greece).

According to Eurostat, 64.625 persons applied for international protection in Italy in 2014, compared to 26.920 in 2013 (an increase of 143%). A lesser increase in the number of applications was witnessed by Greece with 9.430 applicants (an increase of 15%).

Another important migration route into the EU in 2014 was the Western Balkan route with 43 357 irregular border crossings (15% of the EU total irregular border crossing). However, the majority of migrants using the Balkan route are not *prima facie* in need of international protection, with Kosovars accounting for 51% of the arrivals.

During the second quarter of 2015 (from April to June 2015), 213 200 first time asylum seekers applied for protection in the European Union (EU), up by 15% compared with the first quarter of 2015 and by 85% compared with the second quarter of 2014. In particular, the number of Syrians and Afghans rose considerably to reach almost 44 000 and 27 000 respectively. They represent the two main citizenships of first time asylum applicants in the EU over the second quarter 2015, accounting for a third of all first time applicants.⁸

Italy's and Greece's geographical situation, with the ongoing conflicts in the neighbouring region, makes them more vulnerable than the other Member States in the immediate future with unprecedented flows of migrants expected to continue to reach their territories.

⁸ http://ec.europa.eu/eurostat/documents/2995521/6996925/3-18092015-BP-EN.pdf/b0377f79-f06d-4263-aa5b-cc9b4f6a838f?utm_content=buffer01361&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer
[Accessed on 19-12-2015]

CHAPTER 2. THE EU MIGRATION POLICY ⁹

The EU has been concerned with migration policy ever since its inception. The Treaty of Rome had already provided for an ‘internal’ migration policy by establishing the freedom of movement of labour. Since then, policy relating to migrants coming from outside the EU has become gradually more institutionalised at the EU level.¹⁰

The previous decades migration has developed into a security issue with destabilizing effects on public order. However, the connection of migration to criminal and terrorist abuses is related to a wider politicization in which immigrants and asylum seekers are portrayed as a challenge to the protection of national identity and welfare provisions in which agencies decide the criteria for legitimate membership of west European societies.¹¹ However in reality, the EU migration policy that has been acquired the previous decades, has not been effective in the prevention of migration flows, on the contrary, it resulted to their increase despite the tendency to harmonize the individual Member State’s migration policies by a common one. The main aspects of EU migration policy could be described as follows:

2.1 The European Convention of Human rights (04-11-1950)

The only international legislative act for people on the move is the Convention (art 2.1 Prot. 4) that refers to the right of free movement in a country and family reconnection (art 8).

During the decades from 1960-1990 a series of Regulations and Directives have been published referring to migrants moving from one Member State to another as the labour market demanded external workforce:

- The EU Regulation 1612/68/15-10-1968 distinguishing between the free movement of EU nationals and third countries’ workers in the EU.
- The EU Regulation 1251/70/29-10-1970 referring to the right of workers to stay in the Member States on the condition that they worked in it.

9 <http://eur-lex.europa.eu/legal-content/EN/TXT/>

10 Natasja Reslow, “*Explaining the development of EU migration policy: the case of the Mobility Partnerships*” Department of Political Science Maastricht University The fifth Pan-European Conference on EU Politics, Porto, Portugal, 23-26 June 2010

11 Jef Huyshmans, “*The European Union and the Securitization of Migration*”, Journal of Common Market studies, December 2000

- The Directive 73/148/21-05-1973 over the limitations related to movement and residence of citizens of Member States
- The Directive 75/34/17-12-1974 referring to the right of Member States citizens to stay so long as they had worked without payment in the past.
- The Directive 90/365/28-06-1990 referring to the right of residence to workers who had stopped working.

The legislative acts that aimed at a cooperative regulation of migration and lead to a gradual incorporation of a common European migration policy into the constitutional structure of the EU are:

2.2 The Maastricht Treaty 07-02-1992 (Came into force 01-11-1993)¹²

The Treaty on European Union (TEU) represents a key stage in European integration since it opens the way to political integration. It creates a European Union consisting of three pillars: the European Communities, Common Foreign and Security Policy (CFSP), and police and judicial cooperation in criminal matters (JHA).

The concept of the EU citizenship is introduced in art. 17 of the Maastricht Treaty. The creation of European citizenship, over and above national citizenship, is important innovation. “An EU citizen is every citizen who is a national of a Member State is also a citizen of the Union”¹³ and the protection of the rights and interests of the nationals of its Member States are presented in the Maastricht Treaty with most important:

- The right to freedom of movement and settlement in the territory of any Member State.
- The right to vote and to stand as a candidate for election in municipal and European elections in the State in which he resides.
- The right of protection by the diplomatic or consular authorities of a Member State other than the citizen's Member State of origin on the territory of a third country in which the state of origin is not represented.
- The right of petition to the European Parliament and to submit a complaint.

12 . http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_on_european_union/treaty_on_european_union_en.pdf Accessed on 08/12/2014

13 . <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:xy0026&from=EN> Accessed on 08/11/2014

- The unanimity of voting for third countries nationals in the framework of the Three Pillars of the EU (European Communities, Common foreign security policy, police and justice cooperation).

However, even if the Treaty of Maastricht had set the presupposition of unanimity of voting in the Resolutions regarding migration and asylum seeking, the visa policy since 01-05-2004 is set by majority voting (majority qualified).

The Maastricht Treaty represents a key stage in European construction. By establishing the European Union, creating an economic and monetary union and extending the European integration, the Community has acquired a political dimension.

2.3 The Schengen Convention 23-05-1995¹⁴

The Schengen Agreement was signed by France, Germany, Belgium, Luxembourg and the Netherlands in 1985 and on 19-06-1990 the Convention was ratified and additionally signed by Italy, Austria, and Greece since 06-11-1992. The Schengen area and cooperation founded on the Schengen Agreement represent a territory where the free movement of persons is guaranteed. The Schengen Convention was the document about the implementation of the agreement. When it took effect in 1995, abolished controls at internal borders of the signatory States, unless additional internal border control instruments were needed in special cases. It also created a single external border where immigration checks are carried out in accordance with identical procedures fixing common rules for the controls at the external borders. Common rules regarding visas, right of asylum and checks at external borders were adopted to allow the free movement of people without disrupting law and order. So, since its implementation in 1995, the Schengen Agreement eliminated border controls between its signatories and created a common visa policy for 26 countries in the Schengen area, so now people and goods move from one country to another without barriers.

Its main provisions refer to:

- The gradual abolition of checks at common- internal borders of the Member States of the European Community
- Demand for Visa for third countries nationals for free movement in the Schengen area. In particular, harmonisation of the conditions of entry and of the rules on visas for short stays

14. http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm Accessed on 22/10/2014

- Police cooperation (including rights of cross-border surveillance and hot pursuit);
- Establishment and development of the Schengen Information System (SIS), a data recording system which allows the immediate information of the Authorities of Member States to have access to it about illegal entrances of individuals.

2.4 The Treaty of Amsterdam, (01-05-1999)¹⁵

The Treaty of Amsterdam was approved by the European Council, held in Amsterdam on 16-17 June 1997. On 1 May 1999, it came into force, having been ratified by all Member States, following their own constitutional rules. The Treaty of Amsterdam has put greater emphasis on citizenship and the rights of individuals, aiming at the freedom of movement and life safety within the European Union. The Member States are committed, in reference to the Article F (2) of the Treaty on European Union, to respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome 04-11-1950). The Treaty recognizes that a common immigration policy is the responsibility of the European Union and defines a Community area of freedom, security and justice, sets the beginnings of a common foreign and security policy (CFSP). It constitutes measures on migration in the following sectors:

- Conditions of entry, residence according to which the Member States offer residence permits including those aiming at the family unification
- Measures against illegal migration and residence in Member States, and measures for the repatriation of the illegal migrants (art 63 par.3).
- Measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may also reside in other Member States. (art 63 par.4)
- Measures aiming at harmonizing gradually (within 5 years) the policies on immigration, visa and asylum between EU signatory Member States. By this Treaty, has occurred important progress in the Union policy for common procedures of visa issuance in comparison to Schengen Agreement. There have also been set the foundations of harmonization of the legal procedures and cooperation of the judiciary systems of Member States for immigration matters.

The Amsterdam Treaty delegated formally powers over asylum and migration to the EU level.¹⁶ In the Amsterdam Treaty, the Member States agreed to bring migration and asylum policy under the remit of the EU.¹⁷

¹⁵ http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf
[Accessed on 08-12-2014]

2.5. The Council of Tampere, 15-16 October 1999¹⁸

At its meeting in Tampere in 1999, the European Council adopted the first multi-annual programme of priorities in the field of justice and home affairs, which included the aim of establishing a common EU asylum and migration policy.

The European Council was determined to develop the Union as an area of freedom, security and justice reaffirming the importance of this objective and had agreed on a number of policy orientations whose results allowed a series of Directives of the European Commission aiming at the harmonisation of the European policy in the areas of immigration, of refugees and asylum seekers.¹⁹ So, were founded the proposals for a common legal framework for third country nationals. The Commission intended migration policy to be incorporated into EU external policy since 1991(Commission, 1991, p.20), and it was emphasised and materialised particularly in the Tampere programme. However, even if the respect to human rights of third countries nationals in association with responsibilities similar to EU citizens is emphasized and measures against racism and xenophobia are proposed, the practical application of the resolutions remains vague. It gradually improved the national policies of the Member States but it has also lead to the “Fortress of Europe”.

2.6. The Treaty of Nice, (Signed 26-02-2001 into force 01-02-2003)²⁰

The purpose of the Treaty was to reform the institutions so that the EU could function efficiently after reaching 25 member countries. The main changes included methods for changing the composition of the Commission and redefining the voting system in the Council.

The Treaty of Nice, established the Charter of Fundamental Rights of the European Union It referred to the right of free occupation of citizens of the EU members, (art. 15 par.3) ‘those working in the EU member states have right of equal working conditions as the citizens of the Member States.’”

16 Reslow Natasja, (2010), *Explaining the development of EU migration policy: the case of the Mobility Partnerships*, Department of Political Science Maastricht University, the Netherlands

17 Geddes, A. (2003), *The Politics of Migration and Immigration in Europe*. London: Sage, p.137.

18 http://www.europarl.europa.eu/summits/tam_en.htm

19 S Spencer, (2003) ,*The politics of migration*, Blackwell publishing, p.82.

20 http://europa.eu/legislation_summaries/institutional_affairs/treaties/nice_treaty/index_en.htm

2.7. “Dublin II” Council Regulation (E.C.343/03/18-02-2003)²¹

The asylum policy has been promoted as a priority under the pressure of increasing numbers of asylum seekers to Member States and has led to the signature of the Council Regulation (EC) No 343/2003 of 18-02-2003. It established the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. This Regulation has established the principle that only one Member State is responsible for examining an asylum application but the substantive provisions for asylum are not affected, such as the Geneva Convention (1951) and the New York Protocol (1967) or the asylum national legislation of the Member States. The objective is to avoid asylum seekers from being sent from one country to another, and also to prevent abuse of the system by the submission of several applications for asylum by one person. The regulation sets criteria of place of application and family links, determining the State that must process the asylum application reducing the time spent in detention centers for asylum seekers.

However, the restrictive and control oriented basis of the Convention is applied by the Eurodac Regulation. (EC 2725/2000). The Eurodac system, consisting of a Central Unit within the Commission, equipped with a computerized central database for comparing fingerprints, and transmitting electronic data, enables European Union (EU) countries to identify asylum applicants and persons who have been apprehended in connection with an irregular crossing of an external border of the Union. The Authorities can determine whether a foreign national found illegally present within an EU country has previously claimed asylum in another EU country or whether has entered the Union territory unlawfully.²²

According to (Chapter 5 art. 16 par.e) of the Regulation “*The Member State responsible for examining an application for asylum under this Regulation shall be obliged to take back, under the conditions laid down in Article 20, a third-country national whose application it has been rejected and who is in the territory of another Member State without permission*”.²³

So in practice, asylum seekers should be returned back to the first country of entry, which is an element which burdens the Member States of southern Mediterranean such as Greece and Italy which are the external borders of EU, therefore asylum countries.

21. http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133153_en.htm

22 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000R2725&from=EN>

23 <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33153&from=EN>

2.8. The Hague Programme, 2004²⁴

The multiannual Hague Programme, adopted at the European Council of 4th and 5th November 2004, had set out 10 EU priorities for the Union with a view to strengthening the area of freedom, security and justice for the following five years. The objective of the Hague programme was to improve the common capability of the Union and its Member States to guarantee fundamental rights, minimum procedural safeguards and access to justice, to provide protection in accordance with the Geneva Convention on Refugees, to regulate migration flows and to control the external borders of the Union, to fight organised cross-border crime.

The Commission had set **10 priorities**:

- **Strengthening fundamental rights and citizenship:** The Union promoted the observance of fundamental rights in European policies. So, converted the European Monitoring Centre on Racism and Xenophobia into the European Fundamental Rights Agency (FRA) (January 2007) aiming to respect children and women's rights. The measures included the "Fundamental Rights and Justice" framework programme and assessment reports of the applied directives regarding the right to move and reside freely.
- **Anti-terrorist measures.** The Commission emphasised the need for terrorism prevention and exchanging information. The measures adopted to achieve its objectives included: strengthening cooperation between the law-enforcement services of Member States, by improved exchanges of information, a European framework for the protection of related data, critical infrastructure, the fight against terrorism financing.
- **Defining a balanced approach to migration.** This involved fighting illegal immigration and human trafficking. The management of migration flows also involved cooperation with third countries in the readmission of migrants. The measures included the "Solidarity and Management of Migration Flows"²⁵ framework

24 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:116002>

25 http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/index_en.htm.

For the period 2007-13, almost EUR 4 billion was allocated for the management of the Union's external borders and for the implementation of common asylum and immigration policies through the General Programme "Solidarity and Management of Migration Flows" (SOLID)

programme, which covered the construction of an External Borders Fund²⁶, an Intergration Fund²⁷, a Return Fund²⁸ and a European Refugee Fund.²⁹

- **Developing integrated management of the Union's external borders.** In order to develop integrated management of external borders has been set up the FRONTEX-Agency. The development of visa information system and the equipment of identity and travel documents with biometric identifiers to secure them.
- **Setting up a common asylum procedure.** The Commission aims to set up a harmonized and effective asylum procedure, a definition of the long-term resident status for refugees and a proposal for a common procedure and status for refugees.
- **Maximising the positive impact of immigration.** The integration of immigrants is crucial in order to avoid social isolation. So, the Commission had set up a European framework for integration³⁰ and promoted an exchange of experience and information on integration.
- **Striking the right balance between privacy and security while sharing information.** Law-enforcement authorities should share information to fight terrorism and cross-border crime. The European Police Office (Europol) should manage the availability of information respecting fundamental rights, such as the protection of private data.

26 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:114571>

27 http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm The Asylum, Migration and Integration Fund (AMIF) was set up for the period 2014-20, with a total of EUR 3.137 billion for the seven years. It will promote the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum and immigration

28 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:144:0045:0065:EN:PDF> The European Return Fund in which all EU countries participate except for Denmark, allocates EUR 676 million for the period 2008–13. Specifically, it seeks to improve return management as well as to encourage the development of cooperation between EU countries and with countries of return

29 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:114567>

The fund is targeted at persons having refugee status as defined by the Geneva Convention of 28 July 1951 or enjoying a form of temporary or subsidiary protection, or who are being resettled in a European Union (EU) country.

30 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:114502>

The first step in the establishment of a coherent framework for integration is proposing measures at EU and national level for putting the Common Basic Principles (CBPs) into practice.

- **Developing a strategic concept on tackling organised crime.** The fight against organised crime demanded cooperation of the law-enforcement authorities, (police, customs and coast guard). Therefore, the Commission adopted a strategic concept on tackling organized crime.³¹.
- **A genuine European area of justice.** Access to justice had to be guaranteed. As regards civil legal matters, the Commission focused on completing its mutual recognition programme for judgments in civil and commercial matters. In criminal legal matters, Member States needed minimum legal procedural standards. Eurojust³² had a key role in judicial cooperation in criminal matters. Other measures safeguarding the European area of justice included: Union support for judicial organisations and institution networks, justice quality assessment.
- **Sharing responsibility and solidarity.** The objectives of the Hague Programme were supported financially by all available means. In April 2005, the Commission presented three framework programmes examining the political and financial instruments to materialize the objectives of freedom, security and justice.

2.9. The Treaty of Lisbon, (C 306/13-12-2007) ³³

The stated aim of the Treaty was "to complete the process started by the Treaty of Amsterdam (1997) and by the Treaty of Nice (2001) with a view to enhancing the efficiency and democratic legitimacy of the Union and to improve the coherence of its action." Immigration is not considered a problem but each Member State has to overcome the absence of common policy by its national legislation the issue of migrants' nationality, the processes of social integration and their rights while residing in their territory. It aims at:

31 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:133250>

The Commission asked the EU institutions involved in the prevention of and fight against crime to develop the specific framework of action in order to balance prevention, law enforcement and the protection of fundamental rights& freedoms.

32. <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:133188&from=EN> Accessed on 12-12-2015

The European Union (EU) wanted to improve cooperation in the fight against crime, so the Council set up Eurojust. This body of the Union is competent to act in investigations and prosecutions relating to serious crime concerning at least two Member States. Its role is to promote coordination between competent authorities in Member States and to facilitate their judicial cooperation. Eurojust also has a key role to play in the fight against terrorism.

33. <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C:2007:306:FULL&from=EN>

- A Europe of rights and values, freedom, solidarity and security
- Introduces the Charter of Fundamental Rights into EU law
- However, it is left to the discretion of each EU Member State, to overcome the absence of common legislative framework.

“The adoption of legislative acts shall be excluded. The common foreign and security policy shall be put into effect by the High Representative of the Union for Foreign Affairs and Security Policy and by Member States, in accordance with the Treaties.” Art 11 par.1 (a)

2.10. European Pact on Immigration and Asylum 17-06-2008

(13189/08 ASIM 68)³⁴

The European Council reaffirms that migration issues are an integral part of the EU’s external relations and that effective management of migration must address the organization of legal migration and control illegal as ways of encouraging the synergy between migration and development. According to it, migration can contribute to the economic growth of the European Union (EU) and provide resources for migrants and contribute to their home countries’ development. Migration is a factor of human and economic exchange. However, there is a need to manage migration taking into account Europe's reception capacity while protecting migrants against possible exploitation by criminal networks.

The main aspects, in order to create a truly common immigration and asylum policy, that takes into consideration the collective interest of the EU, as well as the individual needs of EU countries consist of five basic commitments that will be practiced by concrete measures:

- Organization of legal immigration taking into account the priorities based on the reception capacities of member States and migrants needs
- Combat illegal immigration by return to the country of origin
- Enhancing the effectiveness of border controls
- Construct a Europe of asylum
- Create a relationship with the countries of origin and transit in order to encourage the synergy between migration and development.

³⁴http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0038_en.htm

2.11. The Stockholm Programme – An open and secure Europe serving and protecting citizens (C 115 /04-05-2010).³⁵

The Stockholm Programme had set out the European Union's (EU) priorities for the area of justice, freedom and security for the period 2010-2014 by actions focusing on the interests and needs of citizens.

It focused on the following priorities:

Europe of rights³⁶

European citizenship must confer on EU nationals the fundamental rights and freedoms set out in the EU Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Europe must be an area in which:

- Citizens may exercise in full the right to free movement.
- Diversity is respected and the most vulnerable groups of people are protected, while racism and xenophobia are tackled.
- The rights of suspected and accused persons are protected in criminal proceedings.
- Citizens' participation in the democratic life of the EU is promoted through transparent decision-making, access to documents and good administration.

Europe of justice

Access to justice for citizens must be facilitated, so that their rights are better enforced within the EU. The EU aims coherence with the international legal order in order to create a secure legal environment for interacting with non EU-countries.

³⁵<http://www.eurojust.europa.eu/doclibrary/EUframework/EUframeworkgeneral/The%20Stockholm%20Programme%202010/Stockholm-Programme-2010-EN.pdf> Accessed on 12-12-2014

³⁶ http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/jl0034_en.htm

2.12. THE EU “SECURITY STRATEGIES”

The European policy making and the initiatives taken were based on the framework set by the European strategies employed in order to face the basic security threats that the Union was expected to face. Three security strategies were engraved in the 2000’s.

2.12.1 European “Security Strategy” “A secure Europe in a better World” (12-12-2003) ³⁷

The European Commission had realized that in the legal framework of a supranational Union as the Union aimed to occur, the European countries were committed to deal peacefully with disputes and to co-operate through common institutions. The consecutive enlargements of the Union had made a reality of the vision of a united and peaceful continent but Europe still faced security threats and challenges. *“No single country is able to tackle today's complex problems on its own. As a union of 25 states with over 450 million people producing a quarter of the world's Gross National Product, the European Union is inevitably a global player. It should be ready to share in the responsibility for global security and in building a better world”*³⁸.

The post Cold War environment of open borders, had some positive aspects by the development of trade, investments and the spread of democracy bringing freedom and prosperity to many people, but also the negative effects of globalisation caused frustration and injustice to others. So, security is a precondition of development, while conflict destroys social infrastructure; encourages criminality, deters investment and economic activity leading countries and regions, caught in a cycle of conflict, to insecurity and poverty.

According to the EU Security Strategy the Key Threats were:

- **Terrorism:** Undermines the openness and tolerance of societies, it’s a growing threat to the whole of Europe.
- **Proliferation of Weapons of Mass Destruction:** Advances in the biological sciences may increase the potency of biological weapons attacks add instability and put Europe at increasing risk.
- **Regional Conflicts:** Problems and conflicts in the Middle East had impact on European interests directly and indirectly.

37 <http://www.consilium.europa.eu/uedocs/cmsupload/78367.pdf>

38 <http://www.consilium.europa.eu/uedocs/cmsupload/78367.pdf> (p.2)

- **State Failure:** Bad governance, corruption, abuse of power, civil conflict corrode States from within resulting to their collapse (Somalia, Liberia, Afghanistan)
- **Organised Crime:** Europe is a prime target for organised crime (cross-border trafficking in drugs, illegal migrants and weapons) in order to defend its security the EU in 2003 had posed three strategic objectives: **a)** the adoption of a European Arrest Warrant, **b)** an Agreement on mutual legal assistance with the U.S.A **c)** improvement of EU's defence in order to resolve conflicts on its borders (such as the Arab/Israeli).

The policy implications for Europe under the Strategy were to be:

- **More active:** By supporting the United Nations in responds to threats to international peace and security.
- **More Capable:** By the establishment of a Defence Agency.
- **More Coherent:** By providing a Common Foreign and Security Policy and European Security and Defence Policy. International cooperation was necessary both through multilateral cooperation in International Organisations and partnerships.

Consequently, Europe's objective was the development of a stronger international society, well functioning international institutions and a rule-based international order.

*“Our security and prosperity increasingly depend on an effective multilateral system. We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter.”*³⁹

The Mediterranean area generally continued to undergo serious problems of economic stagnation, social unrest and unresolved conflicts. The European Union's interests required a continued engagement with Mediterranean partners, through more effective economic, security and cultural cooperation in the framework of the Barcelona Process and a broader engagement with the Arab World.⁴⁰

2.12.2 The European “Security Strategy” “Providing Security in a Changing World” (11-12-2008) ⁴¹

The EU contributed to a more secure world by reducing poverty and inequality, promoting good governance and human rights, assisting development and territorial integrity of states and the peaceful settlement of disputes. However, Europe still faced increasingly complex threats.

39 <http://www.consilium.europa.eu/uedocs/cmsupload/78367.pdf>(p.10)

40 <http://www.consilium.europa.eu/uedocs/cmsupload/78367.pdf>(p.9)

41 <https://europa.eu/globalstrategy/en/report-implementation-european-security-strategy-providing-security-changing-world>, Brussels, 11 December 2008 S407/08-

Conflicts in the Middle East and State failures affected the EU's security through crime, illegal immigration and piracy. The strategy defined the EU's security environment, identifying key security challenges and the political implications for the EU;

The Strategy emphasised its aims:

a) Prevention of proliferation of Weapons of Mass Destruction (through the UN and regional Organisations)

b) Combat organised crime in European societies (trafficking drugs, human beings and weapons).

The EU had taken additional measures (The Hague Programme and the Strategy for Justice and Home Affairs to make investigations across borders and prosecution easier, based on respect for human rights and international law).

The results were better institutional co-ordination and strategic decision-making and strengthened EU's coherence, in order to build "a secure Europe in a better world."⁴²

2.12.3. European "Internal Security Strategy 2010-2014"⁴³

The cornerstone of the Internal Security Strategy is the respect and safeguarding of the rights and freedoms of EU citizens and residents in the EU, by effective implementation of the EU Charter of Fundamental Rights.

The 2010 Internal Security Strategy (ISS) identified the EU internal security challenges as cross-border and cross-sectoral in nature so, no single Member State was able to respond effectively to these threats. The final Report on the ISS 2010-2014⁴⁴ assessed the actions implemented under the previous strategic objectives and identified the future challenges and threats with the Commission Communication on "An Open and Secure Europe: Making it Happen".⁴⁵ By the Strategy's implementation had to be faced the financial crisis, the technologies' new threats (cybercrime), the effects of regional conflicts and political changes (the Arab Spring, the Sub-Saharan Africa, Syria conflicts).

Strengthening security through border management and migration were stated as security problems and four key actions were to be taken:

42 <http://www.consilium.europa.eu/uedocs/cmsupload/78367.pdf>

43 http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/final_implementation_report_of_the_eu_internal_security_strategy_2010_2014_en.pdf

44 http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/final_implementation_report_of_the_eu_internal_security_strategy_2010_2014_en.pdf

45 http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/an_open_and_secure_europe_-_making_it_happen_en.pdf

1) Exploit the potential of European external border surveillance system (EUROSUR)⁴⁶, a multipurpose system to detect and prevent cross-border crime as well as to contribute to saving migrants' lives at the external borders

2) Enhance the contribution of Frontex⁴⁷: Frontex's role has been reinforced through its revised legal basis. Frontex has provided increased operational support to Member States under high migratory pressure, for example at the Greek-Turkish border and the Aegean Sea. Through actions of the EU Taskforce for the Mediterranean, was provided comprehensive support to protect the lives of migrants and further to alleviate the burden of the most affected Mediterranean EU Member States.

3) Undertake common risk management for movement of goods across external borders: The entry into force of the new Schengen governance legislation improved evaluation and monitoring, so as to maintain the mutual trust within the Schengen area,

4) Improve inter-agency cooperation at national level:

- The introduction of the Schengen Information System (SIS II)⁴⁸ enhanced functionalities to support information analysis
- Free movement of people was aided by the Visa Information System (VIS) and the Smart Border Package which consists of legislative proposals for an Entry/Exit System (EES) and a Registered Traveller Programme (RTP)

Its main aim within the spirit of solidarity, the strategy aims is to enhance police and judicial cooperation in criminal matters, cooperation in border management, civil protection and disaster management. Consequently, the EU activities undertaken had as main objective the safeguarding of fundamental rights, freedoms such as free movement of persons and free circulation of goods and services within the Schengen area while reinforcing EU internal security. This was materialized by exploiting the synergies between border management policies on persons and on goods, as well as by addressing migration management and the fight against crime. By enhancing the knowledge of border guards, customs, police and other authorities more effective measures were taken at EU borders.⁴⁹

46.. Regulation (EU) No 1052/2013 establishing the European Border Surveillance System (Eurosir).

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:114579&from=EL>

47 <http://frontex.europa.eu/about-frontex/legal-basis>

48 Regulation (EC) No 1987/2006

<http://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32006R1987&from=EN>

49 http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/final_implementation_report_of_the_eu_internal_security_strategy_2010_2014_en.pdf

2.13 EU POLICY IMPLEMENTATION INSTRUMENTS

2.13.1 Access to Europe – The Role of FRONTEX

The EU had to develop further its integrated border management and visa policies to make legal access to Europe efficient for non-EU nationals. It was necessary to counter illegal immigration and cross-border crime. The European Council set the integrated border management as objective of EU policy, in order to ensure uniform and high level of control and surveillance, which are prerequisites for the free movement of persons in EU and fundamental components of freedom, security and justice. For this purpose, the EU has set common rules on standards and control procedures at external borders in association with the responsibility of Member States of the surveillance of external borders, and established in 2004 the European Agency for Integrated Border Management, FRONTEX, aiming at managing operational cooperation at external borders in order to achieve integrated management of external borders of Member States⁵⁰. The Agency is located in Warsaw⁵¹, and its main duties are operational, as opposed to the supportive nature of the Europol's tasks, and consist of: ⁵²

- Coordination of operational cooperation between Member States for the management of the external borders.
- Carrying out risk assessments.
- Providing assistance to Member States to train national border guards establishing common training standards.
- Monitoring surveys for the control and surveillance of external borders.
- Offering assistance technical and operational assistance at external borders if needed.
- Organizing and assisting joint operations between Member States.

50 Further establishment of the two European organizations (EYROPOL and FRONTEX) by the Council Regulation (EC) No 377/2004 of 19 February 2004(L 64/1),) has been created an immigration liaison officers network.

51 Council Decision 2005/358/EC issued on 26 April 2005 [L 114/13/4-5-2005].

52 Regulation (EC) No 2007/2004 issued on 26 October 2004 established a European Agency for the Management of Operational Cooperation at the External Borders of the EU Member States and Regulation (EC) No 863/2007 issued on 11 July 2007 established a mechanism for the creation of Rapid Border Intervention Teams and amended Regulation (EC) 2007/2004 regarding the mechanism for regulating the duties of guest officers.

- Providing Rapid Border Intervention Team (RABIT) in accordance with EC 863/2007.

The Agency's actions and initiatives that had been taken by conducting joint operations at sea borders, establishing a network of patrols and keeping common training standards of border guards had contributed effectively to border management. EUROPOL and FRONTEX have signed agreement in order to enhance the cooperation through the exchange of strategic and technical information⁵³ Therefore, the role of FRONTEX should be further reinforced in order to discriminate immigrants and asylum seekers from refugees and to assist the Southern Europe Member States with the burden sharing process and reallocation of immigrants in a proportionate manner.

2.13.2 Mobility Partnerships

“Mobility partnerships” were introduced in 2006 within the framework of EU's developing a “comprehensive” approach to migration and were characterised by the Commission as ‘The most *innovative* and *sophisticated* tool to date of the global approach to migration’⁵⁴

They offered a political framework for comprehensive, enhanced dialogue and cooperation with partner countries, including a set of targets and commitments as well as a package of specific support measures offered by the EU and interested Member States. They included the negotiation of visa facilitation and readmission agreements. The additions to the EU's immigration policy instruments were the ‘mobility packages’ later renamed ‘partnerships’ to emphasize the importance of cooperation and joint ownership with third countries in the area of migration management. The EU moved away from security-centered policies that considered migration as a ‘threat’ to be ‘combated’, ‘controlled’ and ‘restricted’⁵⁵. Part of this shift was the aim of counteracting wide-spread images that the EU was building the ‘Fortress Europe’. Franco Frattini, the Commissioner of the Directorate-General for Freedom, Justice and Security at his speech at Level Conference on Legal Migration admitted that:

“We have to shift - even if not completely - our traditional way of thinking of migration as a word of loss and sorrow. Let us be realistic in a visionary way.”

53 Frontex Press release, Warsaw (12 January 2011), According the agreement “illegal immigrant smuggling” means activities intended deliberately to facilitate, for financial gain, the entry into, residence or employment in the territory of the Member States of the European Union, contrary to the rules and conditions applicable in the Member States.

54 European Commission, Mobility Partnerships as a Tool of the Global Approach to Migration, Commission Staff Working Document, SEC (2009) 1240, Brussels, 18 September 2009, p. 4.

55 European Council. *Conclusions of the Presidency*, Seville 21–22 June, 2002.

Let us try to use a new expression: EU mobility. We have to look at immigration as enrichment and as an inescapable phenomenon of today's world, not as a threat."⁵⁶

This shift is an incentive to overcome the traditional frame of the EU immigration policy that determined the EU's restrictive measures in the area of migration management. However, the securitisation⁵⁷ of migration in the EU constructed an unfavourable image. It was proposed that, 'circular migration' would lead to a 'triple win' situation. As Franco Frattini, specified (September 2007), the mobility partnerships would be good for the EU filling the gaps of the labour markets of Member States; good for the country of origin because the money sent home or return with new skills and also good for the migrant.⁵⁸ Mobility partnerships intended to improve the management of legal movements of people between the EU and third countries, to fight illegal migration, to conclude readmission agreements and to improve border controls. However, the benefits of 'development' were primarily intended to the EU Members States and secondarily to partnership countries. The Mobility Partnerships were launched in 2007 based on the Commission communication. Eight mobility partnerships had been implemented: with Cape Verde and Moldova (5 June 2008), with Georgia (30 November 2009), with Armenia (27 November 2011), Morocco (7 June 2013), Azerbaijan (5 December 2013), Tunisia (3 March 2014), Jordan (9 October 2014).⁵⁹

Although the partnerships were intended to become an important migration policy tool for the EU, the prospect for development of third countries was not pursued by the EU and the third countries were not sufficiently attracted by that prospect, because no genuine partnership existed. There was imbalance of powers between the "partners" with EU taking up hegemonic role. The coordination among the partners relations belonged to the Commission Directorates, whereas the High Level Working Group on Migration and Asylum (HLWG) of the Council was in charge of identifying the potential partners. So, third countries were not involved in the development of the partnerships and the aimed projects were chosen by the partner Member States, so the "partnership" was dominated by the EU interests. In order mobility partnerships to result to development, a more practical involvement of third countries on an equal level with the EU should

56. Franco Frattini, *'Enhanced Mobility, Vigorous Integration Strategy and Zero Tolerance on Illegal Employment: A Dynamic Approach to European Immigration Policies'*. Speech at High Level Conference on Legal Migration, Lisbon, 13 September 2007.

Available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/526>

57. The term 'securitisation' was introduced by Copenhagen School of Security Studies to describe a process by which issues are transformed into security issues through securitising speech acts. The most prominent members of Copenhagen School are Ole Wæver, Barry Buzan and Pierre Lemaitre.

58. Prof. Dr. Adomeit Hannes, *"Balancing Security and Development in Migration Policy – EU Mobility Partnerships"* College of Europe, Natolin Campus, Warsaw

59 The European Agenda on Migration Glossary, facts and figures Migration and Home Affairs (p.12).

http://ec.europa.eu/dgs/home-affairs/e-library/multimedia/infographics/index_en.htm#0801262489e0e61e/c_

be included. However, the existing political disorder and socio-economic underdevelopment in neighbouring countries in contrast to the political stability and relative economic prosperity in EU Member States, aggravate migration pressures towards Europe. So, Mobility Partnerships, as immigration policy tools, proved inconsistent to facilitate legal mobility, exploit the development potential of migration and control illegal migration flows up to present.⁶⁰

CHAPTER 3

THE EU AGENDA ON MIGRATION (2015)⁶¹

3.1 The aims of the EU Agenda on migration.

The EU has been observing people who try to reach European shores⁶² for different reasons and they risk their lives, to escape from political oppression, war and poverty, to find family reunification, entrepreneurship and education, as a reaction it had set an Agenda on migration in 13-05-2015. The Agenda presents the steps the European Union should take to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration. So, the EU policy has changed into a more integrative stance towards migrants. Its immediate duty is to protect the thousands of migrants putting their lives in peril to cross the Mediterranean, the European Parliament, the European Council and Member States are committed to prevent loss of lives. The collective European policy on migration up to that point has fallen short to stand the pressure of thousands of migrants, in need to integrate in the Member States societies, or to the economic demands of a Europe in demographic decline.

60 Babayan Diana, “*Balancing Security and Development in Migration Policy – EU Mobility Partnerships*”, College of Europe, Natolin Campus, Warsaw

61 COM(2015) 240 final, Brussels, 13-5-2015
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf
http://ec.europa.eu/priorities/migration/index_en.htm

62 The total number of migrants who crossed the EU’s external borders in the first nine months of 2015 rose to more than 710 000 with the Greek islands on the Aegean the most affected by the unprecedented inflow of people. This compares with 282 000 recorded in all of 2014. In September, the number of detections at EU’s external borders stood at 170 000 last month compared to 190 000 recorded in August. <http://frontex.europa.eu/news/710-000-migrants-entered-eu-in-first-nine-months-of-2015-NUiBkk> Frontex,(13-10-15)

However, Europe intends to remain a safe place for refugees fleeing from persecution and an attractive destination for the talent and entrepreneurship of students, researchers and workers. The objective to respect both the international legal framework for refugees' fundamental rights and to fulfill the aim of securing borders, creating the right conditions for Europe's economic prosperity and societal cohesion, requires coordinated action. A set of core measures and a consistent, clear, common policy in accordance with the principles of solidarity and shared responsibility is needed because it has been realized that Member States cannot effectively address migration alone.

3.1.1. Immediate action

The Commission has put forward a ten point plan for immediate action.

The European Council statement of 23 April 2015⁶³ and the European Parliament Resolution⁶⁴ illustrated the consensus for rapid action to save lives and to activate EU.

a) *Saving lives at sea*: In order Search and Rescue operations to be effective, the budget for the Frontex joint-operations Triton and Poseidon are to be tripled, for 2015 and 2016. Therefore, the geographical scope of these operations will expand and the dual role of Frontex of coordinating operational border support to Member States and saving the lives of migrants at sea can be fulfilled.

b) *Targeting criminal smuggling networks*: Common Security and Defence Policy (CSDP) operations should identify, capture and destroy the vessels used by smugglers and use effectively information to identify and target smugglers.

c) *Responding to high-volumes of arrivals within the EU: Relocation* (Article 78(3) TFEU).

To deal with the pressure of the flowing refugees entering the frontline Member States in the Mediterranean, the Commission, proposed the emergency response system.

The proposal includes a temporary distribution scheme for refugees in need of international protection to ensure a fair and balanced participation of all Member States. The receiving Member State will examine the application in accordance with established rules and follows a distribution of the refugees to other Member States, based on criteria such as gross domestic product (GDP), size of population, unemployment rate and past numbers of asylum seekers and resettled refugees. On 27th May 2015, the European Commission adopted a proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece⁶⁵.

63 Special meeting of the European Council, 23 April 2015 – statement:

<http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/>. This part of The European Agenda on Migration incorporates and further develops the initiatives included in the Roadmap that the Commission presented to the Statement of the European Council of 23 April.

64 [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2660\(RSP\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2660(RSP)).

65 COM (2015) 286 final. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-286-EN-F1-1.PDF>

d) A common approach to granting protection to displaced persons:

Resettlement

In addition to the relocation, the EU's duty is to help people in need of international protection. The UNHCR has endorsed a target of 20,000 resettlement places for the EU per year by the year 2020.⁶⁶ The EU funding of an extra EUR 50 million in 2015/2016 will support an EU-wide resettlement scheme. In addition, Member States must use of the Asylum Migration and Integration Fund and pledge further resettlement places under their national programming.

e) Working in partnership with third countries to tackle migration upstream

The Commission and the European External Action Service (EEAS) will cooperate with partner countries to take concrete measures to prevent hazardous journeys.

- Regional Development and Protection Programmes will be set up, starting in North Africa and the Horn of Africa, by building on the existing one in the Middle East. EUR 30 million will be available in 2015/2016.
- A pilot multi-purpose centre will be set up in Niger by the end of 2015. The cooperation of the International Organisation for Migration (IOM), the UNHCR and the Niger authorities, the centre will provide information, local protection and resettlement opportunities for refugees.
- Migration becomes a component of ongoing Common Security and Defence Policy (CSDP) missions deployed in Niger and Mali, where border management will be strengthened. A summit was organised in Malta with partners, including the African Union, in order to develop a common approach with the regional causes of irregular migration and the protection of people in need. The crisis in Syria has been addressed by €3.6 billion in humanitarian, development assistance inside Syria and countries like Lebanon, Jordan, Turkey and Iraq hosting Syrian refugees.

f) Using the EU's tools to help frontline Member States

A new "Hotspot" approach is set where the European Asylum Support Office, Frontex and Europol cooperate with frontline Member States to identify, register and fingerprint incoming migrants. The Commission mobilized an additional EUR 60 million in emergency funding, to support the reception and capacity to provide healthcare to migrants in the Member States affected by an influx of migrants and asylum seekers from the EU civil protection mechanism.

3.2. Four pillars to manage migration better

The migration crisis in the Mediterranean has emphasised on the immediate needs, it has enlightened the structural deficiencies of EU migration policy and its tools. The EU has set as priority the balance

⁶⁶ Statement of UNHCR Deputy Director, Progress Report on Resettlement, Meeting of the Standing Committee of the Executive Committee of the High Commissioner's Programme, Geneva, 26-28 2012.

in its migration policy and migration management in a more effective manner dealt collectively by all EU actors. President Juncker has demanded a common asylum policy, a new European policy on legal migration, requiring coherence between different policy sectors (development cooperation, trade, employment, foreign and home affairs). The implementation of a clear legal framework for entrance in the EU (by an efficient asylum and visa system), will reduce irregular entry, contributing to security of European borders and safety of migratory flows.⁶⁷

The EU resolutions are under the prism of legal integration procedures. The aim set is that migrants legally admitted by Member States should be assisted to integrate in the European societies. On the contrary, unsuccessful asylum claimants avoiding return and migrants living in a permanent state of irregularity constitute a problem, disrupting European citizens' faith to the integrating process of legal migrants and stigmatizing them.

The EU Agenda sets out four levels of action for fair and realistic migration policy:

3.2.1 Reducing the incentives for irregular migration (283 532 detected irregular border crossings in 2014 (164% increase))

- Addressing the root causes of irregular and forced displacement in third countries through development of cooperation and humanitarian assistance.
- Making migration a core issue for EU delegations

The root causes of migration are civil wars, persecution, poverty and climate change, so the prevention and mitigation of these threats is important for migration management.

Partnership with countries of origin and transit is crucial and there are a series of established bilateral and regional cooperation frameworks on migration⁶⁸ enriched by the role of EU delegations that will report on migratory related developments in the host countries and ensure coordinated action. European liaison officers will act in third countries cooperating with the Immigration Liaison Officers Network⁶⁹

- The fight against smugglers and traffickers-An action plan on smuggling (May 2015).

67 COM(2015) 240 final, Brussels, 13.5.2015
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf (p.6) [Accessed on 02-11-2015]

68 Rabat Process, Khartoum Process, the Budapest Process, the Prague Process, the EU-Africa Migration and Mobility Dialogue

69 Council Regulation (EC) No 377/2004 of 19 February 2004. The Immigration Liaison Officers are representatives of the Member States who are posted in a non-Member State in order to facilitate the measures taken by the EU to combat irregular immigration (OJ L 64, 2.3.2004, p. 1). (eg. Since 2014, Turkey has received EUR 79 million to deal with the pressure on its refugee management system and to help prevent hazardous journeys in the Eastern Mediterranean.)

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0377&from=EN>

Fighting criminal networks of smugglers and traffickers is a way to prevent the exploitation of migrants. Furthermore, an effort included in the European Agenda for Security, the Maritime Security Strategy against Trafficking in Human Beings is a disincentive to irregular migration. Migrants smuggling and trafficking are two diverse yet interlinked criminal activities. Their difference is that in smuggling, migrants willingly engage in the irregular migration process by paying in order to cross an international border, while in the trafficking are the victims coerced into severe exploitation.

Another potential source of exploitation derives from employers inside the EU. In order to promote better integration into the labour market of legal migrants, the Commission will act against illegal employment of third country nationals, through better enforcement and application of the Employers Sanctions Directive.⁷⁰

- Return: Third countries must fulfill their obligations to readmit their nationals

Irregular migrants are aware of the imperfect EU's return system; only 39.2% of return decisions issued in 2013 were effectively enforced. To increase the enforcement rate, third countries must fulfill their international obligation to accept back their nationals residing irregularly in Europe. The agreed Pilot Project on Return⁷¹ to Pakistan and Bangladesh will offer an important practical demonstration of it.

- Adoption of a Return Handbook and monitoring the implementation of the Return Directive.

Member States have to apply the Return Directive.⁷² The Commission gives priority to monitoring its implementation, ensuring a humane and dignified treatment of returnees, in line

70 Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168, 30.6.2009, p. 24–32.. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF>

71 Council Conclusions on EU Return Policy adopted at the Justice and Home Affairs Council meeting of 5-6 June 2014. http://www.google.gr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjK9_qv7KTJAhVI1xoKHX3MDx0QFggfMAA&url=http%3A%2F%2Fwww.consilium.europa.eu%2Fen%2Fpress%2Fpressreleases%2F2014%2F06%2Fpdf%2Fpress-release---3319th-justice-and-home-affairs-council-meeting---luxembourg%2C-5-and-6-june2014%2F&usg=AFQjCNH5r2KYOIXIRzHWBwhhAS7dxzAXfA&sig2=BVner45cdKa3C-d9Jg8yNA

72 Directive 2008/115/EC, of 16 December 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348 98, 24.12.2008, p. 98–107. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&from=EN>

with fundamental rights and the principle of *non-refoulement*⁷³. The implementation is assessed by the Schengen Evaluation Mechanism, and the 'Return Handbook', it will provide Member States guidelines and best practice recommendations.

- Reinforcement and amendment of the Frontex legal basis to strengthen its role.

Frontex⁷⁴ is offering support to Member States, but its capacity to provide operational assistance must be increased because it can only coordinate and not initiate return missions.

3.2.2. Border management – saving lives and securing external borders

(Out of the 24 000 migrants were rescued in the Channel of Sicily in 2015, nearly 7300 persons were saved by means deployed by Frontex)

- Strengthening Frontex s' role and capacity.
- Strengthening EU coordination of coast guard functions

The reinforcement of Frontex role and capacity in new forms of cooperation with Member States is seen as support and solidarity. Frontex operations are the model for future action on the external land and sea border. Coastguards have a crucial role both for saving lives and securing maritime borders, so their operational preparedness should be improved through cooperation. It is also discussed the prospect of the EU coast guard.

- Union Standard for border management.

The Internal Security Fund provides over €2.7 billion to Member States for the period from 2014-2020. In 2016, the Commission intends to consolidate this into a Union standard for border management to cover all aspects of the Union's external border management.

- A revised proposal on Smart Borders -Strengthening the capacity of third countries to manage their borders.

The "Smart Borders" initiative intends to increase the efficiency of border crossings, facilitating crossings for third country travellers strengthening in parallel the fight against irregular migration by a record of all cross-border movements by third country nationals, fully respecting proportionality. The goal is to encourage more secure borders and to strengthen the capacity of North African countries to save migrants in distress.

73 *Non-refoulement* is a principle of international law, endorsed by the Charter of fundamental rights, according to which a person must not be returned to a place where there is a serious risk of death penalty, torture or inhuman or degrading treatment <http://www.unhcr.org/419c75ce4.html>.

74 Frontex was established by Regulation 2007/2004 (OJ L 349, 25.11.2004, p. 1) http://frontex.europa.eu/assets/About_Frontex/frontex_regulation_en.pdf

3.2.3. Europe's duty to protect: a strong common asylum policy (626 715 asylum applicants in 2014)(45%)

The EU needs a clear system for reception of asylum-seekers inside the EU. In 2014, a record 600,000 people applied for asylum in the EU. The lack of mutual trust between Member States has a direct impact on asylum seekers who seek to "asylum shop", but also on EU public opinion that the current system is unfair.

A coherent implementation of the Common European Asylum System

So, rules are needed to guarantee the implementation of a common European asylum system, supported by a systematic monitoring process, to ensure application of the asylum rules and establish mutual trust, to improve standards on reception conditions and asylum and to reinforce protection of the fundamental rights of asylum-seekers according to the adopted legislation on asylum rules (infringement procedures).⁷⁵

Strengthening the Common European Asylum System also means a more effective approach to abuses, (in 2014, 55% of the asylum requests resulted in a negative decision). Also, asylum applications from third country nationals not requiring a visa to come to the EU can be dealt with in part through the post-visa liberalisation monitoring mechanisms.⁷⁶ So, the Commission proposed strengthening Safe Country of Origin provisions of the Asylum Procedure Directive to support the swift processing of asylum applicants from safe countries as included in the EU common list of safe countries of origin (25-26 June 2015).⁷⁷ According to the provisions of Directive 2013/32/EU:

“A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU2, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict...”

The proposal aims at establishing an EU common list to increase the efficiency of the asylum systems of Member States concerning applications for international protection.

⁷⁵Directive 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013, p. 60; Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96

⁷⁶ This allows the EU to take preventive action in partnership with the countries of origin, developing targeted information campaigns and reinforcing cooperation in border management and the fight against smugglers.

⁷⁷ Directive 2013/32/EU, COM(2015) 452 final 2015/0211 (COD) Brussels, 9.9.2015

- **Third countries to be included in the EU common list of safe countries of origin**

Based on information from the European Asylum Support Office (EASO), the Council of Europe, the United Nations High Commissioner for Refugees (UNHCR), the conclusions of the Justice and Home Affairs Council, on 2 September 2015 the European Commission has concluded that Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro, Serbia and Turkey are safe countries of origin and should be included in the EU common list of safe countries of origin.⁷⁸

- **Evaluation of the Dublin system by mid-2016 in view of its revision.**

Examining asylum applications (the "Dublin system")⁷⁹ has not been effective. In 2014, only five Member States had dealt with 72% of all asylum applications EU-wide. However, all Member States are responsible for the implementation of the Dublin system in order to increase the number of transfers and cut delays, consistently applying the clauses related to family reunification, and examining asylum applications in order to relieve the frontline Member States. The establishment of a single asylum decision process to guarantee equal treatment of asylum seekers throughout Europe is needed.

3.2.4 .A new policy on legal migration

(17 million Schengen visas issued in 2013-2.3 million residence permits issued in 2013)

Europe is competing with other economies to attract skilled workers. Changes in the skills required by the EU between 2012 and 2025 are expected to increase in the jobs employing higher-educated labour (by 23%).⁸⁰ Europe's population is ageing and its economy is dependent on highly-skilled jobs, so it is needed to build up a skills base and equip people for the labour market. Programmes such as Horizon 2020 and Erasmus+⁸¹ are intended to attract talented individuals to the EU. Migration will enhance the sustainability of the welfare system and result to the growth of the EU economy under a well managed regular migration.

78 Brussels, 9.9.2015 COM(2015) 452 final 2015/0211 (COD)

79 Regulation (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

80 Descy, Pascaline (2014), "Projected labour market imbalances in Europe: Policy challenges in meeting the Europe 2020 employment targets", in OECD/European Union, Matching Economic Migration with Labour Market Needs, OECD Publishing (<http://dx.doi.org/10.1787/9789264216501-12-en>)

81 Directive COM/2013/0151 final 2013/0081 (COD) of 25 March 2013 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing
<http://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:52013PC0151&from=EN>

- **Review the Blue Card directive⁸².**

A review of the Directive aiming to attract talented migrants and entrepreneurs who are willing to invest in Europe and to improving the intra EU mobility for Blue Card holders is necessary.

- **Establishment of a dedicated platform of cooperation with Member States, businesses and trade unions on economic migration.**

The EU needs to identify the economic sectors and occupations that face recruitment difficulties or skill gaps in order legal migrants to be integrated effectively and their skills to be appreciated. The modernisation of the visa policy is a measure to that scope.⁸³ In 2014, the Commission proposed a revision of the Visa Code and the establishment of the Touring Visa. The adoption of these proposals will provide the EU with more flexible visa policy tools, aiming to maximise the positive economic impact of attracting more tourists, and visitors on personal or professional grounds.

- **Cheaper, faster and safer remittance transfers.**

- **The development of an “expression of interest system” which would use verifiable criteria to automatically make an initial selection of potential migrants.**

The new programming period (2014-20), at least 20% of European Social Fund (ESF) resources will contribute to the integration of migrants seeking for asylum and refugees. The funds are intended to improve language and professional skills, access to the labour market, foster inter-cultural exchanges for migrants.

- **Maximising the development benefits for countries of origin.**

The EU's legal migration policy should also support the development of countries of origin.⁸⁴ The EU intends to enhance the positive effects of migration as a horizontal means of implementation for the post-2015 development agenda complementing the work of the EU's Mobility

82 Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009, p. 17–29.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0050&from=EN>

83 It is a new type of visa both for visa-exempt and visa requiring third-country nationals with a legitimate interest in travelling around the Schengen area for more than 90 days in any 180-day period

Regulation establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008 (COM(2014)163 2014/0095 (COD)

http://eur-lex.europa.eu/resource.html?uri=cellar:c766bfb4-b9ac-11e3-86f9-01aa75ed71a1.0022.01/DOC_1&format=PDF

84 Commission Communication: “Maximising the Development Impact of Migration” (COM(2013)292 final) of 21-05-2013; Council Conclusions on Migration in EU development cooperation of 12 December 2014. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013DC0292&from=EN>

Partnerships⁸⁵. Europe intends to labour mobility, 30 million euros will be available to support partners aiming at an effective management of labour migration, 24 million euros had been launched to support free movement in the Economic Community of West African States, encouraging South-South mobility aiming at local development.

3.2.5. Future Prospects for EU migration policy

The EU Agenda on migration primarily focused on short term solutions for Europe to react in the growing migration flows. However it is demanded a more effective and sustainable action that will shape a balanced and homogenous European migration policy. So, parallel actions should be activated in other areas:

1. *The completion of the Common European Asylum System*: A uniform asylum status must be established throughout the Union. The development of Common European Asylum System is an option, a common Asylum Code and the mutual recognition of asylum decisions is a presupposition to guarantee equal treatment of asylum seekers throughout Europe.

2. *A shared management of the European border*: The refugee crisis in the Mediterranean reflected the necessity for a common management of external borders as a shared responsibility of member States. A European System of Border Guards,⁸⁶ this would start up initiatives such as asset sharing, joint exercises and dual use of resources preparing the possibility of moving towards a European Coastguard.

3. *A new model of legal migration*: The EU Treaties reserve the final decision on the admission of economic migrants, bearing in mind the collective needs of the EU economy. It should be established a system of criteria for the selection of potential migrants, where employers will be invited to identify priority applicants and migration is taking place after the migrant is offered a job. This would result to a creation of an "EU-wide pool"⁸⁷ of qualified migrants with the admission procedure remaining national, based on Member States' actual labour market needs.

However in reality, it cannot be applicable nowadays because the enormous flows of refugees are not under such filtering process. So, the EU has come up to other immediate policy acts.

85 The Commission Communication: "The Global Approach to Migration and Mobility" (COM/2011/743 final).
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0743:FIN:EN:PDF>

86 Study on the feasibility of the creation of a European System of Border Guards (16 June 2014
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/docs/20141016_home_esbg_frp_001_esbg_final_report_3_00_en.pdf

87 http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf p.17

CHAPTER 4 OTHER EU POLICY ACTS

The EU apart from the aims set in the Agenda on migration 2015 as a legal framework, attempts to deal with the ongoing refugee crisis by organizing a series of Summit Councils and Ministerial Meetings. The most important were the following initiatives:

4.1 Establishing a crisis relocation mechanism to address the refugee crisis

Relocation is the transfer of persons having an international protection status within the meaning of Directive 2011/95/EU from the Member State which granted them international protection to another Member State and of persons having applied for international protection from the Member State responsible for examining their application to another Member State where their applications will be examined.

As a result of the huge increase of illegal crossings, Italy and Greece have witnessed in the first six months of 2015, [for Italy 5 % increase of irregular border crossings as compared to 2014 while for Greece a sharp increase (over 76 000 in the period January-June 2015 compared to 11 336 in 2014)] the EU Council has established by the Decision 1161/03-09-15 provisional measures that intend to relieve the asylum pressure on Italy and on Greece by relocating, a total of 40 000 applicants in need of international protection, who have arrived or are arriving on the territory of those member states as from 15 August 2015 until 16 September 2017. 60 % of these applicants should be relocated from Italy and 40 % from Greece. Thus, the relocation measure constitutes fair burden sharing between Italy and Greece and the other Member States.⁸⁸

In addition, the EU to help Member States fulfill their responsibilities to register migrants, agreed in June 2015, to the creation of facilities ("hotspots") in frontline Member States to ensure the registration of migrants

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COUNCIL DECISION 1161/15/03-09-2015 "Establishing provisional measures in the area of international protection for the benefit of Italy and of Greece"

<http://data.consilium.europa.eu/doc/document/ST-11161-2015-INIT/en/pdf> (pp.6-11)[Accessed on 17-01-2016]

Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection

<http://data.consilium.europa.eu/doc/document/ST-11131-2015-INIT/en/pdf> [Accessed on 17-01-2016]

4.2 Informal Meeting of EU heads of State or Government on migration (23 09-2015 ⁸⁹

In order to deal with the unprecedented migration and refugee crisis the EU Heads of States and Governments decided on immediate priorities under a spirit of solidarity and responsibility, applying in parallel the Dublin regulation and the Schengen acquis. Specifically, they agreed on the following Actions:

- Respond to the urgent needs of refugees by helping the United Nations High Commissioner for Refugees and the World Food Programme with additional 1 billion euro;
- Assist Lebanon, Jordan, Turkey and other countries in dealing with the Syrian refugee crisis, including through a substantial increase of the EU's Regional Trust Fund;
- Reinforce the dialogue with Turkey, in order to cooperate on managing the migratory flows;
- Assist the Western Balkan countries in handling the refugee flows,
- Increase the funding of the Emergency Trust Fund for stability and addressing the root causes of irregular migration in Africa;
- Tackle the situation and strengthen controls at external borders through additional resources for Frontex and Europol.
- Meet requests for assistance from front-line Member States in order to ensure identification, registration and fingerprinting of migrants (hotspots) and ensure relocation and returns
- Enhance the funding of the Emergency Fund for Asylum, Integration and Migration and the Internal Security Fund-Borders.

As regards the Syrian war that forced 12 million people to leave their homes, the EU Member States called for a renewed UN-led international effort to bring an end.

⁸⁹ Informal meeting of EU heads of state or government on migration, 23 September 2015 - statement <http://www.consilium.europa.eu/en/press/press-releases/2015/09/23-statement-informal-meeting>

4.3. Meeting on the Western Balkans Migration Route: 17-point plan of action (25-10-2015)

In Brussels was held the Meeting on the Western Balkans Migration Route and the Leaders representing Albania, Austria, Bulgaria, Croatia, Fyrom, Germany, Greece, Hungary, Romania, Serbia and Slovenia, met in Brussels at the Commission's Headquarters, agreed to improve cooperation and decided on measures to tackle the refugee crisis in the region. They agreed on 17-point plan of action so the refugee crisis will be solved by a collective, cross-border approach based on cooperation on the following levels:

1. Nominating contact points within 24 hours to allow exchanges and coordination of gradual, orderly movement of persons along the Western Balkans route;
2. Submitting joint needs assessments for EU support within 24 hours;
3. Discouraging the movement of refugees or migrants to another country without informing neighbouring countries;
4. Providing temporary shelter, food, health, water and sanitation to refugees, triggering the EU Civil Protection Mechanism⁹⁰
5. Increase of Greece's reception capacity to 30.000 places by the end of 2015 and support of UNHCR to provide rent subsidies and host family programmes for at least 20.000.
6. The UNHCR to support the increase of reception capacities by 50,000 places along the Western Balkans route.
7. The International Financial Institutions (the European Investment Bank, the European Bank for Reconstruction and Development and the Development Bank of the Council of Europe) to support financially the countries.
8. Registering arrivals, with maximum use of biometric data;
9. Exchanging information on the size of migrants flows on a country's territory;
10. Working with EU Agencies to exchange of information;

90 http://ec.europa.eu/news/2015/docs/factsheet_the_eu_civil_protection_mechanism.pdf

11. Stepping up national and coordinated efforts to return migrants not in need of international protection

12. Cooperating with the European Commission and Frontex on the implementation of existing readmission agreements with third countries (i.e. Afghanistan, Bangladesh and Pakistan;)

13. Increase efforts to manage borders by:

- Implementing the EU-Turkey Action Plan.
- Using the EU-Turkey readmission agreement and the visa liberalisation roadmap.
- Up scaling the Poseidon Sea Joint Operation in Greece.
- Reinforcing Frontex support at the border of Bulgaria and Turkey and cooperation between Greece and FYROM, in order to strengthen the management of the external land border and to support registration in Greece.
- Monitoring border crossings, support registration and fingerprinting at the Croatian-Serbian border.
- Deploying in Slovenia 400 police officers and equipment.
- Strengthening the Frontex Western Balkans Risk Analysis Network.
- Using the Rapid Border Intervention Team (RABIT) mechanism.

14. Reconfirming the principle of refusing entry to third country nationals who do not apply for international protection;

15. Acting against migrant smuggling and trafficking of human beings by Europol, Frontex and Interpol;

16. Informing refugees and migrants about existing rules, about their rights and obligations, as well as the consequences of a refusal to be registered, fingerprinted and of a refusal to seek protection;

17. Monitoring the implementation of these commitments by the Commission.

4.4. Meeting of Heads of State or Government with Turkey (29-11-2015)⁹¹

The Leaders of the European Union discussed with the Turkish counterpart the importance of overcoming the common challenges ahead regarding the refugee crisis, the EU promised an initial 3 billion euro humanitarian assistance to Turkey. A Refugee Facility for Turkey was established by the Commission to coordinate actions in order to deliver efficient and complementary support to Syrians under temporary protection in Turkey. As Turkey hosts more than 2.2 million Syrians and as it has spent 8 billion US Dollars, the EU thus underlined

⁹¹ <http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/>

the importance of burden-sharing within the framework of Turkey-EU cooperation and emphasized the contribution by Member State and existing EU resettlement schemes and programmes. The EU and Turkey agreed to implement the Joint Action Plan which will bring order into migratory flows. As a consequence, both sides will cooperate on migrants who are not in need of international protection, preventing travel to Turkey and the EU, ensuring the application of the established bilateral readmission provisions and returning migrants who are not in need of international protection to their countries of origin. Consequently, both sides intend to fight against criminal smuggling networks.

4.5. Regional Cooperation Schemes dealing with the migration issue.

4.5.1. The European Neighbourhood Policy (ENP) and migration

The EU has always supported regional cooperation Schemes as a means of dealing with regional problems in the Mediterranean and aiming at strengthening cooperation with its global partners, beyond its borders. In particular, in managing migration, the EU has tried to address the root causes of migration and to promote legal migration that contributes to circular growth and development in the countries of origin and destination. This was reflected by the Review of the European Neighbourhood Policy that *“aimed to set out proposals in close partnerships with neighbouring countries in the Mediterranean region for an effective cooperation on issues of common concern, including migration.”*⁹²

European Neighbourhood Policy (ENP), was launched in 2004 and aims at spreading stability, security & prosperity in EU’s neighborhood as a way to minimize the risks of instability existing across its borders. It is based on the values of democracy, rule of law and respect of human rights. The ENP is a bilateral policy between the EU and each partner country. It has been further complemented by regional and multilateral co-operation initiatives:

- The Eastern Partnership (launched in Prague in May 2009),
- The Euro-Mediterranean Partnership (The Barcelona Process), re-launched in Paris in July 2008),
- The Black Sea Synergy (launched in Kiev in February 2008).

The ENP is considered central to EU foreign policy. EU works with its southern and eastern neighbours to achieve the closest possible political association and the greatest possible degree of economic integration. This goal builds on common interests and on the values of democracy, the

92. COM(2015) 240 final, Brussels, 13.5.2015
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf (p.7)

rule of law, respect for human rights and social cohesion.⁹³ It was reviewed in 2011 (COM, 2011) as a response to the uprisings of the Arab Spring and in November 2015 (JOIN, 18-11-2015). According to the High Representative/Vice President Federica Mogherini, the goals of the review were: “A stronger partnership with our neighbours is key for the European Union, while we face many challenges within our borders and beyond.... We have to build together a safer environment, try to solve the many crises of our common region, support the development and the growth of the poorest areas, and address the root causes of migration.”⁹⁴

The ENP sets stabilisation as a main political priority. Respecting differentiation, as all partners may not be aspired to comply with EU standards; the EU intends to promote universal values through the ENP, seeking more effective ways to promote democracy, human rights, fundamental freedoms and rule of law. The refugee crisis demands to address the root causes of irregular migration and forced displacement to guarantee stabilisation in the Neighbourhood. So the EU policy on the whole confirms the new political impetus for deeper cooperation with ENP partners.

The new ENP will support inclusive economic and social development; creating job opportunities working with partner countries in the security sector, aiming at safe, legal mobility and tackling human trafficking and smuggling. The EU is reinforcing cooperation with neighbours in order to develop partnerships based on an integrated approach. (Ongoing regional dialogues: the Rabat and Khartoum processes in the south, the Budapest and Prague processes and the Eastern Partnership panel on Migration and Asylum). The ENP aims also to promote mutually-beneficial migration and mobility and in parallel to tackle irregular migration, (by revision of the EU Blue Card Directive in March 2016), in order to improve and facilitate the entry of highly skilled third-country nationals in the EU. Additionally, to support the partner countries burdened by the refugee flows will be launched the new Regional Development and Protection Programmes (RDPPs) in North Africa and the Horn of Africa in 2016, aiming at countries in the area of international protection and asylum. Finally, for tackling irregular migration effectively, the EU will work with partners for the implementation of readmission agreements and voluntary return and readmission schemes, (the Commission's Action Plan on return) and will also assist ENP countries to develop their return policy of persons to third countries of origin. Conclusively, proactive measures in cooperation with partner countries in border controls are expected to improve management of migratory pressures.⁹⁵

93 <http://eeas.europa.eu/enp/> [Accessed on 12-12-2015]

94. http://europa.eu/rapid/press-release_IP-15-6121_en.htm , [Accessed on 12-12-2015]

95 http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf (p.15-17)
Accessed on 12-12-2015

CHAPTER 5. CHALLENGES AHEAD

Europe is gradually pulling out of an economic and social crisis that has made societies more vulnerable to racism and xenophobia. In a globalized world, people's mobility and the transport of goods is expected to increase. The EU has already taken a variety of policy measures to face demographic changes because of migration and the ongoing refugee crisis resulting to diverse societies. There are also areas of internal security policies where further efforts are required are in the following fields:

- Monitoring and evaluation of the effectiveness of legislation and policies set that will allow EU actions to be adjusted.
- Prevention, detection and investigation require effective information sharing between law enforcement and judicial authorities, with relevant EU agencies using existing EU instruments.
- The citizen-centered approach should remain a guiding principle for EU internal security

5.1. Recommendations on EU Migration Policy

The policy Brief after a research conducted by the Justice and Home Affairs (JHA) Section of the Centre for European Policy Studies (CEPS) argued that the EU needs to develop common policy strategies towards migration. A priority in EU's migration policy agenda should include new enforcement and evaluation mechanisms of the EU legislative framework on free movement, border controls and migration incompatible with the EU Charter of fundamental rights. Additionally, the cooperation with third countries by using (soft) law or 'policy' instruments, such as 'Mobility Partnerships' and the ENP and other regional Schemes, with several southern Mediterranean countries might be a practical measure to keep migrants to third countries safer from the countries of origin that can provide the incentives to stay and integrate to the partner countries societies and labour system, instead of entering the EU borders. That will offer the EU the opportunity to distinguish the migrants entering Europe and the EU member states will define the skilled migrants they need according to the real needs of the European labour market. The EU policy has already acquired a more integrative character. Nevertheless, the security of the Union and its Member States is a priority and measures should be set to address irregular immigration without violating the need to promote and respect migrants' rights within the scope of EU border controls, migration and free movement laws or the activities of Frontex.

In order to materialize those aims the Center European Policy Studies Justice Home Affairs Section has proposed a number of policy recommendations for the Union reflecting the EU's intention for respect of human rights of both migrants and the EU citizens:

1. Schengen: The EU should ensure the monitoring system of EU member states' of border checks and their compatibility with the fundamental rights.

2. Frontex should be subject to independent and democratic accountability

EU responses to the southern Mediterranean events has been the EU border agency Frontex Joint Operations HERMES, POSEIDON, TRITON both taking place in maritime territories inside the EU and in the territories of third countries had previously preventory character, while have now been now replaced by life saving operations in the EU sea borders, providing practical assistance provided to Member States under pressure. So, Frontex activities should be expanded in the prospect of the construction of the EU Border Coast Guard, in order to ensure a European integrated border management of the EU's external borders, with a view to managing migration effectively and ensuring a high level of security within the Union, while safeguarding the free movement of persons.⁹⁶

5. Safe and reliable – An independent evaluation/inventory and evidence-based approach

An advanced EU strategy on information management is employed to examine the ethical implications of security surveillance techniques such as: The European Surveillance System (EUROSUR), the entry Exit System (EES) and the Traveler's Programme over the principle of proportionality and fundamental rights.

3. Europe's Labour Immigration policy should be guided by a rights-based approach

A common policy "*Immigration Code*" could result to the consolidation of common legislation regarding illegal immigration to replace the Member States national migration policies and could eliminate policy dispersion and incoherency on the condition that:

- i. Respects the principles of fair and equal treatment between EU citizens and third country nationals
- ii. Its scope covers undocumented migrants;
- iii. The codification does not affect the existing legal standards and rights.

4. Mobility Partnerships should be compliant with the rule of law and fundamental rights principles. The EU should use international agreements as the framework of cooperation and dialogue with third States.

5. The EU 'policy should sustain migrants and refugees in need for international protection as the most vulnerable groups in the EU with fundamental rights focusing on four objectives:

- Granting of documentation and protection to refugees
- Labour rights for migrants waiting renewal of work permits

96. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC , Strasbourg 15-12-2015

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/regulation_on_the_european_border_and_coast_guard_en.pdf

- Facilitated mechanisms for the issuance of labour permits
- Access to free primary healthcare

5. EU common visa policy.

The effective implementation of the common Visa Code has a strong political and international relations dimension. The EU visa policy now places third states in three categories: those whose nationals need to fully comply with the EU visa rules, those whose nationals are exempt from visa requirements and those whose nationals benefit from the visa rules. The Community Code on Visas should set out common procedures and conditions for issuing visas that should be guided by the principles of solidarity, transparency and legal certainty.

5.2. Explaining the nature and content of EU migration policy

The EU has been formulating a migration policy since its inception. However, the process of supranationalisation of migration and asylum policy has not been uniform and unproblematic. Although Member States have been willing to limit their sovereignty on the issue of free movement of EU citizens, that may be limited for reasons of public policy, public security or public health (Article 45 (3) TFEU). Agreement on measures related to immigration from outside of the EU has been much more difficult⁹⁷.

Generally, Member States are less likely to prefer cooperation at the EU level (Hoffmann, 1966) in policy areas which are considered sensitive or important to the national interest. Migration, particularly legal migration policy has implications for social welfare and employment policies, which are central to national sovereignty and therefore “too important to be left to the European Commission”.⁹⁸

The present increasing level of cooperation between Member States is aiming at a common EU policy-making. Member states might maintain discretion over migration policy in order to defend their national interests but cooperation on migration policy at the EU level is inevitable, has already occurred and has succeeded in enhancing Member States’ national migration policies.

The process of EU integration necessitated cooperation on a variety of policy areas including migration. In the case of illegal immigration, the interaction of very restrictive border controls policies of some Member States have immediate effects to other Member States as it redirects immediately the flow of illegal immigrants to other Member States (Neumayer, 2004, p.165). So cooperation on migration policy at the EU level is necessary as it enhances Member States’

97 Geddes, 2001, Koslowski, 1998, p.154

98.Henson, P. and Malhan, N. (1995). “Endeavours to Export a Migration Crisis: Policy-Making and Europeanisation in the German Migration Dilemma”. *German Politics*, 4 (3)p137.

national migration policies. Several scholars have argued that EU Member States are becoming less able to ‘control’ migration through national policies (see Joppke, 1998, p.10; Barbou des Places and Oger, 2005, p.356) and therefore seek to cooperate at the EU level.⁹⁹

5.3. What form of EU migration policy should we expect?

As a result of the latest terrorist attacks in the heart of EU on 13-11-15, the migration policy can be expected to be again more restrictive, focusing on the prevention of illegal undocumented migration and enhancing restrictive measures such as border controls. Additionally, the Member States will be less reluctant to cooperate on legal migration, taking into account the enormous flows of migrants and refugees entering the EU and the fact that no Member State has been actively and effectively recruiting migrants of all skill levels in its labour market so far, so a restrictive migration policy is not a surprising outcome.¹⁰⁰ The restrictive trend of EU migration policy seems to reemerge as a preventory action towards terrorism and xenophobia. Several EU policy documents emphasise the prevention of illegal migration and the EU agenda reflects the need for effective documentation of migrants.

New modes of governance in EU migration policy will be applied. The method where the Commission has the exclusive right to initiate legislation that is adopted from the European Parliament cannot be applicable in sensitive policy areas, such as migration policy.¹⁰¹ The numerous communications produced by the Commission and the multi-annual programmes for justice and home affairs adopted by the European Council were not legally binding respecting the Member States’ sovereignty in constructing their own national migration policies.

However, a change towards a more integrating policy is needed regardless of the fears and rising xenophobia. So, flexible integration should be incorporated in the EU migration policy giving the choice to some Member States to express their opposition towards accepting migrants in their society and allowing other Member States to take a more integrative stance. Integration should not

99 Reslow N. (2010). “*Explaining the development of EU migration policy: the case of the Mobility Partnerships*”, Department of Political Science Maastricht University, the Netherlands p.4

Joppke, C. (1998). Immigration Challenges the Nation-State. In C. Joppke (ed.), *Challenge to the Nation-State. Immigration in Western Europe and the United States* (pp.5-46). Oxford: Oxford University Press.

Barbou des Place, S. and Oger, H. (2005). Making the European Migration Regime: Decoding Member States’ Legal Strategies. *European Journal of Migration and Law*, 6, pp.353-379.

100 Joppke, C. (1998). Immigration Challenges the Nation-State. In C. Joppke (ed.), *Challenge to the Nation-State. Immigration in Western Europe and the United States* (p21). Oxford: Oxford University Press

101 Citi, M. and Rhodes, M. (2007). *New Modes of Governance in the EU: Common Objectives versus National Preferences*. European Governance Papers No. N-07-01.,p.9 Retrieved 26th January 2010 from <http://www.connex-network.org/eurogov/>

incorporate all Member States in the same legal framework because it is not uniform their socioeconomic and geographic background. Differences in national preferences are expected in a policy area as sensitive as migration and flexibility has already existed with Denmark, the UK and Ireland opting out of the area of freedom, security and justice.

However, some level of common policy cooperation standards should be adopted in order to preserve socioeconomic stability between Member States and to apply equal burden sharing for the Member States of northern borders. It seems that the EU Agenda 2015 has practically applied this aim.

Furthermore, the EU migration policy should continue to extend beyond the EU's border, so, the burden at Member States' might be reduced. The existing partnerships, which are the general framework of EU's relations with third countries should be preserved to share the burden of migration flows in a more effective way benefiting both migrants and hosting third countries.

5.4. Comments on the future of the Schengen Treaty.¹⁰²

The terrorist attacks in the heart of Europe, have brought up the issue of the preservation of security in the Schengen area and questioned the validity of the Schengen Treaty. However, undoubtedly, the Treaty was a key step in the creation of a federal Europe even if the elimination of border controls meant that the Member States gave up a basic element of national sovereignty because checking foreigners' identities was the responsibility only of the first country of entry into the Schengen area. The creation of Eurozone and the optimistic prospect of permanent economic prosperity led EU Members to give up national sovereignty in many sensitive areas. However, the recent Europe's economic crisis with a fragile economic recovery, in combination with the gigantic flows of refugees and asylum seekers and the rise of nationalist political parties are leading governments across Europe to request the redesign, or even the abolishment of the Schengen Agreement.

There is a controversy between the southern countries on the Mediterranean being criticised for ineffective border controls and for failure to fingerprint those reaching the EU shores so, migrants can move elsewhere in the Continent undocumented. On the other hand, they criticize the northern Member States for lack of solidarity, demanding more resources to patrol the Mediterranean and rescue immigrants, more funds to shelter asylum seekers. The migration crisis has also led to

102 <https://www.stratfor.com/analysis/europe-rethinks-schengen-agreement> Accessed on 17-11-2015

friction between Schengen members and non-Schengen neighbours and the question about the future prospects of the Schengen Agreement has risen.¹⁰³

However in reality, the abandonment of the Schengen Agreement is not probable. The positive results of the Agreement are obvious: the reduction of time and cost of moving goods across Europe, the benefits to tourists by the absence of passport and visas controls are positive aspects of the Schengen area that stabilize its occurrence. The Schengen Agreement should probably be reformed in accordance with the recent socioeconomic changes regarding refugees and asylum seekers entering the EU borders, in order to allow countries to reintroduce border controls under extraordinary circumstances, such as a serious threat to national security (i.e. After the terrorist attacks in France). But the reform will be limited in its scope as immigration should not be considered a threat to internal security.

Conclusively, the weakening of the Schengen Agreement will result to the weakening of the free movement of people - one of the key liberties of the European Union, while the Agreement was designed to create a Continent without borders. The potential reforms to the Schengen Agreement will hurt this basic principle. The weakening of the free movement of people could precede the weakening of the free movement of goods, threatening the current form of the European Union.

5.5. Conclusions –Suggestions

The previous decades, immigration has changed types and it is difficult to make a distinction between illegal or legal migration and between asylum seekers or labour migrants. On this basis of the EU should develop a common and flexible migration policy that would address the needs of both EU Member-States and migrants. The deregulation of labour markets in association with the economic crisis resulted to black labour of migrants which had impacts in the economy of EU Member States mostly in countries of entry. The enormous flows of refugees entering the EU borders and have spread all around Europe are expected to expand the problem and the economic effects on the Member States societies; already burdened by the economic crisis. So, the EU while structuring its common migration policy should take into consideration the labour-market's needs of EU countries, exploiting brain-drain from countries of origin particularly of refugees, should use integration policies that guarantee the rights of migrants and incorporate educated high skilled migrants in its labour force. Policies which improve the functioning of social, legal, economic and

¹⁰³ For instance, it led to the dispute between France and the United Kingdom over immigrants trying to cross the English Channel at the French port of Calais or Hungary that had built a fence at its border with Serbia

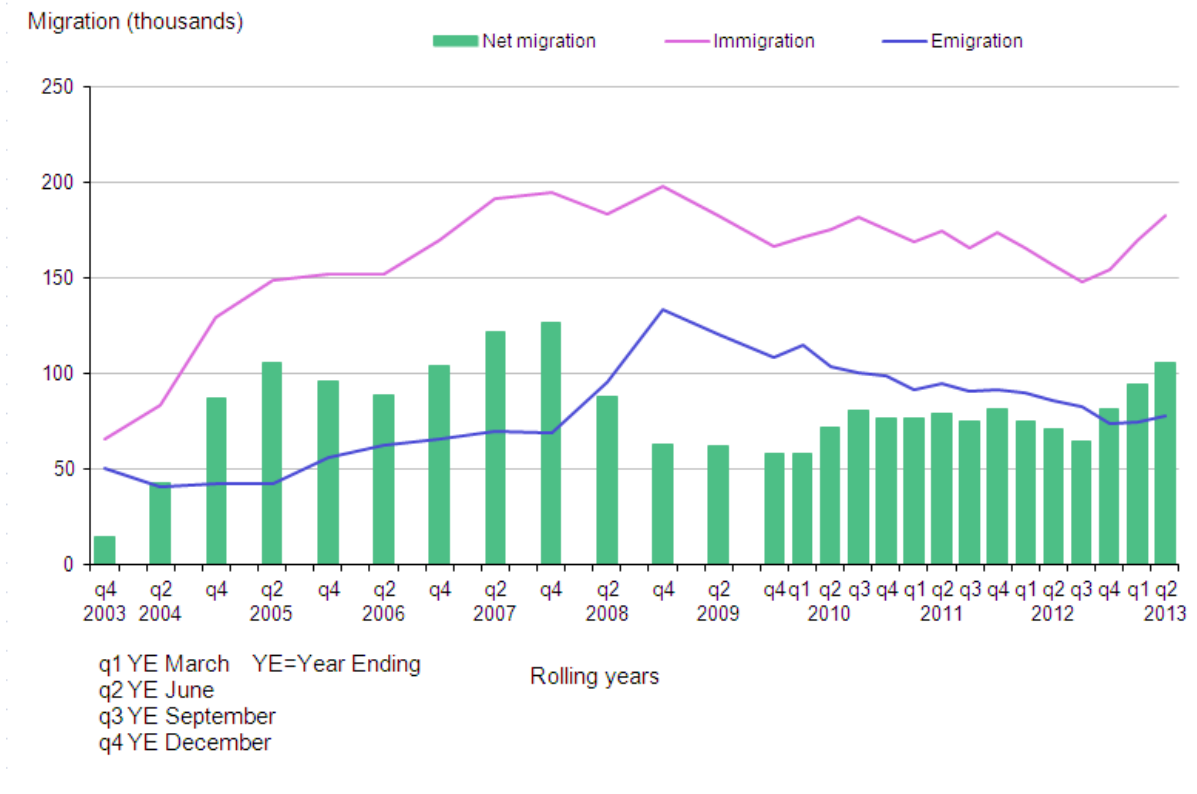
political institutions are crucial not only for creating a fertile ground for development in general, but also for compelling more migrants to invest and or return in origin countries¹⁰⁴

A common external migration policy should also include an effective return policy for migrants whose countries of origin are safe and are interested in returning back to, by application of circular migration. So, the national identity of the EU Member States will be protected and the integration of migrants will be effective covering the needs of the labour market and sustaining the social security systems of the ageing EU member State's societies.

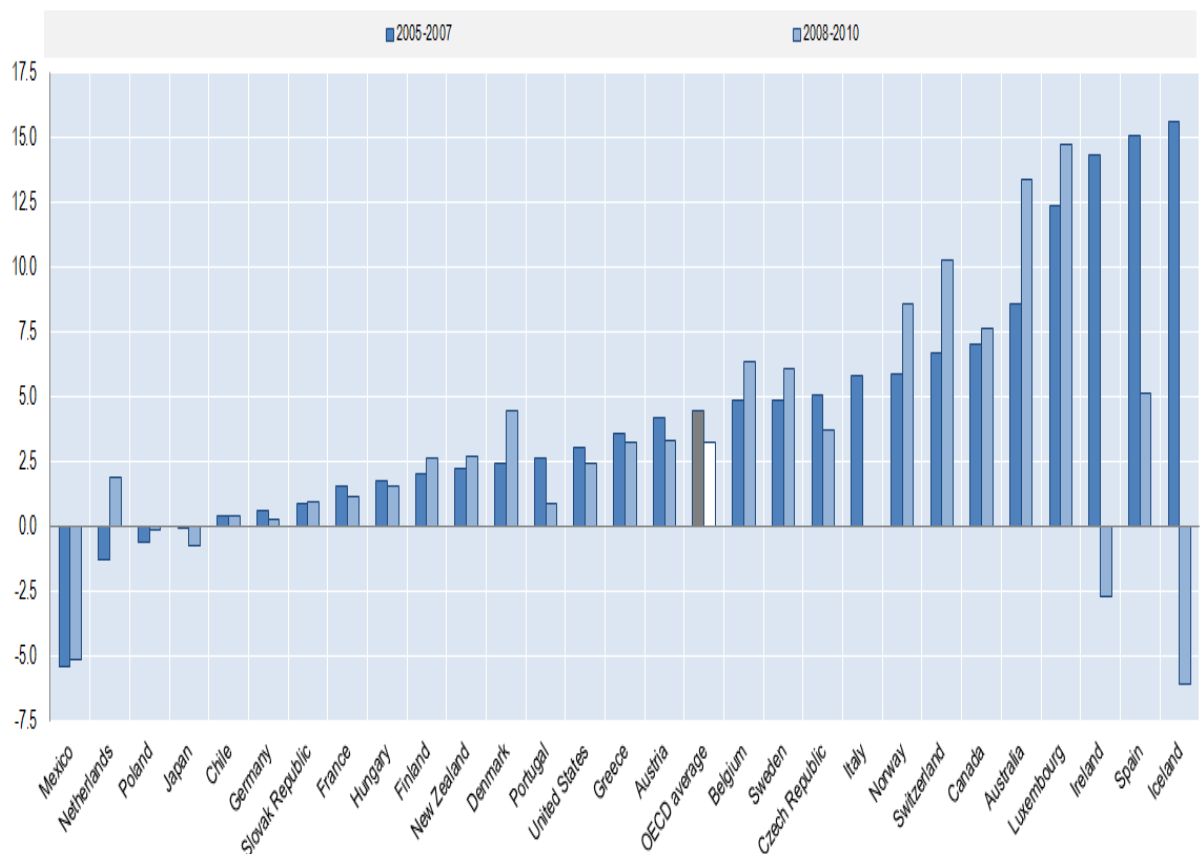
However, preventing, controlling and combating illegal immigration should continue in an effective way that respects human rights according to the Charter of EU. Strengthening dialogue and mobility partnerships with countries of origin and transit might be appreciated. The externalization of EU's migration policy with the neighbouring countries should not be considered as giving up its sovereignty. The ongoing crisis in the Middle East has resulted to a growth of asylum seekers waves to such an extent that the EU Member States on their own cannot stand, so a further development of a Global Approach to Migration is needed. The burden of migration needs to be shared globally beyond the EU borders. Under that prism, Europe will respond to the demands of a globalised world by maintaining a single external relations policy using a proactive approach for the benefit of all.

104 Hein de Haas, "Migration and Development: A Theoretical Perspective" *International Migration review*, University of Oxford, p.258

APPENDIX/MIGRATION STATISTICS



Average annual net migration rates, 2005-07 and 2008-10
Per thousand population



SCHENGEN AGREEMENT MEMBERS AND NONMEMBERS

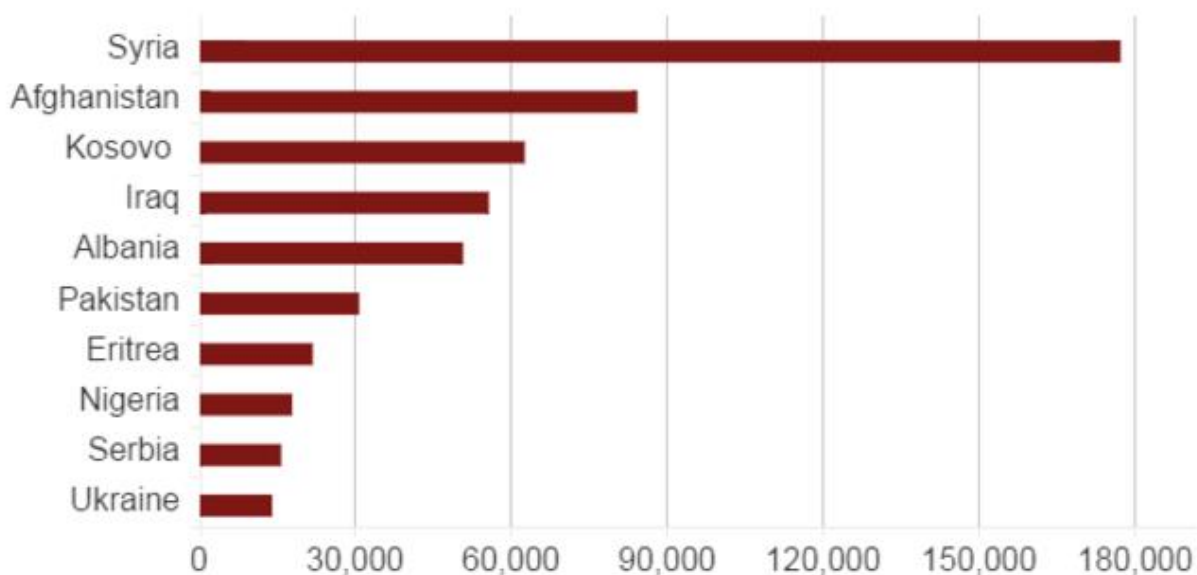


Source: European Commission.

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Top 10 origins of people applying for asylum in the EU

January - October 2015, first-time applications

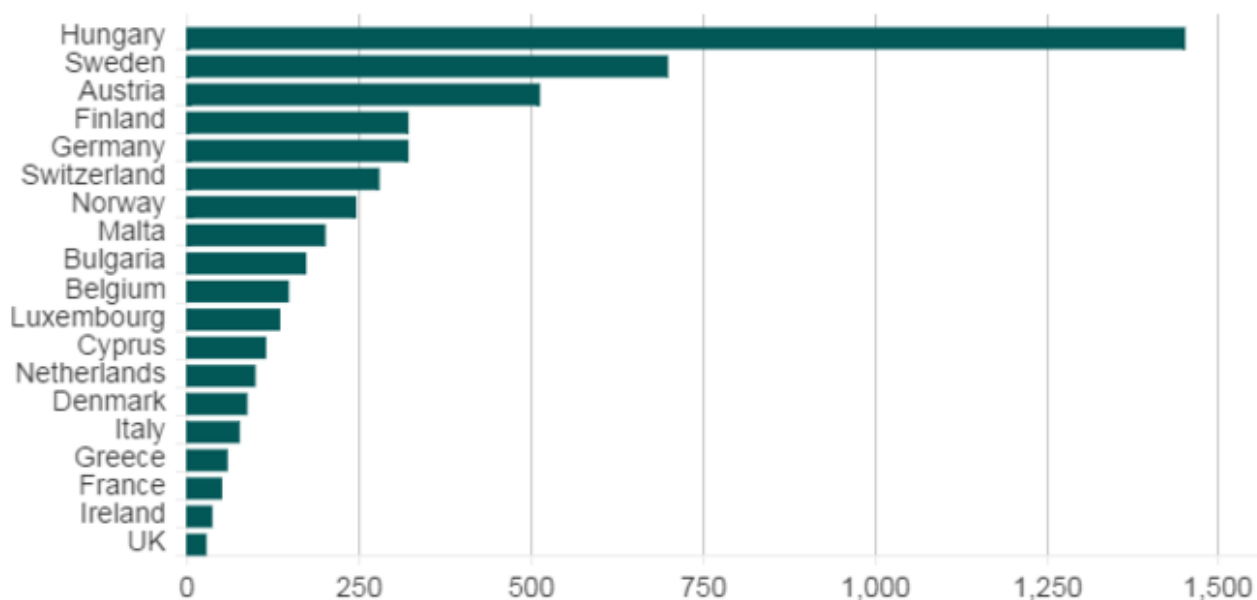


Source: Eurostat

BBC

Asylum applications per 100,000 local population

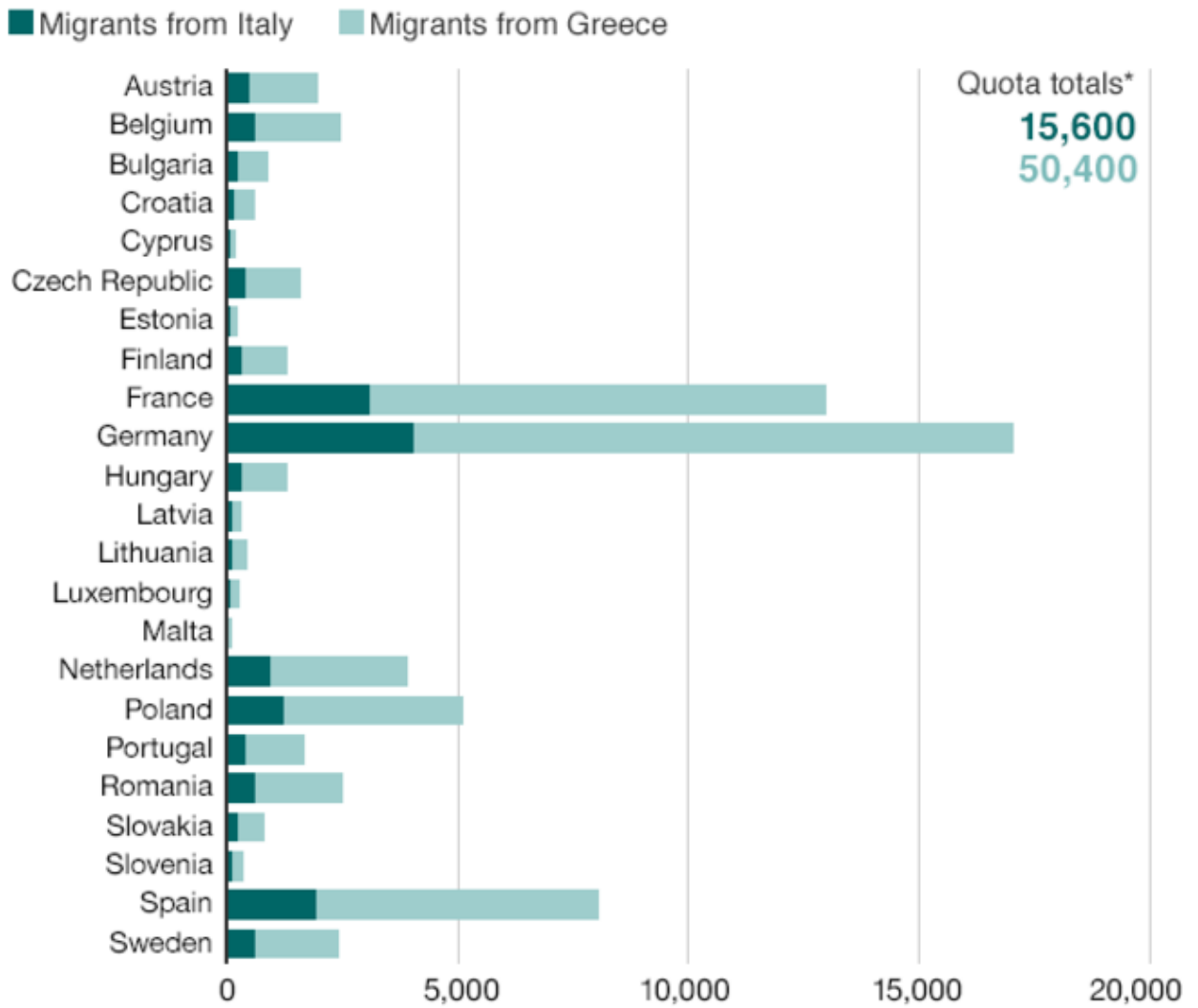
January - October 2015



Source: Eurostat

BBC

Number of migrants EU member states are being asked to take

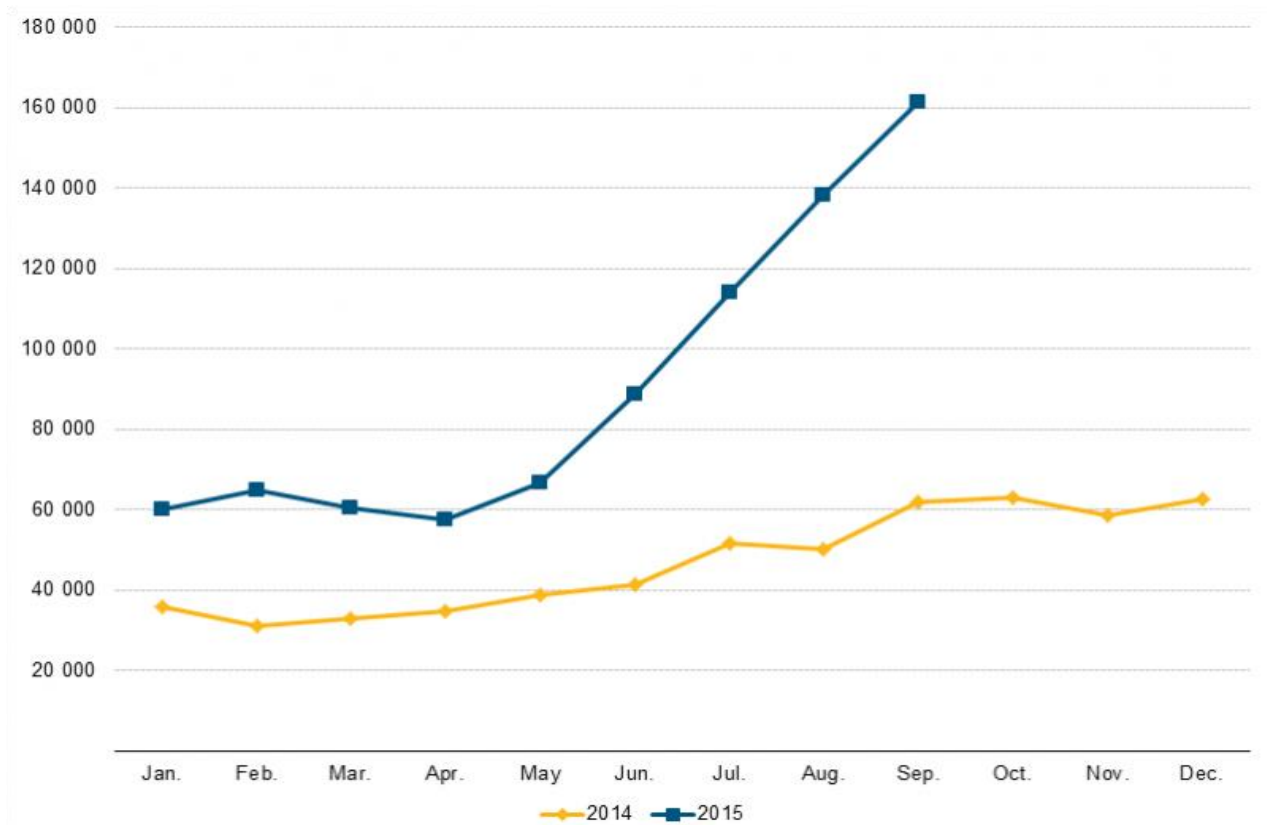


Note: UK has opted out, Ireland has offered to take 4,000, Denmark will take 1,000.
 Switzerland and Norway have also agreed to take refugees, numbers yet to be agreed.
 *Relocation of a further 54,000 migrants still to be decided.

Source: European Commission

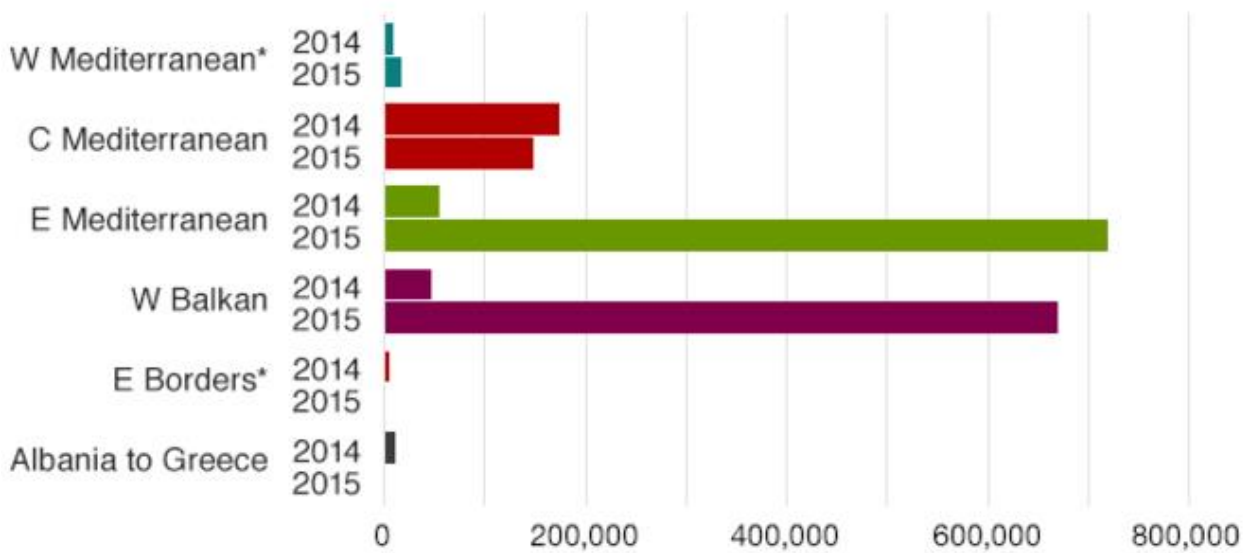
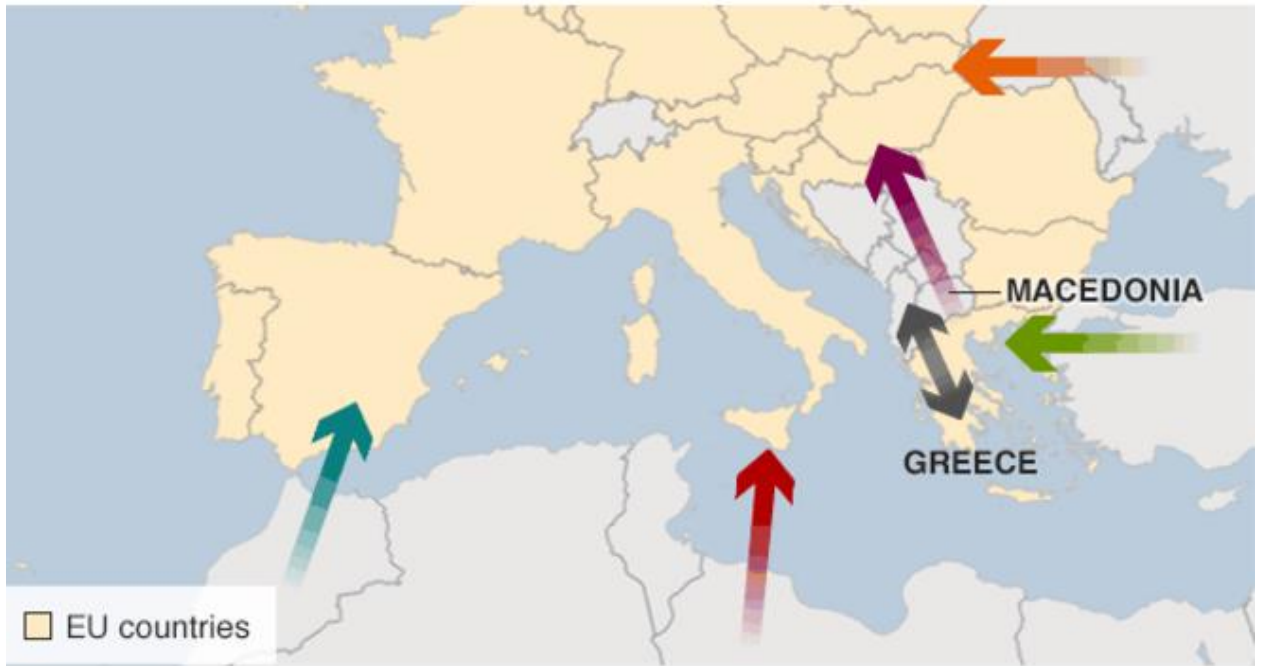
BBC

First time asylum applicants, EU-28, January 2014 – September 2015.png



Source: http://ec.europa.eu/eurostat/statistics-explained/images/8/85/First_time_asylum_applicants%2C_EU-28%2C_January_2014_%E2%80%93_September_2015.png

Migrants detected entering the EU illegally, Jan-Nov 2015



Source: Frontex

BBC

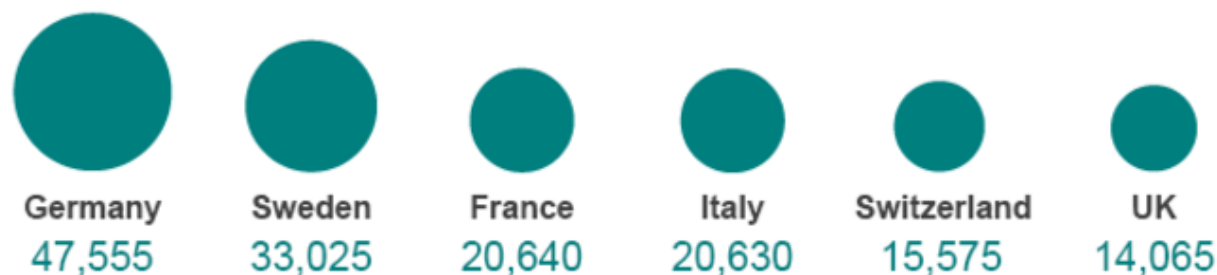
Asylum applications approved 2014



Main nationalities granted asylum

-  1 Syria
-  2 Eritrea
-  3 Afghanistan
-  4 Iraq
-  5 Iran

Total claims granted by country



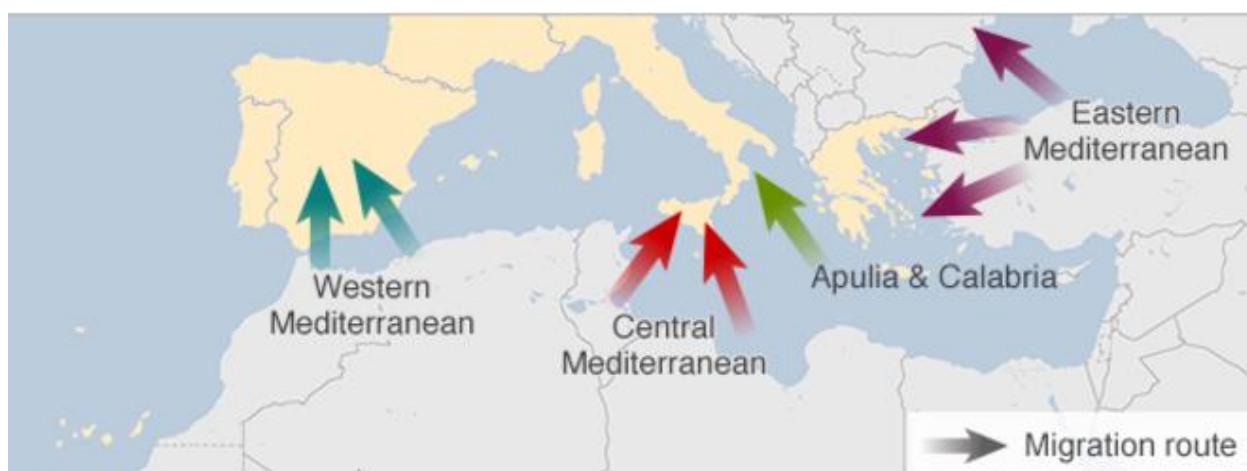
Source: Eurostat

BBC

Mediterranean migrant deaths by route



Figures up to 03 November 2015

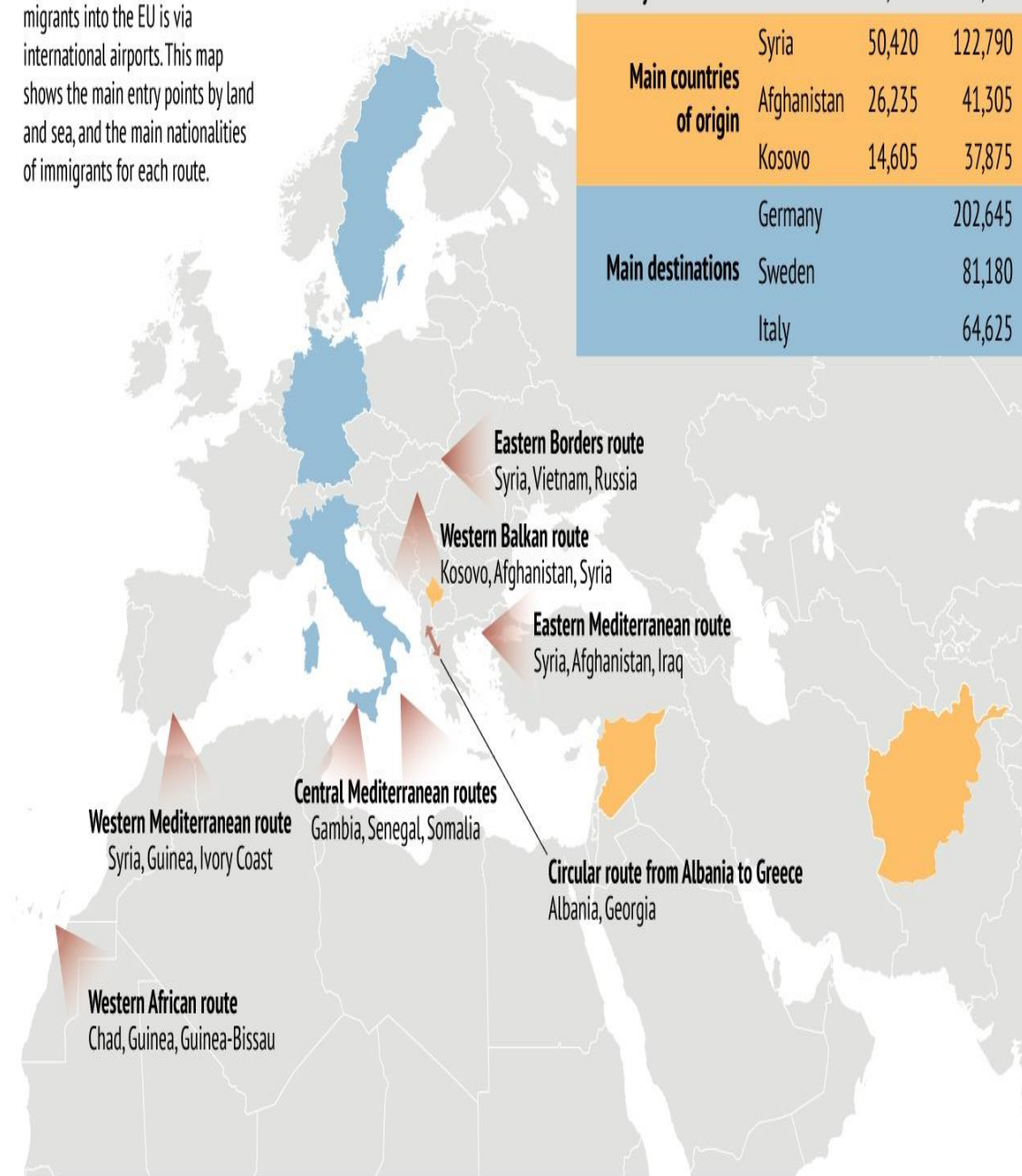


Source: Frontex, IOM

BBC

MAIN ASYLUM ROUTES INTO THE EU

The single biggest entry route for migrants into the EU is via international airports. This map shows the main entry points by land and sea, and the main nationalities of immigrants for each route.



Source: Eurostat, Frontex

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https://cdn2.hubspot.net/hubfs/515194/B2C_content/B2CWF1/Europe_EU_Asyllum_Routes-infographic.jpg

BIBLIOGRAPHY

GREEK

- Babiniotis G (2004). *“Dictionary for school and Office”*, Cent. Lexicology EPE p 563
Naxakis C., Chletsos M. *“Migrants and migration”*, Patakis, 2003

FOREIGN (ENGLISH)

Babayan D., (2010), *“Balancing Security and Development in Migration Policy – EU Mobility Partnerships”*, College of Europe

Available at:<https://www.coleurope.eu/sites/default/files/research-paper/babayan.pdf> [Accessed on 02-11-2015]

Barbou des Place, S. and Oger, H. (2005). Making the European Migration Regime: Decoding Member States' Legal Strategies. *European Journal of Migration and Law*, 6, pp.353-379.

Citi, M. and Rhodes, M. (2007). *New Modes of Governance in the EU: Common*

Objectives versus National Preferences. European Governance Papers No. N-07-01.

Available at:<http://www.connex-network.org/eurogov/>[Accessed on 02-11-2015] [

Descy, P. (2014), *“Projected labour market imbalances in Europe: Policy challenges in meeting the Europe 2020 employment targets”*, in OECD/European Union, Matching Economic Migration with Labour Market Needs, OECD Publishing

Available at: <http://dx.doi.org/10.1787/9789264216501-12-en> [Accessed on 02-11-2015]

Geddes A. (2003). *“The Politics of Migration and Immigration in Europe.”* London: Sage.

Guiraudon, V. (2000). *“European Integration and Migration Policy: Vertical Policy-making as Venue Shopping”*. *Journal of Common Market Studies*, 38 (2), pp.251-271.

Hein de Haas, (2008) *“Migration and Development: A Theoretical Perspective”* International Migration review, International Migration Institute, University of Oxford, (p.258)

Available at: <http://www.imi.ox.ac.uk/pdfs/wp/wp-09-08.pdf> [Accessed on 08-12-2014]

Henson, P. and Malhan, N. (1995). *“Endeavours to Export a Migration Crisis: Policy-Making”* pp.128-144.

Huyshmans Jef, (2000), "The *European Union and the Securitization of Migration*", Journal of Common Market studies, December 2000 p.756

Available at: http://88.255.97.25/reserve/resfall10_11/intl533_BRumelili/Nov_29th.pdf

Joppke, C. (1998). Immigration Challenges the Nation-State. In C. Joppke (ed.), *Challenge to the Nation-State. Immigration in Western Europe and the United States* (pp.5-46).

Oxford: Oxford University Press.

Kontis A, Sampatakou E.A. (2011). "*International Management of Migration and "National" Immigration Policy-making: the case of Greece*", Series of Studies of Migration and Diasporas No 6, Papazisis p.p.39-41

Messina, A. M. (2007). *The Logics and Politics of Post-WWII Migration to Western Europe.*" Cambridge: Cambridge University Press.

Reslow N. (2010). "*Explaining the development of EU migration policy: the case of the Mobility Partnerships*", Department of Political Science Maastricht University, the Netherlands

Available at: <http://www.jhubc.it/ecpr-porto/virtualpaperroom/008.pdf>[Accessed on 02-11-2015]

Spencer S., (2003). "*The politics of migration*", Blackwell publishing.

Vasconcelos A.(2010) "*A strategy for EU foreign policy*", European Union Institute for Security Studies.

Available:http://www.iss.europa.eu/uploads/media/A_strategy_for_EU_foreign_policy.pdf

[Accessed on 13-12-2015]

Internet Sources

1. UN General Assembly, Convention Relating to the Status of Refugees, (28 July 1951), United Nations

Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx>
[Accessed on 08-12-2014]
2. <http://www.amnesty.org.gr/campaigns/refugees/fag.htm> [Accessed on 08-12-2014]
3. Treaty on European Union (1992) Available at: http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_on_european_union/treaty_on_european_union_en.pdf
[Accessed on 08-12-2014]
4. The Schengen Agreement (1985). Available at:
http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm [Accessed on 22-10-2014]
5. The Treaty of Amsterdam (1999). Available at:
http://europa.eu/eulaw/decisionmaking/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf [Accessed on 22-10-2014]
6. European Council in Tampere (1999)

Available at: http://www.europarl.europa.eu/summits/tam_en.htm [Accessed on 22-10-2014]
7. Treaty of Nice (2003)

Available: http://europa.eu/legislation_summaries/institutional_affairs/treaties/nice_treaty/index_en.htm [Accessed on 22-10-2014]
8. Dublin II Regulation

Available at:

<http://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?uri=URISERV:133153&from=EN>

http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133153_en.htm [Accessed on 22-10-2014]
9. <http://eurlex.europa.eu/legalcontent/EN/TXT/HTML/?uri=URISERV:xy0026&from=EN>

10. The Lisbon Treaty,

Available at: http://europa.eu/lisbon_treaty/full_text/index_en.htm [Accessed on 22-10-2014]

11. The European Pact on Immigration and Asylum (2008)

Available at: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0038_en.htm [Accessed on 22-10-2014]

12. The Stockholm Programme (2010)

Available at: http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/jl0034_en.htm

13. European Commission, Mobility Partnerships as a Tool of the Global Approach to Migration, Commission Staff Working Document, SEC (2009) 1240, Brussels, 18 September 2009, p. 4. Available at:

<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2013489%202009%20INIT>

[Accessed on 22-10-2014]

14. European Security Strategy: “A Secure Europe in a better World” (2003) Available at: <https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf> (p.9) [Accessed on 22-10-2014]

15. Council Conclusions “On the development of a Renewed European Union Internal Security Strategy (04-12-2004) Available at:

https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/146042.pdf

[Accessed on 22-10-2014]

16. The final implementation report of the EU Internal Security Strategy 2010-2014 (COM 2014/365)

Available at: <http://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:52014DC0365&from=EN> [Accessed on 22-10-2014]

17. Internal Security Strategy for the European Union: Towards a European Security Model, 5842/2/2010.

Available at: http://ec.europa.eu/archives/commission_20102014/malmstrom/pdf/news/internal_security_strategy_in_action_en.pdf [Accessed on 22-10-2014]

18. FRONTEX Available:<http://frontex.europa.eu/about-frontex/legal-basis> EN [Accessed on 22-10-2014]
19. “Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union” (EC2007/2004) Available:http://frontex.europa.eu/assets/Legal_basis/frontex_regulation_en.pdf [Accessed on 12-11-2015]
20. <http://ec.europa.eu/eurostat> [Accessed on 12-12-2015]
21. European Council. “*Conclusions of the Presidency*”, Seville 21–22 June, 2002.(13463/2002) Available:http://www.cvce.eu/en/obj/seville_european_council_presidency_conclusions_21_and_22_june_2002-en-f96751f6-9eed-4390-99a8-3174841a1b2d.html [Accessed on 13-11-2015]
22. Council Regulation (EC377/2004) on the creation of an immigration liaison officers network Available at:

<http://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32004R0377&from=EN>
[Accessed on 02-11-2015]
23. <http://eur-lex.europa.eu/legacontent/EN/TXT/HTML/?uri=URISERV:133081&from=EN>
24. The Hague Programme: 10 Priorities for the next five years [COM(2005/184)

Available:<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:116002>

[Accessed on 02-11-2015]
25. Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union [COM(2005) 389]

Available:<http://eurlex.europa.eu/legalcontent/EN/TXT/HTML/?uri=URISERV:114502&from=EN> [Accessed on 02-11-2015]
26. European Refugee Fund (2008-2013)

Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:114567>
[Accessed on 02-11-2015]
27. Funding Asylum, Integration. Migration.

Available at: http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/index_en.htm [Accessed on 02-11-2015]

28. Strategic concept on tackling Organised crime.(COM 235/2002)

Available:<http://eurlex.europa.eu/legalcontent/EN/TXT/HTML/?uri=URISERV:l33250&from=EN> [Accessed on 02-11-2015]

29. Communication of the Commission to the Parliament” An open and secure Europe: making it happen” [COM(2014) 63]

Available at: http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/an_open_and_secure_europe_-_making_it_happen_en.pdf [Accessed on 02-11-2014]

30. European external border surveillance system (EUROSUR) Available at: <http://eurlex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l14579&from=EL>

31. European Security Strategy Available at: <https://europa.eu/globalstrategy/en/report-implementation-european-security-strategy-providing-security-changing-world>, Brussels, 11 December 2008 S407/08-[Accessed on 02-11-2014]

32. European Security Strategy 2010-2014 Available at: http://ec.europa.eu/dgs/home-affairs/e-library/documents/basicdocuments/docs/final_implementation_report_of_the_eu_internal_security_strategy_2010_2014_en.pdfBrussels, 20.6.2014 COM(2014) 365 final-[Accessed on 02-11-2014]

33. Directive 2009/52 Providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

Available at:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF>

34. A European Agenda on Migration [COM2015(240)], Brussels, 13.5.2015

Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/backgroundinformation/docs/communication_on_the_european_agenda_on_migration_en.pdf (p.6)[Accessed on 02-11-2015]

35. Press Release 3319th Council meeting Justice and Home Affairs (5-6/06-2014)(PRESSE 328 PR CO 31) Available at:

http://www.google.gr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjK9_qv7KTJAhVIIxoKHx3MDx0QFggfMAA&url=http%3A%2F%2Fwww.consilium.euro

- [pa.eu%2Fen%2Fpress%2Fpressreleases%2F2014%2F06%2Fpdf%2Fpress-release---3319th-justice-and-home-affairs-council-meeting---luxembourg%2C-5-and-6-june2014%2F&usg=AFQjCNH5r2KYOIXIRzHWBwhhAS7dxzAXfA&sig2=BVner45cdKa3C-d9Jg8yNA](http://www.unhcr.org/419c75ce4.html) <http://www.unhcr.org/419c75ce4.html>. [Accessed on 05-11-2015]
36. DIRECTIVE 2008/115/EC (16 12- 2008) on common standards and procedures in Member States for returning illegally staying third-country available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&from=EN>. [Accessed on 05-11-2015]
 37. About Frontex. Available at: http://frontex.europa.eu/assets/About_Frontex/frontex_regulation_en.pdf [Accessed on 05-11-2015]
 38. Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece [COM(2015) 286]2015/125 Available at: <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-286-EN-F1-1.PDF> [Accessed on 06-11-2015]
 39. Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009,(p. 17–29) . Available at: <http://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32009L0050&from=EN> [Accessed on 06-12-2015]
 40. Directive COM/2013/0151 final 2013/0081 (COD) of 25-03- 2013 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing Available:<http://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:52013PC0151&from=EN> [Accessed on 06-12-2015]
 41. Regulation(COM(2014)163 2014/0095 (COD) of 01-04-2014 establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008 Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:c766bfb4-b9ac-11e3-86f9-01aa75ed71a1.0022.01/DOC_1&format=PDF [Accessed on 06-12-2015]
 42. Commission Communication: "Maximising the Development Impact of Migration" (COM(2013)292 final) of 21-05-2013; Council Conclusions on Migration in EU development cooperation of 12 December 2014. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013DC0292&from=EN> [Accessed on 06-12-2015]

43. Study on the feasibility of the creation of a European System of Border Guards (16 June 2014) Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/bordercrossing/docs/20141016_home_esbg_frp_001_esbg_final_report_3_00_en.pdf [Accessed on 06-12-2015]
44. EU Civil Protection mechanism Available at: http://ec.europa.eu/echo/what/civil-protection/mechanism_en [Accessed on 12-12-2015]
45. Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime Available at:<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33188&from=EN> [Accessed on 12-12-2015]
46. The Stockholm Programme Available at:
<http://www.eurojust.europa.eu/doclibrary/EUframework/EUframeworkgeneral/The%20Stockholm%20Programme%202010/Stockholm-Programme-2010-EN.pdf> [Accessed on 12-12-2015]
47. COM(2004) 373 "European Neighbourhood Policy - Strategy paper" Available at:
<http://eurlex.europa.eu/legalcontent/EN/TXT/HTML/?uri=URISERV:r17007&from=EN> [Accessed on 09-05-2015]
48. EU Commission Press release Review of the European Neighbourhood Policy (ENP): stronger partnerships for a stronger neighbourhood (Brussels, 18 -11- 2015) Available at:
http://europa.eu/rapid/press-release_IP-15-6121_en.htm [Accessed on 12-12-2015]
49. European Neighbourhood Policy Available at: <http://eeas.europa.eu/enp> [Accessed on 12-12-2015]
50. Review of the European Neighbourhood Policy (ENP): stronger partnerships for a stronger neighbourhood,(Brussels,18.11.2015)

Available at: http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf [Accessed on 12-12-2015.]
51. Eurostat News release 163/2015/18-09-2015

Available at:http://ec.europa.eu/eurostat/documents/2995521/6996925/3-18092015-BP-EN.pdf/b0377f79f06d4263aa5bcc9b4f6a838f?utm_content=buffer01361&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer [Accessed on 19-12-2015]
52. Council Decision 1161/15/03-09-2015 “Establishing provisional measures in the area of international protection for the benefit of Italy and of Greece”

Available at: <http://data.consilium.europa.eu/doc/document/ST-11161-2015-INIT/en/pdf> (pp.6-11) [Accessed on 17-01-2016]

53. Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection

Available at: <http://data.consilium.europa.eu/doc/document/ST-11131-2015-INIT/en/pdf> [Accessed on 17-01-2016]

54. Informal meeting of EU heads of state or government on migration, 23 September 2015 – statement

Available at: <http://www.consilium.europa.eu/en/press/press-releases/2015/09/23-statement-informal-meeting/> [Accessed on 17-01-2016]

55. Meeting of heads of state or government with Turkey - EU-Turkey statement, 29-11-2015

Available at <http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/> [Accessed on 17-01-2016]

56. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC, Strasbourg 15-12-2015

Available at:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/regulation_on_the_european_border_and_coast_guard_en.pdf/ [Accessed on 20-01-2016]

57. Frontex Report, “710 000 migrants entered EU in first nine months of 2015”, 13-10-2015. Available at: <http://frontex.europa.eu/news/710-000-migrants-entered-eu-in-first-nine-months-of-2015-NUiBkk/> [Accessed on 20-01-2016]