

## International Law and Global Politics

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**Abstract:** *Europeans suffer great anxiety over the loss of jobs, either due to internal competition in the EU or due to global competition from Asia, from Latin America, and even from the U.S., where some European carmakers have started opening plants. Non-EU citizens who live legally in an EU country must be treated well and have their rights upheld. EU-wide rules enable non-EU citizens to become long-term residents and to bring their family members to live with them in their new countries. The EU's integration policy aims to grant these non-EU citizens rights and obligations similar to those of EU citizens.*

**Keywords:** *EU, Non-EU Citizens, Migration, Integration, Law and Politics*

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### 1. INTRODUCTION

Approximate populations of non-European origin in Europe (approx. 20 - 30+ millions, or 3 - 4% (depending on the definition of non-European origin), out of a total population of approximately 831 million): Turks (including Turks from Turkey and North Cyprus) constitute approximately 9 million (this estimate does not include the 10 million Turks within the European portion of Turkey), and they are mostly in Germany, France, the UK, the Netherlands, Macedonia, Bulgaria, Austria and Belgium. Arabs (including North African and Middle Eastern Arabs) make up about 5 million, and they are centred in France, Italy, the Netherlands, Belgium, Germany, United Kingdom, Sweden, Spain, Norway, Denmark, Switzerland, Greece and Russia. Black Africans (including Afro-Caribbeans and others by descent) are about 5 million and are mostly in France, the United Kingdom, Italy, Germany, Spain, the Netherlands and Portugal (in Spain and Portugal Afro-Caribbean and Afro-Latin American are included in Latin Americans). The Indians are approximately 2.5 million and found mostly in the United Kingdom, Italy, Portugal, the Netherlands. Tamils (Sri Lanka) are approximately 130,000 and their presence is in the United Kingdom, Germany, Switzerland, Finland, Norway, Sweden and Denmark. Pakistanis are about approximately 1.1 million scattered in the United Kingdom, but also 60,000 in Italy, Spain, and Norway. Bengalis are approximately 600,000 mostly in United Kingdom, but also 85,000 in Italy, 35,000 in France, Spain, Sweden and Greece. Latin Americans (includes Afro-Latin Americans, Afro-Caribbeans, Native Americans, White Latin Americans, miscegenation, etc.): approx. 2.2 million; mostly in Spain but also in Italy, Portugal, the United Kingdom and some in Germany. Armenians are approximately 2 million, mostly in France, but also in Russia, United Kingdom, Germany, Netherlands, Bulgaria, Romania, Greece, Ukraine and Italy. Berbers are about 2 million, mostly in France, Italy, the Netherlands, Belgium and Spain. The Kurds are approximately 2 million, mostly in Germany, The Netherlands, Sweden, Belgium, UK and France. Chinese population is approximately 1 million; mostly in Italy, France, the United Kingdom, Spain, the Netherlands and Russia. Filipinos are about 500,000; mostly in the United Kingdom, Italy, Spain and Germany. Vietnamese constitute about 300,000; mostly in France, Germany, Italy, Czech Republic, Russia and Ukrainians and Iranians have reached 250,000 inhabitants in Europe; mostly in the United Kingdom, Italy, France, Germany, Spain, Netherlands, Norway, Sweden, Finland and Denmark. Horn Africans are about 200,000 Somalis; mostly in the United Kingdom,

Netherlands, Norway, Sweden, Finland and Denmark. Assyrians/Chaldeans/Syriacs: approx. 200,000; mostly in Sweden, Germany, Russia and the Netherlands. Japanese constitute about 100,000, mostly in the United Kingdom and Germany.

### 2. POOR JOB CREATION IN THE WAKE OF ENLARGEMENT AND INTEGRATION

The private sector in Europe has almost stopped producing new and more Europeans are unemployed, many permanently so. In Italy, 38 percent of respondents to a recent poll stated that unemployment

was the most pressing social problem. In France, the figure was 58 percent, and in Germany, a soaring 81 percent felt the same way. The big countries at the heart of the euro zone are stagnating economically, yet seem unable come to grips with the liberalizing changes needed in a world of globalization, competitive labour markets, and the mobile capital demands of our economies. Let's compare the EU with the United States. Total percentage employment in the EU is less when compared to the U.S. as measured by 15-64-year-old members of households, where the United States has lower unemployment than France and Germany. The U.S. economy creates more jobs than Italy, Germany, and France combined. If current trends continue, the per capita income in Germany versus the US over the next 20 years will reduce drastically while that of the U.S. will grow exponentially. The less regulated U.S. labour market is far better at integrating the workforce at the lower end of the scale, providing economic opportunity and upward mobility that particularly affects immigrants, young people out of high school or college, and women. Immigrants, for instance have about the same unemployment rate in the U.S. as the general population, whereas in Germany and France the unemployment rate for immigrants has a lower percentage when viewed comparatively with the United States.

*Some other points to note include:*

- Equally important is international cooperation on migration
- Free-trade agreements, an easing of visa requirements for university students, temporary work programs, and incentives to attract entrepreneurs.
- Migration is changing in fundamental ways, and we must continue to push ourselves to devise systems and approaches that respond to new realities. If we succeed, human mobility can become one of the great assets of the twenty-first century.

### **3. MIGRATION AND MOBILITY: A KEY FOR THE EU TO WIN THE HEARTS AND MINDS OF UKRAINIANS**

The Ukrainian political crisis over the EU association agreement stands as the most painful reminder of the unresolved issues that will determine the future of Europe in its geographical borders. Ukrainian society is deeply divided about the country's future international alignment: while a short majority is in favor of having closer relations with the EU, the other part of the population supports closer links with Russia, instead. The direction that Ukraine will take depends on many factors. Mobility and migration issues between the biggest Eastern European country and the European Union are particularly important in this respect. People-to-people contacts determine cultural and mental affinity, create understanding and help 'build bridges'. If the EU wants to win the hearts and minds of all Ukrainians and promote its democratic model, it should act boldly and change geographical dynamics, spurring more mobility from Ukraine towards the EU. So what is the reality of migration and mobility between the EU and Ukraine today and what should be done?

#### **3.1. Ukraine Nationals Engage More Often in Migration to the EU and this Trend Should be reinforced**

In general, the mobility of Eastern Partnership nationals has been skewed towards the Russian Federation. This is a consequence of the legal environment that mobility takes place in. First, the visa-free regime in the CIS for short-term visas encourages more temporary/circular mobility in this direction. Second, as in the specific case of Belarusians (and possibly soon Armenians) *de facto* freedom of movement within the Eurasian Economic Community enhances the migration stream. It not only allows for visa-free mobility but also opens the labour market to potential workers. Third, mobility towards the EU is regulated by visa regime and channels for labour migration are limited, with the exception of Poland and to a lesser extent Italy. Despite the different legal regimes, the mobility of Ukrainians has been steadily redirected towards the EU over the last 5 years.

The scientific research will focus on robust and policy-relevant approach, not only at European level, but also globally, targeting policy-makers as well as politicians. This research provides tools for addressing migration challenges, by:

- 1) producing policy-oriented research on aspects of migration, asylum and mobility in Europe and in countries located along migration routes to Europe, that are regarded as priorities;
- 2) bridging research with action by providing policy-makers and other stakeholders with results required by evidence-based policy-making, as well as necessary methodologies that address migration governance needs; 3) pooling scholars,

3) Experts, policy makers, and influential thinkers in order to identify problems, research Their causes and consequences, and devise policy solutions.

#### **4. RECENT POLITICAL DEVELOPMENTS**

*October 2013:*

European Council conclusions on 21 October The EU welcomes the call of UNSG BanKi-Moon for a peace conference in Geneva before the end of November, with the objective being the swift establishment, by mutual consent, of a transitional governing body (TGB) with full executive powers and control of all governmental and all security Institutions

*September 2013:*

Welcomed the agreement between the United States and Russia to control and destroy syria's chemical weapons, and call on the UN Security Council to agree on resolution that will authorize the process. EUs condemnation of the chemical attack; the recognition of the apparent evidence of the regime's responsibility; the necessity for the international community to respond and a strong call on the Security Council to fulfill its responsibilities; the emphasis on a political solution and support for the Geneva II initiative; and commitment to providing aid on a continuing basis now and in to the Future.

*July 2013:*

Decision by the European Union Foreign Affairs Council to include the military wing of Hezbollah on the EU list of terrorist organizations

*May 2013:*

EU leaders agree not to renew the arms embargo on Syria, potentially freeing EU countries to arm the rebels.

*April 2013:*

European Council eased sanctions against Syria to support opposition and civilians (oil, equipment).

*July -June 2012:*

New sanctions on banks, oil sector, arms embargo, and additional asset freezes.

*April 2012:*

Imposes new sanctions, purchases of goods from Syria

*December 2012:*

Acceptance of the National Coalition for Syrian Revolutionary and Opposition Forces as Legitimate representatives of the Syrian people by the EU at the meeting of the Foreign Ministers in Brussels, December 10.

*February 2012:*

Imposes new sanctions on flights, Syrian central bank, and on business transactions

*October 2011:*

European Parliament passes resolution condemning killing of protesters, calls for protection of minorities, and supporting emergence of democratic opposition forces.

*September 2011:* EU imposes oil embargo on Syria, in addition to travel ban.

*May 2011:*

EU imposes arms embargo on Syria, in addition to sanctions. Humanitarian Actions Regarding Syrian Refugees

*October 2013:*

EU allocates €85 million aimed at providing assistance to the population inside Syria, Syrian refugees and host communities living in Jordan, as well as Syrian students in Europe (Erasmus).European

Parliament encouraged the Member States (on 9 October 2013) to address acute needs of Syrians through resettlement in addition to existing national quotas and through humanitarian admission; and called for the EU to convene a humanitarian conference on the Syrian refugee crisis.

*September 2013:*

EU allocates a further support of €58 million to deal with Syria crisis in Lebanon; majority of these funds (€40 million) will be implemented mainly through UN agencies (e.g. UNHCR, UNICEF and UNRWA).

*June 2013:*

European Union's announcement of a major new contribution of up to €400 million for the Syria situation until the end of the year. According to UNHCR, €150 million is allotted for development-related aid that includes support to communities hosting refugees and security for refugee camps. European Commission called on MS (24 June) to promote solidarity by resettling Syrian refugees. Says it is putting in place a Regional Protection Programme, to be operational by the end of 2013, aimed at strengthening the long-term capacity of the countries neighboring Syria to help them to deal with refugees in line with international standards.

*January 2013:*

EU pledged €100 million for humanitarian aid.

*2013:*

Total of over 1 billion Euros allocated to Syrian crisis: €515 million from the Commission, including an allocation of €6 million for Iraqi refugees in Syria and €3.3million for Palestinian refugees in Lebanon; and over €493 million from Member States.

*October 2012:*

JHA discusses Regional Protection Programme (RPP) for Syrian crisis.

*June 2012:*

EU adopts special measure amounting to €23 million in order to enable rapid response to the crisis situation in Syria and to areas affected by the influx of refugees.

*March 2012:*

EU allocates €7 million in humanitarian aid to Syria "to finance life-saving assistance to those who have been wounded or forced to flee the on-going violence."

## **5. LAUDABLE EU IMMIGRATION POLICY FRAMEWORK**

EU countries have agreed to develop a common immigration policy to ensure that legal migration to the EU is well managed, to improve integration measures for migrants and their families and to enhance cooperation with migrants' countries. These goals are reflected in the Stockholm Programme, a roadmap for developing the EU's migration policy from 2009 to 2014. It aims to build a Europe of "responsibility, solidarity and partnership in migration and asylum" with a "dynamic and comprehensive immigration policy". The Stockholm Programme encourages coherence between migration policy and other closely related EU policy areas, such as development aid and relations with countries outside the EU.

## **6. THE EU'S GLOBAL APPROACH TO MIGRATION**

In order to manage migration effectively, the EU works in close partnership with both the countries from which migrants come and the countries that many migrants pass through to get to the EU. Through this partnership approach, the EU strives to balance its three key policy aims of

- 1) better organizing legal migration while
- 2) reinforcing prevention of irregular migration and
- 3) Maximizing the mutual benefits of migration for development. This 'global approach to migration' is the external dimension of the European Union's migration policy. It is a framework for dialogue and cooperation with non-EU countries in the area of migration and is central to the aims of the Stockholm Programme, which include:

➤ **Encouraging Mobility**

And legal migration to the EU, while at the same time promoting development in migrants' home countries to improve living standards and minimize 'brain drain'.

➤ **Ensuring Coherent Policy Making**

Within the EU so that a global approach to migration is fully integrated into all EU initiatives outside the Union, including development aid work and foreign relations.

➤ **Promoting Legal Migration whilst Preventing Irregular Migration.**

Initiatives which turn the priorities and proposals of the Stockholm Programme into practice are found in the EU's Action Plan on implementing the Stockholm Programme (2010).

## **7. EU IMMIGRATION RULES AND FUTURE PLANS**

### **7.1. Coming to the EU**

EU-wide laws (directives) have already been introduced to standardize admission and residence rules for the following categories of non-EU citizens wishing to come to an EU country to work or study:

- a. Highly-qualified workers (EU Blue Card scheme)
- b. Students
- c. Unpaid trainees, school pupils and voluntary workers
- d. Researchers

EU-wide admission and residence rules for other categories of non-EU citizens are under discussion, following proposals made in the EU's 2005 Policy Plan on Legal Migration and reaffirmed in the Stockholm Programme. These include EU directives on:

- a. seasonal workers;
- b. Employees of multinational companies who wish to move to a branch office in an EU country.

In December 2011 the Single Permit Directive was adopted. This new legislation introduces a single residence and work permit for all non-EU citizens. It will simplify the life of migrants applying to reside and work in the EU. It will also ensure that non-EU workers who legally reside in an EU country will enjoy a common set of rights based on equal treatment with nationals of the host EU country. EU countries will have to make sure that their national legislation is in line with this directive by early 2014.

## **8. LEGAL ECONOMIC MIGRATION**

Collaboration with third countries should be extended to address the European Union's (EU) labour needs. Consequently, potential migrants should be informed about the rules and procedures for gaining legal access to the EU and of the risks associated with illegal migration. To this end, a migration portal will eventually be established and targeted information campaigns carried out. It is also essential that labour migrants' access to the EU is flexible and that mobility for research or business purposes is facilitated. To this end, the Commission will aim to develop:

- a. first generation mobility partnerships to use in strategic cooperation activities;
- b. centers offering information and management services related to migration;
- c. tools to better match jobseekers to vacancies;
- d. exchanges of best practice among relevant stakeholders;
- e. legal and operational measures that encourage circular migration;
- f. Common centers to handle visa applications.

## **9. FIGHTING ILLEGAL MIGRATION**

In order to curb irregular immigration, the EU provides support to third countries on border management-related aspects. The Council has requested that the Commission considers broadening the role of FRONTEX in this context. Support is also provided to the fight against smuggling and trafficking of human beings, namely through international instruments, the national Anti-Trafficking Action Plans and improved legislative acts. Continuing dialogue and cooperation on these issues with partner countries has also been emphasized. In this regard, the Commission intends to support the:

- a. collection of information relating to changes in migratory routes to the EU;
- b. development of migration management in key third countries;
- c. adoption and implementation of National Integrated Border Management Strategies in third countries;
- d. setting-up of a border surveillance infrastructure under the European Border Surveillance System (EUROSUR) through strengthened cooperation with third countries;
- e. Implementation of the Ouagadougou Action Plan, as well as the development of anti-trafficking strategies by regional organizations.

## **10. MIGRATION AND DEVELOPMENT**

Migration and development-related work must be improved and intensified. The principles set out in the European Consensus on Development should be used to this end, in particular to tackle the root causes of migration. It is also essential that migration policies be mainstreamed into other relevant policy areas. Hence, the Commission

Intends to improve the:

- a. systems for remittance transfers;
- b. migrant groups' and Diaspora associations' participation in EU policy-making;
- c. Policy Coherence for Development (PCD) dimension, especially in relation to brain drain;
- d. quality of and access to education and vocational training, as well as opportunities for
- b. and conditions of employment in high emigration areas;
- a. application of the European Consensus on Development to issues related to
- c. employment, governance and demographic developments;
- a. Understanding of the link between climate change and migration, as well as its present and future effects.

## **11. MIGRATORY ROUTES**

With regard to the southern migratory routes, more coherence needs to be achieved at the policy development and implementation levels. To this end, the Commission aims to promote intra-African cooperation and the development of African migration policy frameworks. At the EU-level, the Commission intends to manage EU-Africa cooperation through the EU Implementation Team on the Migration, Mobility and Employment Partnership.

The migration and development dimension should also be extended to the cooperation between the EU and its neighboring eastern and south-eastern regions. Issues such as labour migration, remittances, return and reintegration, as well as diaspora networks should be taken into account. Other regions, such as the Southern Caucasus, Central Asia, Middle East, Asia, and Latin America and the Caribbean also have an impact on the EU's migration policy in terms of irregular as well as legal economic migration. Therefore, a differentiated approach should be taken to these regions, both bi- and multilaterally, to strengthen dialogue and cooperation.

## **12. BETTER GOVERNANCE**

The Global Approach must provide a practical framework for better migration management. Hence, its coherence and efficiency must be improved. Coordination between the EU, national, regional and local levels, as well as with third countries also needs to be strengthened. Sharing information on the EU's political objectives regarding migration must be part of the dialogue and cooperation with third countries. In addition, the EU and the Member States should make their policy profile more visible and promote the Global Approach in the different cooperation frameworks.

## **13. ORGANIZING LEGAL IMMIGRATION BETTER**

The policy aims to establish a framework for legal migration, taking fully into account the importance of integration into host societies. The EU measures on legal immigration cover the conditions of entry

and residence for certain categories of immigrants, such as highly qualified workers subject to the 'EU Blue Card Directive' and students and researchers. Family reunification and long-term residents are also provided for. In December 2011, the so-called Single Permit Directive was adopted. It creates a set of rights for non-EU workers legally residing in an EU State. At the same time, EU is discussing Commission proposals for further Directives on the conditions of entry and residence for seasonal workers and intra-corporate transferees. The aim is to simplify migration procedures and give migrants clear employment-related rights. Furthermore, the Long-Term Residence Directive has created a single status for non-EU nationals who have been lawfully resident in an EU country for at least five years, thus establishing a legal basis for equal treatment in all EU countries. The EU Immigration Portal, launched in November 2011, provides hands-on information for foreign nationals interested in moving to the EU. The site is also directed at migrants who are already in the EU and would like to move from one EU State to another. It provides specific practical information about procedures in all 28 EU States for each category of migrants.

#### **14. ENHANCING THE INTEGRATION OF NON-EU NATIONALS IN EU SOCIETIES**

The EU approach to migration also addresses the issue of integration. Successful integration of migrants into their host society is essential to maximize the opportunities afforded by legal migration and to realize the potential that immigration has for Economic development. With this in mind, the EU is promoting European cooperation to develop common approaches and exchange information at EU level.

#### **15. CURBING IRREGULAR MIGRATION**

A sustainable and credible policy approach to the management of migration also requires addressing the issue of irregular migration. The EU is tackling the issue through specific measures targeting employers who hire undeclared migrant workers and by seeking to setup a humane and effective return policy, in line with the Charter of Fundamental Rights. It is also targeting human trafficking networks and smugglers who take advantage of un documented persons.

#### **16. MANAGING MIGRATION THROUGH PARTNERSHIP WITH NON-EU COUNTRIES**

Building dialogue and partnerships with countries of origin and transit, based on solidarity and shared responsibility, is also an essential aspect of the common EU approach to migration. The Global Approach to migration and mobility, renewed in November 2011, is to be regarded as the overarching framework for the EU external migration policy, complementary to the EU foreign policy and development cooperation. Finally, the overall efficiency of the Global Approach is also linked to its financing. Consequently, the Community funding instruments, as well as those of the Member States and other outside sources, must be reviewed and their use improved.

#### **17. POLICY RECOMMENDATIONS**

There are many tools to advance integration and to improve European economy. We understand well the importance of early childhood education, and what kinds of programs can bridge the gap between immigrant and native children. We know as well the importance of finding a job in the integration process. We know how to recognize immigrants' skills better, and how to provide the right kind of vocational training. We know how to ward off discrimination in hiring. The good news is that, if we get integration right, we will be far more likely to carry on with more open minded. Immigration policies.

1. Asylum abuse from EaP nationals, in particular from Ukrainians, represent only a limited threat and should not be a limit to migration and mobility In 2011/2012 there were roughly 300,000 asylum applications submitted to the EU. The most quantitatively significant applications from EaP nationals came from Georgians (over 7,600, 10th place) and Armenians (7,000, 16th place). Yet, two nationalities that rank the highest among migrant workers and visitors to the EU, i.e. Ukrainians and Moldovans, were at the bottom of the asylum application rankings. The fear of asylumab use from Ukrainians, should they have more gateways for entering the EU, is not grounded: people who do not come from post-conflict areas usually choose gateways other than asylum.
2. The EU should develop its attractiveness in the on-going competition with Russia for talents and mid-skilled workers the global hunt for the highly skilled is now on. Eastern Europeans are overall

well educated and as populations have higher level of skills than other, less developed regions of the world. The human capital of the region has been, however, underutilized, not least in the destination countries. Both Russia and the EU have been unable to make proper use of migrant workers. However, in 2010 Russia introduced a special policy to attract highly-skilled workers, offering important facilitations and incentives. There is no similar programme at the EU level and national-level initiatives are scarce: the UK, Sweden and Denmark being, to some extent, exceptions.

## **18. CONCLUSION**

Concerns about immigration and the rising visibility of minorities have triggered a lively scholarly debate on the consequences of ethnic diversity for trust, cooperation, and other aspects of social cohesion. There are many ways to bring about integration and to improve the host economy. The importance of early childhood education, and what kinds of programs can bridge the gap between immigrant and native children will be key in creating a homogeneous society. We also do know the importance of finding a job in the integration process as pivotal to seamless interactive society. Recognizing immigrants' skills better, and providing them with the right kind of vocational training will be a part of the tools used in bringing about Integration. With the right kind of Integration, we will be far more likely to carry on with more open minded immigration policies while warding off discrimination in hiring. The field of Migration and Integration politics is hence a key example of the more general finding that globalization and trans-nationalization must not necessarily imply a decline of cross-national differences. To the contrary, cross-national differences are often brought more clearly to the surface by the divergent national processing of similar transnational problem

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