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13. Regional integration and migration in the European Union

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INTRODUCTION

Throughout history migration has been a defining characteristic of European society, visible in networks of soldiers and tradesmen stretching across the Roman Empire, in patterns of commerce between the continent's medieval city-regions or in flows of refugees escaping persecution and destruction during two world wars. Nevertheless, despite this long history of population movements it is the politics of immigration in the second half of the twentieth and the early twenty-first centuries that deserve particularly close inspection. During this period, much of the continent has taken part in the development of the European Union (EU), a common system of governance, bundling the member states' economic and political authority in binding treaties and shared institutions. At the same time, leaders of many European states have also made increasingly significant efforts to control and manage the arrival of migrants to their countries, whilst often criticising the EU for weakening their own border controls and increasing the arrival of undocumented immigrants and organised crime in their countries (see, e.g., *Guardian* 2012). International migration and the development of the EU have thus together been interpreted as an affront to the sovereign control of national governments, to determine who can reside in their space, aggravating the deterritorialisation or undermining of the nation state by globalisation (Joppke 1998; Sassen 1996; Soysal 1994).

In response to such concerns, member states and EU institutions were understood by researchers to have looked to build a 'Fortress Europe' through a securitised policy approach aimed at restricting migration and strengthening border controls. Indeed, the lexicon of Fortress Europe has also entered the popular imagination, featuring often in press reporting¹ as well as studies on the topic (e.g. Carr 2012) and even being voiced by security guards and non-governmental organisation (NGO) practitioners (Feldman 2012: 86–8). Nevertheless, it should be noted that the regulation of migration has not only focused on restriction. On the one hand, mobility within the EU has been a central interest in the establishment of a

common internal market of free movement of goods, capital, services and workers. On the other hand, although policies aimed at controlling the arrival of third-country nationals (from outside the EU) may have been motivated initially by restricting their access (Boswell 2003; Guiraudon 2000; Huysmans 2000; Lavenex 2006; Schierup et al. 2008), they should now be seen as part of a selective process of allowing some groups of migrants to enter and move between member states whilst restricting the movement of others.

This chapter gives an overview of the relationship between the economic and political integration of the EU and the development of an increasingly elaborate shared framework of migration policies. In doing so, it addresses two main issues. Firstly, it explores the key terms of the EU's migration policy. Much scholarship has emphasised the development of security measures to attempt to manage the movement of people into and within the EU. Yet, although security represents a significant part of the common migration policy, controls on migration to the EU have arisen at the same time as there have been efforts to promote mobility within it. Secondly, the chapter explores the role of, and relationships between, supranational institutions and national governments in this field in the complex system of EU governance. The EU institutions, national governments and non-governmental organisations have a stake in today's common EU migration policy, but the capacity of member states to decide who enters and resides in their countries and under which conditions has not been entirely undermined. Rather, the EU has provided important channels and opportunities for contestation and policy change which ministries and departments in national governments have adapted to.

The chapter has three principal sections. Firstly, it presents an overview of theoretical approaches to understanding the integration of the EU and the development of a common migration policy. Secondly, it covers the history of the development of this field. Thirdly, it summarises the findings in the conclusions at the end.

EXPLAINING THE INTEGRATION OF THE EUROPEAN UNION

The EU is a unique organisation in contemporary international relations. At the heart of the European project has been a series of institutions which are considered to be supranational due to having the capacity to pass and uphold legislation which is binding for participating states. This distinguishes it from international organisations. Yet it does not go so far as to become a state, because national governments continue to

hold sovereignty and authority to act independently on a range of policy issues.

The first stages of the process which has come to be known as the integration of the EU arose from the particular conditions found in Europe following the Second World War. The Treaty of Paris, forming the European Coal and Steel Community in 1951, and the Treaty of Rome, forming the European Economic Community in 1957, looked towards the creation of policies and institutions to regulate a common market in specific goods. The foundations of the common market would be defined as the freedom of movement of goods, services, capital and people among states in the Community. Further specific policies to achieve the common market came as part of Economic and Monetary Union in the 1990s and the implementation of a single currency, the euro, entering into circulation in 2002 and currently (at the time of writing in 2015) in use in 18 member states. Over this time, the early institutions of the 1950s have merged into a shared administration (the Commission) with an accompanying European Court of Justice and a directly elected European Parliament, as well as bodies for the representatives of national governments in the form of the European Council and the Council of Ministers. Today, the EU covers an 'area of freedom, security and justice' which has been enlarged to a total of 27 member states and has influence in a considerable range of economic, political and social policy fields.

European studies have often sought to explain this process of economic and political integration through the lens of either neofunctionalism or liberal intergovernmentalism. Neofunctionalism, on the one hand, describes integration as a gradual and progressive shift of political authority from nation states to a supranational political community. In the words of E.B. Haas, this is driven by political actors and non-governmental elites being 'persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions demand jurisdiction over the pre-existing national states' (Haas 1958: 16). Integration occurs through spillover, whereby cooperation in one area results in unforeseen implications which bring about a need for increased cooperation in other areas. The establishment of supranational institutions thus sees them take on a life of their own in order to resolve subsequent problems and increase their power (Niemann and Schmitter 2009: 48). On the other hand, liberal intergovernmentalists describe integration as the outcome of specific negotiations between nation states (Moravcsik 1991, 1993, 1998). This view assumes that states are the principal actors in international relations and that their policy positions are based on aggregated domestic interests. States agree to integration in specific policy areas, this view holds, because the EU provides an opportunity for them to reduce transaction

costs for their domestic interests. Cooperation is the result of intergovernmental bargaining, and when this results in sovereignty being given up to supranational institutions it is because states have chosen to delegate it in exchange for benefits for their constituents (Moravesik 1998).

This is not the place to enter into an extended review of the merits and shortcomings of neofunctionalism and liberal intergovernmentalism (indeed, this has been done elsewhere, such as in the chapters of Wiener and Diez 2009). Nevertheless, it is important to note that the study of common approaches to migration policy in the EU demands a more nuanced perspective beyond the neofunctionalist–liberal intergovernmentalist dichotomy. The difficulty lies primarily in the way that these paradigms emphasise the role in EU policymaking of *either* the member states *or* supranational elites and institutions. Yet europeanisation has opened up channels and opportunities for political actors, sometimes from national governments and sometimes not, to develop shared approaches to common policy problems. For example, Geddes has shown how the EU institutions have opened new spaces for ‘transnational advocacy’ groups to mobilise politically and make demands for migrants’ rights (Geddes 2008). He argues that the technocratic nature of the Commission, the Court of Justice and the Parliament means that they have been more amenable to technical expertise than national governments, which were susceptible to public opinion. At the same time, moreover, it has been noted by others that the EU migration field has also responded to the interests of member states by facilitating the expansion of a security-based agenda aimed at controlling migration (Kostakoupoulos 2000; Talani 2014). In this vein, Guiraudon has shown that the EU could become the chosen arena for cooperation on migration issues due to the presence of flexible and informal groups of decision-makers in Brussels, which provided civil servants from national interior ministries with an opportunity to develop a shared approach to migration, asylum and crime-related issues whilst avoiding constraints posed by national judiciaries, excluding potential adversaries and being able to co-opt allies in sending and transit countries (Guiraudon 2000: 261–8). This has been termed ‘venue-shopping’. Guiraudon (2000: 268) concludes that ‘it is misleading to consider, as liberal intergovernmentalism does, that domestic actors come to the international bargaining table representing aggregated (domestic) interests. Instead, certain domestic actors bypass the process of interest aggregation by mobilizing in international venues’.

Alternative explanations for the development of a common EU migration policy from the field of critical security studies have adopted a constructivist view. These studies focus on the spillover of political attention from the economic integration of the single market to security concerns

regarding migration control. Nevertheless, rather than suggesting that there is a functional linkage between these policy fields, these studies argue that spillover is the result of the construction of shared understandings of migration as a security threat by national political actors, which justify the expansion of their control over freedom of population movements (Bigo 2005; Huysmans 2000, 2006). In particular, Huysmans has examined how the 1980s saw migration become increasingly associated with concerns regarding public order, the future of the welfare state and the cultural composition of the nation in policy debates in Europe (Huysmans 2000: 756). Migration was understood as an existential threat to nation states which required security policies and measures in response due to the development of the internal market and the concern that the abolition of internal borders would result in a loss of control and rule of law (ibid.: 758). As noted also by Guiraudon, this was not a response to functionally linked, existent policy problems, but rather an anticipation by members of national governments of future possible problems associated with a loss of control through the formation of the single market whilst responding to anti-immigrant sentiment in their national political constituencies (Huysmans 2000: 252–4). As per Guiraudon's argument, Huysmans demonstrates that national interior ministries pushed the first stages of cooperation on migration policy through informal Brussels-based groups in which they explicitly linked freedom of movement to security, enabling states to point the direction of migration policy.

The securitisation literature urges us to adopt a perspective which does not view states or EU institutions as unitary bodies, but rather looks at how actors from nation states have managed to develop new methods of migration control through the opportunities presented in Brussels. More recently, such internal workings of the EU institutions have been illustrated in detail by Feldman's notion of a 'migration apparatus': a political and social system made up of public and private actors in member states, EU agencies and national governments of third countries who come together and learn to speak a common language of migration management (Feldman 2012). Feldman notes that the EU, as with other contemporary governance systems, 'shifts the responsibility of public order away from the classic centralized administrative state – the *raison d'état* [sic] – and toward a plethora of other agencies that encourage individual productivity, normality and entrepreneurialism' (ibid.: 13). This does not mean that the state does not matter, but rather that its power is mobilised in multiple, differing ways. Feldman also argues that the EU has now taken on a vital role in the management of migration through the provision of informal arenas for discussion and networking, as well as the production of knowledge through research and monitoring of the

risk posed by migration levels. This creates an ‘agreed upon set of lenses through which they collectively look, so to speak, at the migration situation “on the ground”’ (ibid.: 76). Andersson has also shown how, as well as national governments, a whole industry of private security companies, data analysts and NGOs seeking to benefit from funding made available by the EU has sprung up around a shared view of the risks posed by migration (Andersson 2014). The outcome is what he has called an ‘illegality industry’ in which the emphasis of risks, not only to the places of migrant arrival but also to countries of origin and the migrants themselves, serves to justify ever-increasing financial investment and technological development along the EU’s borders with the global South. With monitoring and control tools now reaching further along migration routes and into multiple countries, particularly in Africa, Andersson suggests that there is little end in sight to this spillover in anticipation of a suggested security threat.

Yet, although controlling the arrival of migrants has undoubtedly been a significant concern (Boswell 2003; Guiraudon 2000; Huysmans 2000; Lavenex 2006; Schierup et al. 2008), the securitisation literature adopts a narrow view of the rationality of political actors by assuming that they only wish to restrict and control population movements. Indeed, security-based migration policies in the EU have been accompanied by a selective process of allowing some groups of migrants to enter and move between member states whilst restricting the movement of others (Boswell and Geddes 2011; Geddes 2008). As highlighted by Menz, for example, there has been a structural transformation of European states and the EU which has promoted a greater involvement of private actors in both migration control and collaboration between employers and policymakers on economic migration policy (Menz 2009). Hence, ‘the neoliberalized European state does not lose sovereignty, nor does it endorse restrictive immigration policy. It outsources certain control functions to private sector actors, while at the same time opening itself to the input of organized business’ (ibid.: 329).

Similarly, Boswell and Geddes have advocated greater awareness of the varied dimensions of migration policy in the EU in order to understand the ‘paradox of Europe’s borders’, which they describe as the way that ‘the EU and its member states are simultaneously removing some borders, relocating others and building new ones’ (Boswell and Geddes 2011: 12). For them, different parts of political systems have different ways of deriving legitimacy from the decision-making process, whether talking about policy problems, choosing from their set of possible policy choices or implementing decisions in practice. In the contemporary EU there is such a range of agencies, interest groups and media, as well as national government departments, that policies are contested at each of

these stages (ibid.: 48). Thus, as also noted by Simon Hix, ‘as in all democratic polities, demands in the EU arise from a complex network of public and private groups, each competing to influence the EU policy process to promote or protect their own interests or desires’ (Hix 2004: 3). Similarly, Wallace has noted that ‘the longer history of what we now know as the European Union is one of more segmented political contestation and engagement on specific policy issues – among states, within states, and across states’ (Wallace 2010: 349). As a result, in order to understand migration policy outcomes, our analysis must view not only how immigration is constructed and with what effects, but how this is grounded within and channelled by the varying political opportunities at different levels of governance in the EU. With this in mind, I will now look at the specific development of migration policies.

A COMMON MIGRATION POLICY

This section presents an overview of the development of migration policies within the EU. There is unfortunately not enough space to cover all of the areas of migration policy in detail, although this has been done effectively elsewhere (e.g. Boswell and Geddes 2011). The aim here is rather to highlight a prevailing concern with security in migration cooperation as well as the relationship of this to mobility and the creation of a common market characterised by free movement, whilst drawing out the relationships between states and EU institutions in this field.

Early Beginnings

During the early years of the European project, there was little cooperation on international migration, although the seeds were sown of some of the key characteristics of the contemporary migration field. During the 1950s and 1960s migration was desired in many European countries, above all in the Northern European ones of the United Kingdom, France, Germany, Belgium and the Netherlands (Boswell 2003; Huysmans 2000; Schierup et al. 2008). They maintained their own migration policies, often distinguishing between countries of origin according to whether they had previously had a colonial relationship with them. Formal labour opportunities and employment contracts were often offered in the society of origin, although undocumented migrants could also find opportunities in their host societies. For example, Huysmans (2000) has noted that agencies in France specialised in recruiting foreign workers in the country of origin without necessarily following legal immigration procedures. These

migrants constituted a cheap, efficient and beneficial workforce to their host societies' redevelopment following the Second World War, although their presence was intended to be temporary. As a result, there was little interest in cooperation to regulate migration flows from such countries.

Nevertheless, this view subsequently changed, with national governments increasingly looking to cooperate on border control measures at the European level. In a context of economic recession and high unemployment in the 1970s and 1980s, public opinion and political discourse in many countries associated immigration with labour market competition and welfare dependency (Schierup et al. 2008). Control and security platforms saw national politicians promise to close national borders to immigrants (Huysmans 2000). At the same time, Regulation 1612/68 (in 1968) outlined the capacity of any national of a member state, irrespective of their place of residence, to move freely across the European Community for reasons of work. This was accompanied by fears in national governments of negative spillover, whereby reduced control of population movements within the Community would require increased security measures in order to prevent an explosion of cross-border crime, international terrorism and illegal immigration (Boswell 2003; Huysmans 2000; Talani 2014).

The first major inclusion of international migration issues in the European treaties came in 1992, with the Maastricht Treaty. Within the Treaty's structure, a pillar on Justice and Home Affairs (JHA) housed guidelines (not complete policy measures) for asylum, borders, immigrant entry and residence, undocumented migration, international judicial, customs and police cooperation, and international crime. Significantly, the JHA pillar thus grouped asylum and migration with security issues. Decision-making on JHA pillar issues also required unanimity within the Council of Ministers to be approved, keeping power in the hands of national governments.

However, prior to the Maastricht Treaty and against the background of the context noted above, interior ministries of national governments did look to develop common policy responses to migration through examples of flexible cooperation outside of the EU's treaty architecture. Informal forums were formed such as the TREVI Group (1976) and the Ad-Hoc Working Group on Immigration (1986) were formed. The TREVI Group in particular was a space for discussion of the control of borders and the fight against terrorism through enhanced cooperation between law enforcement agencies. These groups enabled national ministries to increase their autonomy and sidestep institutional restraints in national settings, such as judiciaries, opposition groups, and the media and migrant campaigners (Guiraudon 2000; Lavenex 2006). National governments from Belgium, Luxembourg, the Netherlands, France and Germany also signed

the Schengen agreement in 1985, which was designed to ensure the abolishment of internal border checks between them whilst also harmonising external border controls and increasing security checks and information sharing on foreign nationals in their countries. In this way, representatives of national governments were able to develop common approaches to controlling population movements into the EU due to technological developments in data sharing and opportunities for cooperation between interior ministries and security agencies.

The Amsterdam Treaty and Communitarisation of Migration and Asylum?

The Amsterdam Treaty of 1997 nevertheless signalled more of a shift in momentum towards a common migration policy in the EU. In fact, it did so through a split between free movement, visa and asylum policies, on the one hand, and police and judicial cooperation on the other. For the former, after a five-year transitional period the Commission was granted the sole right to initiate policy, and the highest national courts could refer cases to the European Court of Justice. This provided the EU institutions with the space to establish what was called ‘an area of freedom, security and justice’.

However, the policy areas which did not transfer from the control of the Council of Ministers to the European Commission were highly significant for the shape and direction of migration policies that were to come. These were related above all to security issues of terrorism, trafficking, corruption and racism. Perhaps most significantly, the Schengen agreement was incorporated into the Amsterdam Treaty as part of this intergovernmental field.

The Schengen *acquis*, as it became known, claimed to establish freedom of movement across the Union for nationals of member states as well as third-country nationals in possession of a valid visa for one of the member states, provided that they fulfilled the entry conditions (except for in the UK, Ireland and Denmark, which were able to opt out). However, at the same time it also contained a range of security measures to oversee and control population movements. An Executive Committee was formed for the harmonisation of external borders, whilst internal security controls were bolstered by a shared Schengen Information System (SIS), which holds an enormous amount of information on movements ranging from missing persons and undesirable migrants to stolen property. It has been stated that the SIS holds around 700 000 records of people who have been found to be ‘illegal’ and refused entry to the Schengen area, for example (Broeders and Hampshire 2013: 1209). There was also cooperation between police forces, cooperation between legal authorities, cooperation

on countering drug trafficking, and harmonisation of rules on extradition. This has led Bigo to comment that Europe is not territorial, and the frontiers of the EU are not fixed nor physically 'real', but rather spread throughout society in the form of police cooperation, identity documents and information sharing (Bigo 2005: 59). Since 2006 this has been further developed through the Schengen Borders Code (SBC) (Regulation (EC) 562/2006), which has set out common rules on checks and controls at external border crossings, and an updated information system (SIS II) demonstrating how the Schengen agreement continues to represent the foundations of EU migration and border control legislation.

For member states, the Schengen agreement's inclusion in the treaty framework has rendered the interdependencies between them more explicit. Border control decisions of one country have potential knock-on effects in others: border controls are no longer in the exclusive interest of the member state at whose external borders the control is supposed to occur, as migrants may move between states once they have obtained a visa in one country (Carrera et al. 2011). In the EU's legislative jargon, this means that the principle of subsidiarity (that decisions on entry to the EU take place at the point of entry), is also underpinned by a principle of responsibility (that decisions should take into account the possible implications for other member states). To compensate, national governments are at times able to act independently within the Schengen framework, restricting entry and free movement at internal borders and revoking the permission given in other member states when justified as a security issue or when immigrants are without sufficient means for subsistence. These powers have been evoked repeatedly by a range of member states, and despite demands since the passing of the Lisbon Treaty for the Commission and Parliament to be consulted in such cases, at the time of writing in 2013 it continues to be a member state's prerogative when to reinstate internal border controls (Carrera et al. 2011; McMahon 2012).

A common asylum policy, known as the Dublin Convention, was also incorporated into the treaty architecture in 1997. This set out a framework for ensuring that asylum seekers could apply to only one member state. It was supported from 2003 by data gathering and sharing through the Eurodac database, which registers the biometric data of all asylum applicants in EU member states, checking them against previous applications to ensure there is no repetition (Broeders and Hampshire 2013). Nevertheless, the terms and conditions of granting asylum continued to be the responsibility of national governments, and acceptance rates, timescales for decisions and rights of asylum applicants varied from one country to another (Triandafyllidou and Gropas 2007).

Despite this increasing cooperation, the result for migrants was a lack

of a clear supranational structure setting out and protecting their rights (Talani 2014). This has been seen by many as representing the continued dominance of national governments to restrict the access of third-country nationals to their countries (Guiraudon 2000; Huysmans 2000; Talani 2014; Ugur 1995). At the same time it facilitated a distinction separating policies pertaining to the free movement of nationals of member states (responsibility of the Commission) from those referring to third-country nationals (driven by national governments).

Beyond Schengen

The developments discussed so far have concerned an increase in migration policy measures within the EU and along its borders. However, there has also been a push for migration controls beyond the Schengen space, involving a range of agencies and third-country governments. These are significant because they highlight how the roles of supranational institutions and national governments have increasingly become intertwined with broader networks of non-governmental agencies and neighbouring states. They also illustrate the way in which the image of Fortress Europe being surrounded by an insurmountable outer wall can be somewhat misleading; migration controls have been operationalised not simply by establishing physical boundaries at the edges of the EU's outermost member states, but by measures in a range of locations within and outside of Europe. This is particularly clear in the case of the EU's border agency Frontex and its cooperation with sending and transit countries (European Council, Tampere SN 200/99, 15/16 Oct 1999).

Frontex was originally established in 2004 (Council Regulation 2007/2004), yet it does not 'govern' the borders of Europe. Rather, its key tasks are surveillance of the 'external borders' of Europe, risk assessment, research and training of border guards. This is achieved through coordinating national and EU systems and responding to member states' calls for support in emergencies to 'help border authorities work together' (Frontex 2012). This includes providing material resources through innovations such as Rapid Border Intervention Teams (RABITs) of national border guards which can be sent to work in 'crisis situations'. Frontex's research and risk assessment reports are also important tools for 'dramatising' migration issues and giving the image of Europe under threat, as well as defining the common language and metrics that give coherence to the disparate policies and processes in place across Europe (Andersson 2014; Boswell and Geddes 2011; Feldman 2012). In this way, Frontex constitutes a network of connections between national and EU-level material infrastructures and policy officials (Feldman 2012: 85). As noted by

one official in an interview with Feldman, 'we are not building a Fortress Europe. We are not building walls. We are establishing connections with transit countries' (quoted in Feldman 2012: 87). Member states can therefore use Frontex as a source of economic and material resources to control migration, but they must make the choice to come forward and apply for them.

At the same time, the EU's migration control efforts have expanded into an 'external dimension'. Originally mentioned in a Commission communication in 1994 (Geddes 2008: 177) and established in a High Level Working Group in 1998, the externalisation of migration control involves shifting border management and migration deterrence measures to third countries. This 'external dimension' of EU immigration and asylum policy has been composed of different aspects. There are classical migration control instruments such as border controls; measures to prevent undocumented migration, smuggling and trafficking; capacity-building of asylum systems; and migration management in transit countries being 'exported' to sending countries and future member states as part of the accession process; as well as the return of asylum seekers and undocumented migrants being facilitated through readmission agreements (Boswell 2003: 622). There are also preventive approaches by which development aid, the European Neighbourhood Policy and foreign policy tools are brought into a framework of preventing cross-border movement of people by tackling the root causes of migration. Migration control thus moved, quite literally, beyond the limits of the Schengen space.

These developments can be seen as an original step towards controlling immigration by tying it to socio-economic development in host and transit countries. Yet they can also be understood as a continuation of the venue-shopping of interior ministries that led to the delegation of capacities to the EU level in the 1980s and 1990s (Boswell 2003). Just as national judiciaries could be sidestepped through informal and secretive arrangements in the Council of Ministers and on an ad hoc basis between national governments, so too could the NGOs, human rights agencies and journalists of Brussels be avoided through the moving of decisions and procedures to third countries. This has resulted in controversial agreements with countries such as Libya with a suspect human rights record and questionable government practices (Hamood 2008; Paoletti 2011).

External migration controls have also come about as part of a wider series of bilateral treaties and conditionality agreements tied into the EU's increasing role in international political and economic cooperation, as is particularly clear in developments in its southern neighbourhood (Paoletti 2011). The Barcelona Declaration of 1995 between the EU and countries in the Southern Mediterranean area illustrates how economic relations,

international development and security could be tied together under the banner of migration management. It proposed Euro–Mediterranean cooperation to reduce migratory pressures through vocational training and job creation, whilst also seeking to fight against illegal immigration through readmittance procedures. Tunisia was the first Maghreb country to ratify its association agreement with the EU, and it also signed a readmission agreement for undocumented migrants in 2009 (Frontex 2011). The EU also agreed to grant funding to Libya for restricting access to migrants along the primary land-based migration route from sub-Saharan Africa to Benghazi, Tripoli and then Italy (Di Bartolomeo et al. 2011). This was followed in 2010 by a Memorandum of Understanding and a Migration Cooperation Agenda between the EU and Libya, offering an investment of €60 million for the period of 2011–13 to improve public services in the country, as well as capacity-building of maritime search and rescue, readmittance procedures, and measures to restrict irregular migration with Niger to the south and the EU to the north (European Commission 2010). These efforts to restrict migration flows resulted in irregular departures from Libya’s coastline stopping almost entirely in 2010 (Frontex 2011), although they were tested during the opening months of 2011 when unrest and political change in Tunisia and Libya resulted in the removal of coastal border patrols and repatriation agreements in these countries, heralding the arrival of thousands of migrants on the small Italian island of Lampedusa (as examined by McMahon 2012).

Such measures reflect how a range of agreements between migration sending countries and EU member states (primarily concerned with repatriations), as well as with the EU itself (principally on economic development) contribute to a European approach to migration control. As a result, the common policies and measures designed to manage migration to the EU are perhaps better imagined as a network or web of control measures dispersed throughout known migration routes, rather than the fixed and clearly defined wall of a fortress. This network is maintained through a range of international relations between the EU, its member states and third countries. Migration management in the EU’s neighbourhood is thus now linked with questions of economic relations and international development as well as security.

Mobility and Selectivity

This chapter has focused predominantly so far on security measures to restriction migration to the EU. In reality, however, the EU and its member states have sought to control types of migration, rather than restricting all. It is particularly important to note that the security

perspective vis-à-vis third-country nationals has evolved at the same time that barriers to mobility between member states have been reduced. This illustrates how early developments in migration policies have been inseparable from the process of internal liberalisation of the single market.

Even the early developments of a common migration policy were clearly divided between movements between member states and those from outside the member states (migration of third-country nationals). Whereas the former were outlined in European treaties, the latter remained in the hands of national governments. The free movement of persons across national borders was established as a fundamental objective of the European Community in 1951 with the Treaty of Paris. At Rome in 1957, this would be summarised in the collection of free movement rights, made up of the right to move freely within Community territory in order to accept employment, to reside in another member state for the purpose of employment, and to continue residing in a member state after having been employed (Maas 2007: 12). As noted briefly above, Regulation 1612/68 further defined this as any national of a member state, irrespective of their place of residence, having 'the right to take up an activity as an employed person, and to pursue such activity, within the territory of another Member State in accordance with the provisions laid down by law, regulation or administrative action governing the employment of nationals of that State', as well as having 'the right to take up available employment in the territory of another Member State with the same priority as nationals of that State'. The removal of borders to the mobility of Europeans between member states was thus framed as a question of labour market liberalisation within the broader process of achieving a common market.

Free movement and the rights of nationals of member states was contained within a concept of citizenship of the EU under the Maastricht Treaty of 1992, according to which 'every person holding the nationality of a Member State shall be a citizen of the Union'. This brought a bundle of rights under the banner of European citizenship, including being able to reside and use services and welfare benefits across the member states, to vote and stand in municipal and European Parliament elections, and to be treated as equals with the native population, applicable to citizens of the EU. These were added to in 2004 by Directive 2004/38/EC which covered the rights of EU citizens and family members to move across the EU and reside freely in member states (Boswell and Geddes 2011: 177). EU citizens can also appeal directly to the European Court of Justice, which can make decisions constraining the sovereignty of member states' courts (2011: 176). Yet EU citizenship has been criticised as insufficient to be considered a true concept of citizenship. For some, it rather signifies merely a series of market-oriented rights. Indeed, all EU citizens must demonstrate that

they have sufficient means to support themselves and do not pose a threat to security, health or public policy, with the consequence being possible removal from the host member state. If they wish to reside in a member state for more than six months, EU citizens must also be engaged in economic activity or self-employed, in vocational training, have sufficient resources or be a family member of a national citizen. As noted by Boswell and Geddes (2011: 178), these conditions ‘reveal the economic impetus that underlies the mobility and free movement framework’. Yet perhaps most importantly, citizenship of the EU is dependent on being a citizen of one of the member states: membership of the EU citizenry is only available to those granted membership of the national polities of the states.

Finally, this economic focus can also be seen in developments since the Lisbon Treaty in 2009. This incorporated migration and asylum into the range of ‘normal’ issues with the sole right to initiate policies going to the Commission, and qualified majority voting needed from the Council of Ministers rather than unanimity. The European Court of Justice can also annul legislation and rule on EU institutions’ failure to act, and on cases of member states not fulfilling their obligations. As noted elsewhere, ‘far from being a depoliticized bureaucracy or “impartial broker” between Member States [the Commission’s Directorate General for Justice, Freedom and Security] developed a clear set of preferences’ (Boswell and Geddes 2011: 63). This has included promoting human rights and international law as well as favouring the harmonisation of national policies. One example is how the Commission has shown itself to be favourable towards a selective approach to facilitating highly skilled migration, as noted by the then-director Manuel Barroso’s statement when launching an EU Blue Card visa scheme:

Labour migration into Europe boosts our competitiveness and therefore our economic growth. It also helps tackle demographic problems resulting from our ageing population. This is particularly the case for highly skilled labour. With today’s proposal for an EU Blue Card we send a clear signal: highly skilled migrants are welcome in the EU!²

The Blue Card he mentioned was included within the Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, which granted highly skilled workers a range of rights related to free movement and non-discrimination, similar to long-term residents. The Directive does not, however, alter the fact that levels of migrant admissions continue to be decided by national governments. Indeed, the Lisbon Treaty states in Article 79 that migration measures ‘do not affect the right of Member States to determine volumes of admission of third-country nationals coming from

third countries to their territory in order to seek work, whether employed or self-employed'. The Commission has, rather, provided an opportunity to incentivise migrants by increasing the attractiveness of moving to Europe.

CONCLUSIONS

This chapter has examined the development of a common approach to migration in the EU. A clear migration policy field has developed in Europe, and this is of particular interest to studies of international political economy. The EU is a unique example of regionalisation within globalisation, due to the capacity of supranational institutions to pass legislation that is binding for the member states. Nevertheless, as has been shown here, the integration of the EU has not simply undermined the capacity of the nation state to determine international migration policies.

The literature from European studies has typically focused on a dichotomy between neofunctionalist and liberal intergovernmentalist explanations of integration which do not appear to adequately explain the development of migration policy in the EU. For example, despite the motivation for cooperation coming from representatives from national governments in interior ministries, this was not an expression of an aggregate national interest but rather an effort by certain elements of national governments to circumvent national constraints. Although the treaty architecture has set out the guidelines and terms of internal movement and external borders in the Schengen *acquis*, member state governments have discretion in establishing limits on free movement. Whilst the border agency Frontex has played a significant role in building a common language, interpretive lenses and monitoring tools used to understand border controls and undocumented migration, it only coordinates national governments and supports them with resources when they apply for them.

In contrast, the migration studies literature has often interpreted the development of the European migration field described in this chapter through the lens of securitisation. Indeed, security concerns arose in anticipation of a supposed loss of control of population movements with the establishment of the single market, have motivated developments from the TREVI Group to Schengen and Dublin. These studies effectively show how actors within and across national and EU-level governance structures have developed a consensual view on the apparent security threat posed by international migration. Yet, if we focus solely on the securitisation of migration, then we lose sight of the role that economic concerns have also played. This is particularly visible in relation to areas in which the Commission has been able to exert influence, such as free movement

within the single market and international development in the EU's southern neighbourhood, but this is not all. Indeed, the free movement of workers across the EU was defined and agreed by member states in order to support the development of the free market. In order to qualify for this right, individuals must first be citizens of member states, which is a status determined and granted by national governments.

In this way, security and the economy concerns can be seen as key drivers of the development of an EU migration policy field. As this chapter has shown, national governments have played a central role, although decision-making processes are now often channelled through institutions and agencies at the EU level. EU institutions and agencies with a stake in the governance of international migration are therefore intertwined with the national governments that created and defined them. In the face of the metaphor of the fortress conjuring up images of an imposing wall manned by a unified European border force, migration controls are rather better envisaged as an apparatus (Feldman 2012) built up by complex interplay among institutions and agencies, and enforced through identity documents, databases, repatriation agreements, control measures and so on, within and far beyond the territorial limits of the EU's member states. These have expanded, whilst certain types of mobility have been promoted, particularly that of EU citizens and, more recently, highly skilled international workers. The development of migration policies in the EU thus marks the establishment of a complex governance system which does not necessarily undermine the state, but rather channels its actions and provides opportunities for national political actors to manage and select types of migration in accordance with their security and economic concerns.

NOTES

1. See, for example, *Financial Times*, Fortress Europe: Immigration, 14 June 2011, *Spiegel*, Fortress Europe: How the EU Turns Its Back on Refugees, 9 October 2013, available at <http://www.spiegel.de/international/europe/asylum-policy-and-treatment-of-refugees-in-the-european-union-a-926939.html> (accessed 17 September 2014). The British newspaper the *Guardian* even has a dedicated section to its online edition titled 'Fortress Europe', bringing together articles on migration, available at <http://www.theguardian.com/world/series/fortress-europe> (accessed 17 September 2014).
2. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1575>.

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