

# **THE MOVEMENT OF THIRD COUNTRY NATIONALS IN THE EU**

## **LAW AND PRACTICE**

**Presentation by**

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**at the GCSP, 23 January 2013**

# THE SCHEME OF THE TALK

**Setting the stage:** Interception at high seas, limits to return under the Dublin regulation

## Theoretical introduction

- From freedom of movement for workers to the freedom of movement of the citizens (of the EU)
- The new meaning of security

**The system of the acquis and categories of the affected persons**

**The movement of third country nationals** across the borders and within the EU

**Regular** migration

**Illegal (undocumented)** migration

Asylum seekers, **refugees**

# THE BERLIN WALL 1961 – 1989 AND THE FRONTIER AROUND EUROPE

During the Wall's existence there were around 5,000 successful escapes into West Berlin. Varying reports claim that either 192 or 239 people were killed trying to cross and many more injured.

[http://en.wikipedia.org/wiki/Berlin\\_Wall](http://en.wikipedia.org/wiki/Berlin_Wall) visited 25 February 2006

## List of 16264 documented refugee deaths through Fortress Europe

13/06/2012

### Documentation on 13-06-2012 by UNITED

UNITED for Intercultural Action, European network against nationalism, racism, fascism and in support of migrants and refugees

Postbus 413 NL-1000 AK Amsterdam phone +31-20-6834778, fax 31-20-6834582, [info@unitedagainstracism.org](mailto:info@unitedagainstracism.org), [www.unitedagainstracism.org](http://www.unitedagainstracism.org)

found dead	number	name	country of origin	cause of death	source
26/05/12	20	N.N.	unknown	drowned, after an inflatable dinghy on way to Italy started to deflate off the coast of Lybia	Migreurop/LRP
19/05/12	5	N.N.	Anjouan Island, Comoros	drowned, after boat of 43 migrants sank off the coast of Mayotte (F)	Le Monde/AFP/Migreurop
19/05/12	15	N.N.	Anjouan Island, Comoros	missing, after boat of 43 migrants sank off the coast of Mayotte (F)	Le Monde/AFP/Migreurop
02/05/12	1	N.N. (16, boy)	Afghanistan	stowaway, suffocated in a truck into which he had hidden to avoid the border police checks	Migreurop/PICUM/AdnKMP
01/05/12	7	N.N.	Somalia	died in a boat during a week-long voyage from LY to Malta, boat came ashore at Riviera Bay	UNHCR
29/04/12	3	N.N.	unknown	died in car accident while trying to escape a FRONTEX control, 2 migrants and the smuggler	Migreurop/KTG/TF1/PICUM/Clandestina/Age
28/04/12	1	N.N. (boy)	Egypt	drowned, after being thrown off a boat of 80 by smugglers when a patrol boat approached	Migreurop/LRP
26/04/12	1	N.N. (40, man)	Afghanistan	drowned, after being thrown overboard by smugglers dozens of meters from Calabria's coast	LR/Migreurop/PUCUM/FE
12/04/12	1	Alain Hatungimana (man)	Burundi	suicide, killed himself in the Netherlands in fear of being deported with his two children	DutchN/Migreurop/RNW/PICUM/ENAR
29/03/12	1	N.N.	unknown	body found in an advanced state of decay in the rural area of Tichero, Evros Prefecture (GR)	PICUM/Age/Clandestina
17/03/12	1	N.N. (±28)	unknown	drowned while trying to cross Evros River to enter GR, body found in area of Nea Vissa	PICUM/Age
16/03/12	5	N.N.	unknown	bodies found in boat of 57 on way to Lampedusa (I) rescued by Italian auth. in Lybian waters	PICUM/LR
15/03/12	1	N.N.	unknown	drowned while trying to cross Evros River to enter GR, body found near river in area of Soufli	PICUM
12/03/12	1	N.N. (28, man)	Eritrea	rolled over by the truck he tried to hide under to leave Greece, near the new port in Patras	PICUM/patrasT
29/02/12	1	N.N. (man)	Egypt	died of hypothermia, body found in a warehouse in the area of Korinthia (GR)	PICUM/Proto
21/02/12	1	N.N. (±20, woman)	Africa	died of hypothermia while trying to leave TR via Evros River, body found near Orestiada (GR)	PICUM/Infomob/Skai/Clandestina
21/02/12	1	N.N.	Sub-Saharan Africa	drowned while trying to enter Ceuta (E) by swimming along the coast from Morocco	MUGAK
21/02/12	1	N.N. (±23, woman)	Africa	body found by border guards in the Evros River (GR)	MNS
10/02/12	1	N.N. (±40)	unknown	died of hypothermia while trying to cross Evros River to enter GR, body found near Tichero	PICUM/Rizo
07/02/12	1	N.N. (25)	unknown	died of hypothermia in Health Centre of Soufli after crossing Evros River to enter Greece	PICUM/Skai
07/02/12	3	N.N. (±20)	Afghanistan	stowaway, suffocated on an Italy-bound truck and abandoned by smugglers near Parga (GR)	MNS
06/02/12	3	N.N. (±20)	Afghanistan	stowaway, died of asphyxiation in truck on way to Igoumenitsa (GR), a port leading to Italy	PICUM/TVXS
29/01/12	1	N.N. (29, man)	Iran	suicide, found hanged in asylum seekers house in Wurzburg (D), was in cure for depression	HRS/SD/MainPU4IB/SOS/Karawane
25/01/12	15	N.N.	Somalia	drowned, after their vessel of 55 migrants sank, bodies found off the coast of Misrata (LY)	MNS
25/01/12	40	N.N.	Somalia	missing, after their vessel of 55 migrants sank off the coast of Misrata (LY)	MNS
22/01/12	1	N.N. (±25, man)	North Africa	body found floating in an advanced state of decomposition 7 miles from Cabo de Palos (E)	MUGAK/Verdad
15/01/12	15	N.N. (12women; 2men; 1baby)	Somalia	bodies found on Libyan beaches after shipwreck of boat part of 4 boats group on way to I	PICUM/FE/TimesM/AFP/JW
15/01/12	1	N.N.	Somalia	found dead alone in shipwrecked boat that was part of group of 4 boats on way from LY to I	PICUM/FE/TimesM/AFP/JW

Source: <http://www.unitedagainstracism.org/pdfs/listofdeaths.pdf>

visited 13 September 2012

**Hirsi Jamaa and others v. Italy**  
**Appl. No. 27765/09**  
**European Court of Human Rights**  
**Grand Chamber judgment of 23**  
**February 2012**

# HIRSI JAMAA AND OTHERS V. ITALY

APPL. No. 27765/09

## GRAND CHAMBER JUDGMENT OF 23 FEBRUARY 2012

### Facts

Eleven Somali nationals and thirteen Eritrean nationals left Libya aboard vessels with the aim of reaching the Italian coast.

On 6 May 2009, when the vessels were 35 nautical miles south of Lampedusa (Agrigento) they were intercepted by ships from the Italian Revenue Police and were transferred onto Italian military ships and returned to Tripoli. The applicants alleged that during that voyage the Italian authorities did not inform them of their real destination and took no steps to identify them.

On arrival in the Port of Tripoli, following a ten-hour voyage, the migrants were forced to leave the Italian ships.

This was the consequence of the entry into force on 4 February 2009 of bilateral agreements concluded with Libya,

Between 6 and 10 May 2009, more than 471 irregular migrants had been intercepted on the high seas and transferred to Libya

# HIRSI JAMAA AND OTHERS V. ITALY

APPL. No. 27765/09

GRAND CHAMBER JUDGMENT OF 23 FEBRUARY 2012

## Legal issues



Did Italy exercise its jurisdiction?

Were the returned persons exposed to the danger of inhuman, degrading treatment or torture in Libya or in Somalia and Eritrea?

## Jurisdiction

### Applicants' claim

Boarding the Italian vessels put them under the exclusive jurisdiction of Italy. According to Italian law vessels flying the flag of Italy fall within Italian jurisdiction

### The government's claim

Italy denied that it had exercised "absolute and exclusive control" over the applicants.

The operation was a „rescue on the high seas of persons in distress”.

**The Court:** In exceptional circumstances states are responsible (exercise jurisdiction) outside their territory,

- if they have **full and effective control** over a place
- if their agents exercise „**control and authority over an individual**”
- + The Italian ship qualifies as Italian territory

# HIRSI JAMAA AND OTHERS V. ITALY

APPL. No. 27765/09

**GRAND CHAMBER JUDGMENT OF 23 FEBRUARY 2012**

## Inhuman and degrading treatment or punishment or torture (Article 3) issues

Two claims of breaching art 3:

- Treatment in Libya
- Potential refoulement to Eritrea and Somalia

### Treatment in Libya

**Applicants (and third party interveners)** : inhuman and degrading conditions in which irregular migrants, notably of Somali and Eritrean origin find themselves.

### Government:

EU encouraged migration co-operation between Mediterranean countries

Libya was a safe host country (sic-BN) Although not a party to the 1951 Geneva Convention. It authorised UNHCR and IOM to operate in Tripoli UNHCR could recognise refugees in Tripoli – another proof that return to Libya did not entail danger

# HIRSI JAMAA AND OTHERS V. ITALY

APPL. No. 27765/09

## GRAND CHAMBER JUDGMENT OF 23 FEBRUARY 2012

### The Court

- If the person to be removed faces a **real risk of being subjected to inhuman or degrading treatment or punishment or torture** in the receiving country then states are **obliged not to expel** the individual to that country
- **Difficulties of states forming the external border** of the EU acknowledged, but that **can not absolve** the states of their obligations under **Art 3** of the ECHR **as they are absolute obligations**
- **Libya did not comply with the rules on protecting refugees**. Asylum seekers and other irregular migrants were not distinguished
- The conditions in Somalia and Eritrea also raise the danger of the violation of Article 3 there.

**Italy breached its human rights obligation by intercepting and returning these migrants on the high seas without investigating their fear of article 3 treatment in Lybia and in Eritrea and Somalia**



# **Return within Europe, under the Dublin system**

**CASE OF M.S.S. v. BELGIUM  
AND GREECE**

***(Application no. 30696/09)***

**European Court of Human  
RIGHTS**

**GRAND CHAMBER JUDGMENT**

**STRASBOURG**

**21 January 2011**

**N. S. (C-411/10) v Secretary of State for the  
Home Department (UK)**

**and**

**M. E. and others (C-493/10) v Refugee  
Applications Commissioner, Minister for  
Justice, Equality and Law Reform, (Ireland)**

**COURT OF JUSTICE OF THE EUROPEAN  
UNION**

**JUDGMENT, 21 DECEMBER 2011**

# ECtHR

-

# CJEU

- Greece subjects asylum seekers to **inhuman treatment and threat of return to persecution** – Belgium ought to have known of the poor treatment and of the threat of no real asylum procedure – it **was obliged not to return M.S.S to Greece**

- „if there are **substantial grounds for believing** that there are **systemic flaws** in the asylum procedure and **reception conditions** for asylum applicants in the Member State responsible, **resulting in inhuman or degrading treatment, of asylum seekers transferred...**” the transfer is prohibited

End of the mutual trust/recognition of EU Member States decisions and treatment

# OVERVIEW - DILEMMAS

# THE IMPACT OF THE IDEA OF SCHENGEN AND THE AREA OF FREEDOM, SECURITY AND JUSTICE (AFSJ)

The fundamental dilemma:

Sovereignty (control, security) - freedom of movement, abolition of borders

Responses:

Up to Maastricht (1992) (sovereignty)

Maastricht-Amsterdam (sovereignty but Schengen and „matters of common interest“)

After Amsterdam (1 May 1999):

Genuine freedom (for EU citizens) with

- flanking measures
- closer cooperation, opt ins and opt outs, i.e. variable geometry

Emerging common policy on regular, illegal and forced migration of third country nationals

Lisbon Treaty (after 1 December 2009) – no substantive change in these fields

# THE NEW PERCEPTION OF SECURITY AND THE SECURITIZATION OF THE DISCOURSE

Military security *replaced* (augmented) by  
internal,  
cultural  
and welfare  
security (Huysmans)  
and a

*security continuum*

developed, perceived as comprising

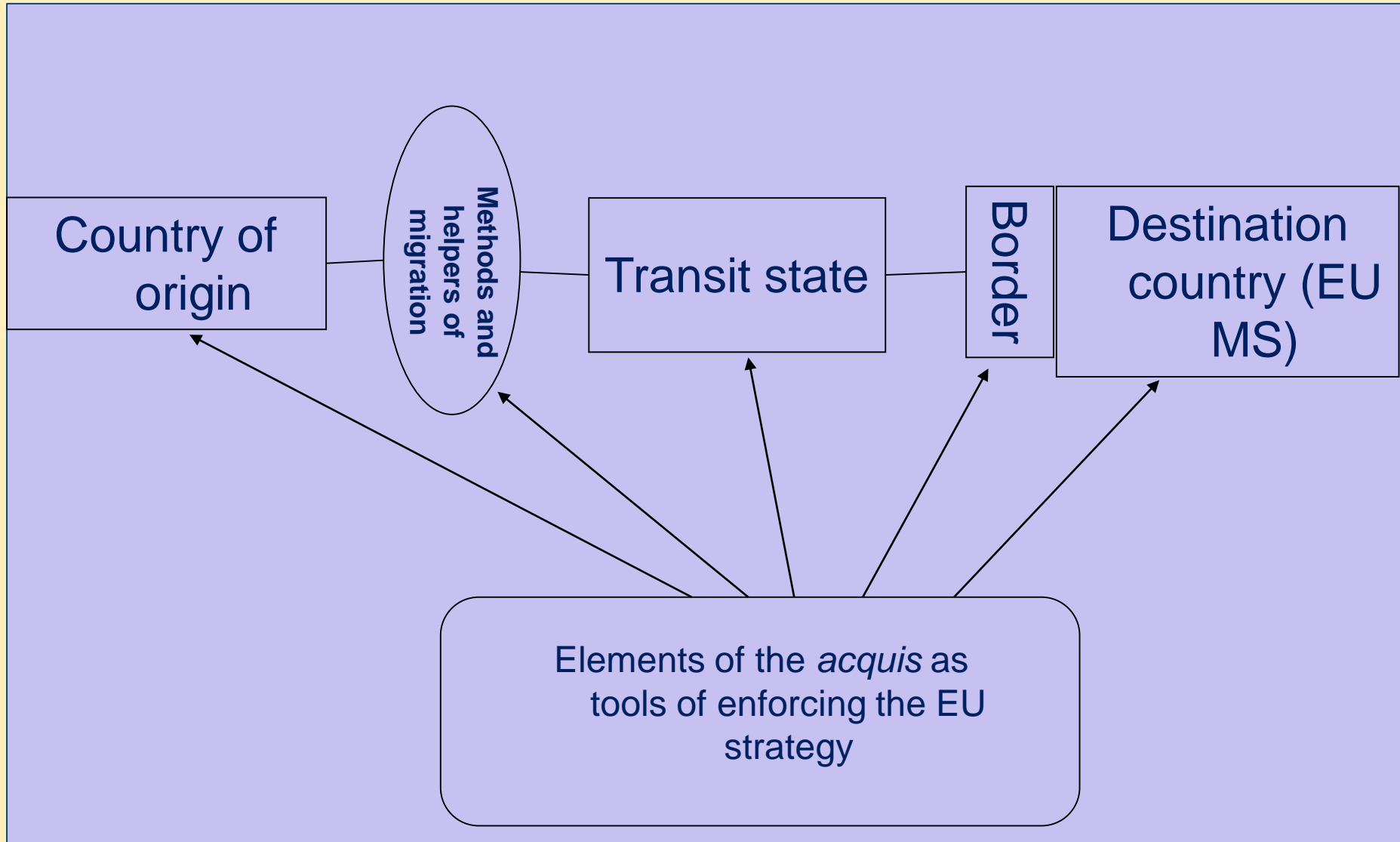
border control- terrorism - international crime -  
migration

(Bigo)

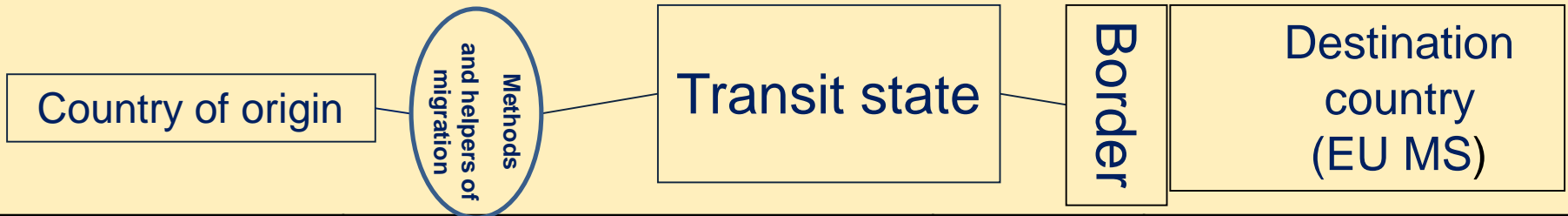
# **MIGRATION**

**AN OVERVIEW OF THE SITES,  
LEVELS AND TYPES OF EU  
RESPONSES**

# PHASES/SITES OF MIGRATION



# DIMENSIONS OF THE ANALYSIS –MAIN ELEMENTS OF THE MIGRATION ACQUIS



Immigration rules (their impact);	Man smuggling, Fight against trafficking		External border Surveillance conditions of crossing; abolition of internal borders Frontex Eurosur	EU Immigration policy - workers, - service providers - researchers, - students - „blue card” – highly skilled - family unification -intra corporate transferees - seasonal workers
Co-operation with third states in the management of migration	Carrier sanctions	Transit visa	Visa; Alerts (Schengen)	Integration Fight against racism, xenophobia and discrimination
Tackling the root causes of asylum seeking	Interception in international waters	Safe third country		Asylum acquis Burden and responsibility sharing
Safe country of origin	Document protection (from falsification)	Return agreements		Cooperation in removal/return

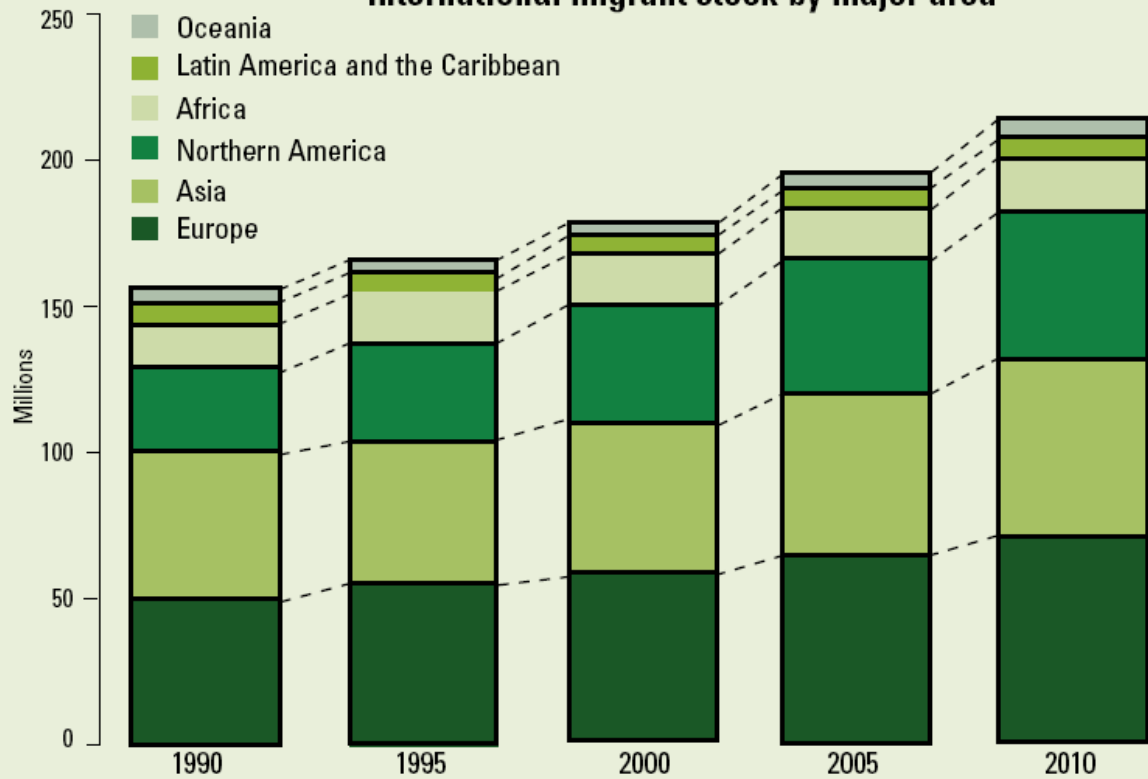


## DIMENSIONS OF THE ANALYSIS – OVERVIEW OF THE JUNCTURES)

Type of migrant ↓	The position of the migrant from the EU's point of view →	<b>Preferred</b>	<b>Reservations</b>	<b>Pawn in the game</b>	<b>Unwanted</b>
Regular		National of the EU MS or of the EEA MS or of Switzerland	New MS, Europe Agreements, Associated states (Turkey)	ACP and Maghreb countries; nationals of states with return agreements; Eastern Europe	Visa rejected
	S. Peer's category:	<b>Market citizen</b>	<b>Worker</b>	<b>„Alien”</b>	
Irregular	Refugee	Resettlement „Quota refugees”  „protected entry”	Asylum seeker arriving directly from the territory of persecution	Asylum seeker arriving through third countries	Intercepted outside the EU; Arriving from safe country of origin; Rejected claimant
	Illegal migrant			Regularisation  Victims of trafficking	Those to be removed or already removed

# THE CONTEXT

## International migrant stock by major area



% of migrants  
in global  
population  
Approx.

1990: 2,9  
2000: 2,9  
2010: 3,2

[http://www.un.org/esa/population/publications/2009Migration\\_Chart/ittmig\\_wallchart09.pdf](http://www.un.org/esa/population/publications/2009Migration_Chart/ittmig_wallchart09.pdf)

United Nations • Department of Economic and Social Affairs • Population Division

Notes International Migration 2009 [www.unmigration.org](http://www.unmigration.org) [www.unpopulation.org](http://www.unpopulation.org)

## Global population

	1950	1960	1970	1980	1990	2000	2010	2020	2030	2040	2050
<b>World</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>8</b>	<b>9</b>
	<b>519 470</b>	<b>023 812</b>	<b>696 588</b>	<b>442 295</b>	<b>279 519</b>	<b>085 572</b>	<b>842 923</b>	<b>577 889</b>	<b>199 104</b>	<b>701 319</b>	<b>075 903</b>

# THE SOURCE OF THE MIGRATORY PRESSURE

## POPULATION CLOCK, 2012

		WORLD	MORE DEVELOPED COUNTRIES	LESS DEVELOPED COUNTRIES
Population		7,057,075,000	1,243,018,000	5,814,057,000
Births per	Year	140,541,944	13,923,718	126,618,226
	Day	385,046	38,147	346,899
	Minute	267	26	241
Deaths per	Year	56,238,002	12,191,662	44,046,340
	Day	154,077	33,402	120,675
	Minute	107	23	84
Natural increase per	Year	84,303,942	1,732,056	82,571,886
	Day	230,970	4,745	226,224
	Minute	160	3	157
Infant deaths per	Year	5,779,276	72,128	5,707,148
	Day	15,834	198	15,636
	Minute	11	0	11

# AGEING

Country or region	60 years or older					
	Number (thousand)		As a percentage of the whole population (percentage)		80 years or older among the 60 or older percentage)	
	2012	2050	2012	2050	2012	2050
	(1)	(2)	(3)	(4)	(5)	(6)
<b>Global</b>	<b>809 743</b>	<b>2 031 337</b>	<b>11</b>	<b>22</b>	<b>14</b>	<b>20</b>
More developed regions	279 287	418 326	22	32	20	29
Less developed regions <sup>b</sup>	530 455	1 613 011	9	20	11	17
Least developed regions	46 389	181 568	5	11	8	10
EUROPE	<b>166 397</b>	<b>241 828</b>	<b>22</b>	<b>34</b>	<b>20</b>	<b>28</b>

Forrás: UN [Department of Economic and Social Affairs](http://www.un.org/esa/population/publications/2012PopAgeingDev_Chart/2012AgeingWallchart.html)

Population Division [http://www.un.org/esa/population/publications/2012PopAgeingDev\\_Chart/2012AgeingWallchart.html](http://www.un.org/esa/population/publications/2012PopAgeingDev_Chart/2012AgeingWallchart.html)

Worldwide in 1950-ben **12** working age persons were there for each 65 years or older person , in 2010 **9**.- By 2050 it will go down to **4**.

<http://www.prb.org/Publications/Datasheets/2010/2010wpds.aspx>

# FOREIGN AND FOREIGN BORN PERSONS IN THE EU 2010

SOURCE:  
EUROSTAT  
STATISTICS IN FOCUS  
AUTHOR: KATYA  
VASILEVA  
34/2011  
p. 2

Table 1: Foreign and foreign-born population by group of citizenship and country of birth, 2010

	Total population (1000)	Foreigners						Foreign-born					
		Total (1000) (%)		Citizens of (other) EU Member States (1000) (%)		Citizens of non-EU countries (1000) (%)		Total (1000) (%)		Born in (other) EU Member States (1000) (%)		Born in a non-EU country (1000) (%)	
EU-27 <i>s</i>	501 098.0	32 493.2	6.5	12 336.0	2.5	20 157.2	4.0	47 347.8	9.4	15 979.9	3.2	31 367.9	6.3
Belgium <i>p</i>	10 839.9	1 052.8	9.7	715.1	6.6	337.7	3.1	:	:	:	:	:	:
Bulgaria	7 563.7	:	:	:	:	:	:	:	:	:	:	:	:
Czech Republic	10 506.8	424.4	4.0	137.0	1.3	287.4	2.7	398.5	3.8	126.4	1.2	272.1	2.6
Denmark	5 534.7	329.8	6.0	115.5	2.1	214.3	3.9	500.8	9.0	152.2	2.8	348.6	6.3
Germany	81 802.3	7 130.9	8.7	2 546.3	3.1	4 584.7	5.6	9 812.3	12.0	3 396.6	4.2	6 415.7	7.8
Estonia	1 340.1	212.7	15.9	11.0	0.8	201.7	15.1	217.9	16.3	16.6	1.2	201.3	15.0
Ireland	4 467.9	384.4	8.6	309.4	6.9	75.0	1.7	565.6	12.7	437.2	9.8	128.4	2.9
Greece	11 305.1	954.8	8.4	163.1	1.4	791.7	7.0	1 256.0	11.1	315.7	2.8	940.3	8.3
Spain	45 989.0	5 663.5	12.3	2 327.8	5.1	3 335.7	7.3	6 422.8	14.0	2 328.6	5.1	4 094.2	8.9
France	64 716.3	3 769.0	5.8	1 317.6	2.0	2 451.4	3.8	7 196.5	11.1	2 118.1	3.3	5 078.4	7.8
Italy	60 340.3	4 235.1	7.0	1 241.3	2.1	2 993.7	5.0	4 798.7	8.0	1 592.8	2.6	3 205.9	5.3
Cyprus	803.1	127.3	15.9	83.5	10.4	43.8	5.5	150.7	18.8	42.2	5.3	108.5	13.5
Latvia	2 248.4	392.2	17.4	9.7	0.4	382.4	17.0	343.3	15.3	36.9	1.6	306.4	13.6
Lithuania	3 329.0	37.0	1.1	2.4	0.1	34.6	1.0	215.3	6.5	31.6	0.9	183.7	5.5
Luxembourg	502.1	215.7	43.0	186.2	37.1	29.5	5.9	163.1	32.5	135.0	26.9	28.1	5.6
Hungary	10 014.3	200.0	2.0	118.9	1.2	81.1	0.8	436.6	4.4	292.3	2.9	144.3	1.4
Malta	413.0	16.7	4.0	5.4	1.3	11.3	2.7	26.6	6.4	10.8	2.6	15.7	3.8
Netherlands	16 575.0	652.2	3.9	310.9	1.9	341.3	2.1	1 832.5	11.1	428.1	2.6	1 404.4	8.5
Austria	8 367.7	876.4	10.5	328.3	3.9	548.0	6.5	1 276.0	15.2	512.0	6.1	764.0	9.1
Poland	38 167.3	45.5	0.1	14.8	0.0	30.7	0.1	456.4	1.2	171.1	0.4	285.3	0.7
Portugal	10 637.7	457.3	4.3	94.2	0.9	363.1	3.4	793.1	7.5	191.0	1.8	602.0	5.7
Romania	21 462.2	:	:	:	:	:	:	:	:	:	:	:	:
Slovenia	2 047.0	82.2	4.0	4.6	0.2	77.6	3.8	253.8	12.4	28.3	1.4	225.5	11.0
Slovakia	5 424.9	62.9	1.2	38.7	0.7	24.2	0.4	:	:	:	:	:	:
Finland	5 351.4	154.6	2.9	56.1	1.0	98.5	1.8	228.5	4.3	81.1	1.5	147.3	2.8
Sweden	9 340.7	590.5	6.3	265.8	2.8	324.7	3.5	1 337.2	14.3	477.5	5.1	859.7	9.2
United Kingdom <i>p</i>	62 008.0	4 367.6	7.0	1 922.5	3.1	2 445.1	3.9	7 012.4	11.3	2 245.0	3.6	4 767.4	7.7
Iceland	317.6	21.7	6.8	17.2	5.4	4.5	1.4	35.1	11.0	23.3	7.3	11.8	3.7
Liechtenstein	35.9	:	:	:	:	:	:	:	:	:	:	:	:
Norway	4 854.5	331.6	6.8	185.6	3.8	146.0	3.0	524.6	10.8	210.7	4.3	313.9	6.5
Switzerland	7 785.8	1 714.0	22.0	1 073.7	13.8	640.3	8.2	:	:	:	:	:	:

: Data not available; *s* Eurostat estimate; *p* Provisional value

Third country nationals:  
20,2 million  
EU nationals in other EU MS:  
12,3 million  
Out of  
501 million total

# EU AND EEA NET MIGRATION ASSUMPTIONS BY EUROSTAT

	2010	2015	2020	2025	2030
<b>European Union (27 countries)</b>	<b>1 043 064</b>	<b>1 215 012</b>	<b>1 332 508</b>	<b>1 300 737</b>	<b>1 295 190</b>
<b>Belgium</b>	61 252	53 719	46 189	44 420	42 641
<b>Bulgaria</b>	-9 934	-10 875	-14 618	-9 511	-3 290
<b>Czech Republic</b>	30 454	32 139	29 011	25 102	25 584
<b>Denmark</b>	12 257	11 619	11 388	11 408	11 971
<b>Germany (including former GDR from 1991)</b>	41 049	89 317	114 576	129 785	132 961
<b>Estonia</b>	-543	-600	-1 032	-644	-314
<b>Ireland</b>	-21 520	-389	22 498	21 625	20 764
<b>Greece</b>	26 171	32 573	37 051	36 425	35 779
<b>Spain</b>	79 081	170 633	267 445	257 156	253 960
<b>France</b>	71 890	83 871	92 741	89 115	86 967
<b>Italy</b>	360 685	352 375	344 070	334 836	338 651
<b>Cyprus</b>	2 227	4 085	5 958	5 731	5 501
<b>Latvia</b>	-3 390	-1 669	-507	261	423
<b>Lithuania</b>	-13 013	-8 833	-5 101	-2 828	-1 051
<b>Luxembourg</b>	6 327	5 011	3 705	3 553	3 416
<b>Hungary</b>	22 542	26 233	27 311	23 038	22 139
<b>Malta</b>	-1 171	-283	487	488	366
<b>Netherlands</b>	35 533	20 582	9 257	11 126	11 758
<b>Austria</b>	19 103	26 986	35 158	36 061	35 635
<b>Poland</b>	11 732	20 477	13 006	4 438	3 205
<b>Portugal</b>	18 514	27 695	36 829	37 605	37 239
<b>Romania</b>	-206	7 491	8 362	4 627	3 216
<b>Slovenia</b>	10 952	8 739	6 316	5 618	5 654
<b>Slovakia</b>	10 573	10 835	9 900	8 324	8 170
<b>Finland</b>	14 765	13 846	11 358	10 334	9 717
<b>Sweden</b>	59 875	44 015	28 160	27 073	25 992
<b>United Kingdom</b>	197 859	195 420	192 990	185 571	178 136
<b>European Free Trade Association</b>	104 276	80 305	56 435	54 804	53 714
<b>Iceland</b>	-4 076	-1 633	889	852	821
<b>Liechtenstein</b>	149	99	66	71	68
<b>Norway</b>	36 930	27 151	17 381	16 716	16 051
<b>Switzerland</b>	71 273	54 688	38 099	37 165	36 774

Forrás:  
Eurostat:  
Assumptions  
[proj\_10c215  
0a] extracted  
on 3  
December  
2012

# THE GLOBAL APPROACH TO MIGRATION AND MOBILITY

COM(2011) 743 final, 18. November 2011

Short term and long term migration combined (visa regime included)

Four pillars:

- (1) organising and **facilitating legal migration** and mobility;
- (2) **preventing and reducing irregular migration** and trafficking in human beings;
- (3) **promoting international protection** and enhancing the external dimension of asylum policy;
- (4) maximising the **development impact** of migration and mobility.



## THREE INTERIM CONCLUSIONS

- Europe needs more immigrants
- Irregular migration has to be tamed (but its main source is *not* clandestine entry)
- Europe ought to retain its readiness to offer protection to those who justifiably seek it.

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*„Good governance of migration and mobility of third countries nationals can create value on a daily basis for the development of millions of people, increase the EU’s competitiveness and enrich European societies. This makes the Global Approach a core strategic interest of the EU and its Member States. With an increasingly global labour market for the highly skilled, there is already strong competition for talent.”*

Communication on Global Approach to Migration and Mobility, 2011, p. 5.

**POLICIES ON BORDER CHECKS,  
ASYLUM AND IMMIGRATION**

-

**THIRD COUNTRY NATIONALS**

# TFEU , TITLE V AREA OF FREEDOM, SECURITY AND JUSTICE

## CHAPTER 2 POLICIES ON BORDER CHECKS, ASYLUM AND IMMIGRATION

### ***Borders, entry, short stay***

Article 77 TFEU (ex Article 62 TEC)

#### **Policies**

- „1. The Union shall develop a policy with a view to:
- (a) ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders;
  - (b) carrying out checks on persons and efficient monitoring of the crossing of external borders;
  - (c) the gradual introduction of an integrated management system for external borders.”

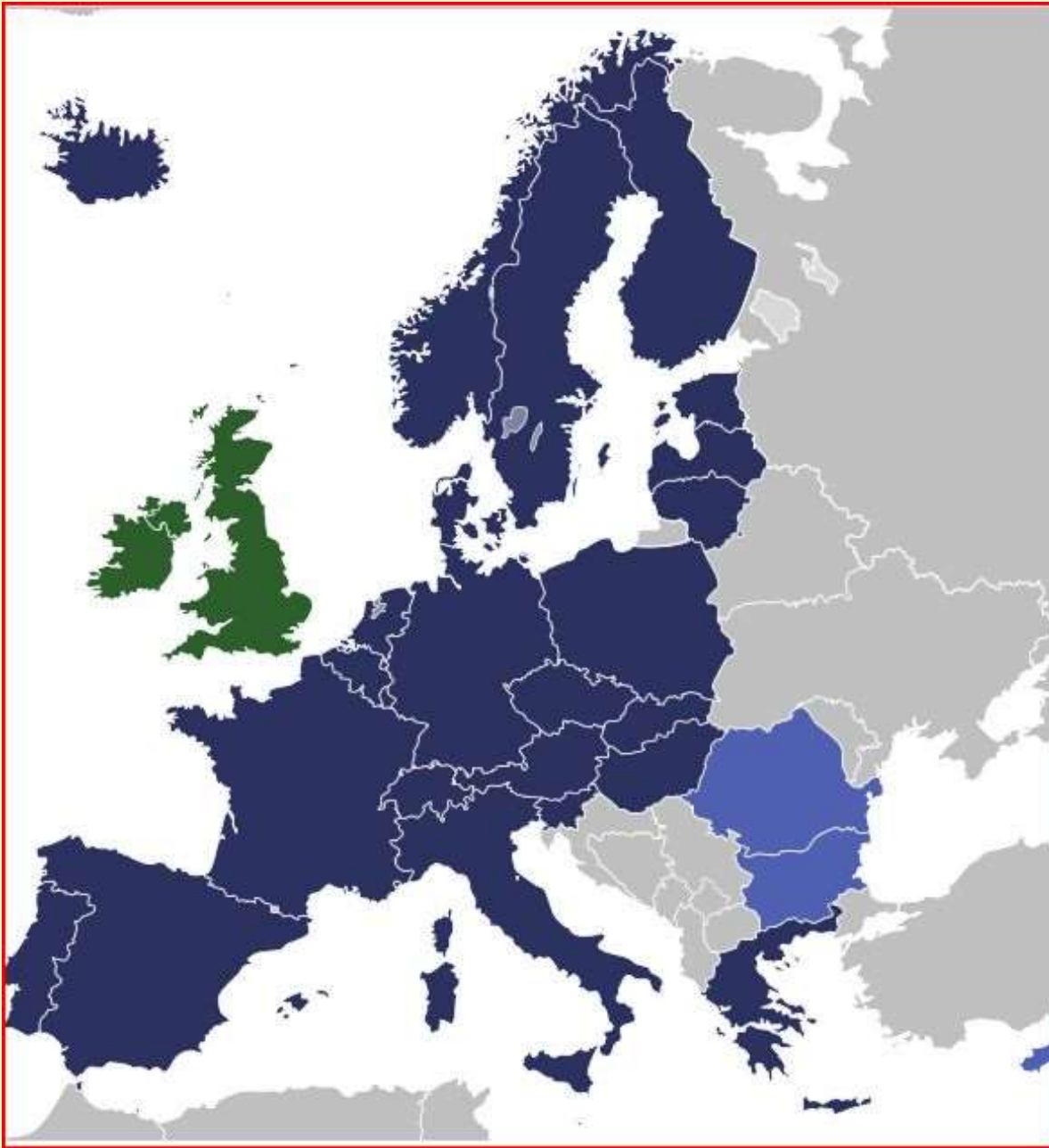
#### **Measures**

( to be adopted with ordinary legislative procedure)

- the common policy on visas and other short-stay residence permits;
- border checks on persons
- third country nationals’ freedom to travel within the Union for a short period;
- gradual establishment of an integrated management system for external borders;
- the absence of any controls on persons, when crossing internal borders.

#### **Expanding EU citizens’ rights**

3. The Council - after consulting the European Parliament - may unanimously adopt provisions concerning passports, identity cards, residence permits or any other such if the Treaties have not granted specific powers



**SCHENGEN AFTER  
SWITZERLAND'S  
AND  
LIECHTENSTEIN'S  
ACCESSION**

# EXTERNAL BORDERS

(AND INTERNAL BORDERS)

# EXTERNAL BORDERS

## Fragmentation

UK, Ireland and Denmark do not participate in the work done under Title V of the TFEU. But Denmark is party to the Schengen acquis as it stood on 1 May 1999. Norway, Iceland, Switzerland and Liechtenstein are virtual parties: they also guard the external borders.  
(Switzerland: airports)

Unequal pressure on different border sections (Greece, Italy, Spain – Sweden, e.g.)

Task: equal security for all participating states based on mutual confidence and an integrated border management ensuring a uniform and high level of control and surveillance along the land, sea and air borders.

## EXTERNAL AND INTERNAL BORDER: BORDER MANAGEMENT, CONDITIONS OF CROSSING THE EXTERNAL BORDER, FLANKING MEASURES

### External border control: surveillance and checks

Terrorism, human-smuggling: the weakest link determines the strength of the whole system.

Guarding the external border: still national task

Integrated management of the border

Increased practical cooperation and Frontex

„Schengen border code” – 562/2006/EC regulation, 15 March 2006

Schengen-evaluation – Comm. proposal for new regime

SISone4all - temporary solution  
- SIS II in great delay

The external borders of the EU are crossed yearly by more than

**700**  
million  
persons

**More than 11 million  
visas are issued per year**

# SCHENGEN BORDER CODE

**REGULATION (EC) No 562/2006** OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2006 establishing a **Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)**

**Internal** border: the common land borders, including river and lake borders, of the Member States+airports used for internal flights+ regular ferry ports

**External** border – what is not internal (land + airport + ferry port)

Personal scope: third country nationals not enjoying the Community right of free movement (but: not to refugees and asylum seekers!)

Application start: 13 Oct 2006.

**Entry conditions** (max 3 months) : travel document + visa (except: if holding a valid residence permit)+sufficient means of subsistence+ no SIS alert+ not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States

Exceptions: if residence permit (for transit), border visa, humanitarian admission



# SCHENGEN BORDER CODE

## Border surveillance

### Purposes:

prevent unauthorised border crossings,

counter cross-border criminality

take measures against persons who have crossed the border illegally  
(Return)

„surveillance shall be carried out in such a way as to prevent and discourage persons from circumventing the checks at border crossing points.” (Art 12.)

**Tool:** „**efficient, high and uniform level of control**” by deploying „appropriate staff and resources in sufficient numbers”, (Art 14.)

- No specific standard, but „EU Schengen catalogue of best practices” + Commission proposal for Schengen evaluation mechanism, Brussels, 16.11.2010 COM(2010) 624 final

# FRONTEX

COUNCIL REGULATION (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union , amended by REGULATION (EU) No 1168/2011 of 25 October 2011

## Main tasks

- (a) **coordinate operational cooperation** between Member States in the management of external borders;
- (b) assist Member States on **training** of national border guards, including common training standards;
- (c) carry out **risk analyses and** assess the capacity of Member States to face threats and pressures;
- (d) **participate** in the development of **research**;
- (da) assist Member States in circumstances requiring increased **technical and operational assistance** at external borders

# FRONTEX

- (e) assist Member States facing specific and disproportionate pressures
- (f) coordination or organisation of joint return operations;
- (g) deploy border guards from the European Border Guard Teams;
- (h) develop and operate information systems that enable swift and reliable exchanges of information regarding emerging risks at the external borders;
- (i) provide the necessary assistance to the development and operation of a European border surveillance system

# European Border Guard Teams

After 2011 amendment replacing and unifying the Frontex Joint Support Teams and Rapid Border Intervention Teams (RABITS).

## Objective:

providing rapid operational assistance for a limited period

to a requesting Member State facing urgent and exceptional pressure, especially...arrival of large number of third country nationals trying to enter...

## Tool:

Participation in the check of those crossing the external border  
Land, air and water surveillance (patrolling)

## Finance

community budget

First (Rabit) deployment in Greece, 2010 November



Picture 2: Irregular migrants in thermovision camera crossing the Greek-Turkish land border (Frontex JO Rabit 2010)

# PLANS FOR THE FUTURE

## European Border Surveillance System (EUROSUR)

### Objectives (on the southern and eastern borders)

Reduction of the number of illegal immigrants who manage to enter the EU undetected

Prevention of cross-border crime

Enhancing search and rescue capacity

### Planned measures

PHASE 1: Upgrading and extending national border surveillance systems and **interlinking national infrastructures** in a communication network.

PHASE 2: **Improve the performance of surveillance tools** and sensors (e.g. satellites, unmanned aerial vehicles / UAVs, etc.), and **developing a common application** of surveillance tools. A common pre-frontier intelligence picture could be developed to combine intelligence information with that obtained from surveillance tools

PHASE 3: All relevant data from national surveillance, new surveillance tools, European and international reporting systems and intelligence sources should be gathered, analysed and disseminated in a structured manner, to **create a common information sharing environment between the relevant national authorities**.

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Priority in the EU-s Internal Security Strategy of 2010

**Proposal for a regulation: 12 December 2011 – COM 2011) 873 final**

# PLANS FOR THE FUTURE

Commission suggests „smart borders” in its Communication of 25 October 2011 COM (2011) 680 final

- Facilitating border crossings for bona fide travellers; Registered Traveller Program (RTP)
- The creation of a system to register the entry/exit of third country nationals (entry/exit system – EES)

„The Smart Borders initiative would improve the management and control of travel flows at the border by reinforcing checks while speeding up border crossings for regular travellers.”

## CROSSING OF INTERNAL BORDERS AND THE RESTORATION OF BORDER CHECKS (SCHENGEN BORDER CODE)

### *Internal borders*

#### **Crossing internal borders**

Internal borders may be crossed at any point without a border check on persons, irrespective of their nationality, being carried out. ( *Art. 20.*)

### *Restoration of checks*

In case of a serious threat to public policy or internal security, a Member State may **exceptionally** reintroduce border controls at its internal borders for, in principle, a limited period of **no more than thirty days**.

Other Member States, the Commission and the European Parliament should be informed and consultations conducted.

„ Where considerations of public policy or internal security in a Member State demand urgent action” border checks may be introduced immediately

**Debate in 2011 after the Arabic Spring** – proposal to re-regulate the rules on reintroduction of border controls COM (2011)560 – 16 September 2011

**VISA**



# REGULAR MIGRATION OF THIRD COUNTRY NATIONALS - VISA

## What is the purpose of a visa?

### Two possible lines of analysis:

*Utilitarian: does it perform (achieve goal)?*

*Moral: does it stigmatise / collectively punish?*

### Factors determining whether a country is visa-free:

- » illegal immigration,
- » public policy
- » security,
- » regional coherence
- » reciprocity”

# VISA

## Short term – long term

**Short:** COUNCIL REGULATION (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (amended four times)

**Visa free:** EU =27+EEA =3 + Switzerland+40 states+Macao and Hong Kong+British Nationals (overseas)

**Long:** national competence

## The reciprocity debate

### Visa facilitation:

Russian Federation (1 June 2007)

Moldova ,Ukraine (entry into force: 1 January 2008)

Georgia (entry into force: 1 March 2011)

### Abolition of visa

Saint Kitts and Nevis: 28 May 2009,

fYRoM, Montenegro, Serbia: with effect of 19 December 2009 (for biometric passports and excluding Kosovo)

Albania, Bosnia-Herzegovina : 25 November 2010 (for biometric passports )

Brazil: 1 October 2012

# VISAS- VISA CODE

REGULATION (EC) No 810/2009

Scope: short stay (max. 3 months) and airport transit visas

- Clarifies which Member State is responsible for processing a visa application (sole destination – longest stay/main purpose - entry point)
- Defines the different phases for examination and decision taking
- Lists the documents a visa applicant needs to submit and the procedures for their verification
- Harmonizes the fees (Generally: 60 Euros)
- Sets time limit for the procedure: 15 calendar days.
- Obliges MS to give reasons and allow appeal against negative decision

# VISA - VIS

REGULATION (EC) No 767/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)  
(Implementing Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS))

## Objectives

- the fight against fraud;
- facilitate checks at external border crossing points and within the territory of the Member States;
- help identify persons not entitled to enter or stay
- to assist the Dublin mechanism on identifying the responsible state for refugee status determination;
- to contribute to the prevention of threats to the internal security of any of the Member States

## Gradual entry into operation

1 st region (Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia) Start 11 October 2011

2nd region (Israel, Jordan, Lebanon and Syria) 10 May 2012

3rd region: (Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen), Start: 2 October 2012

# REGULAR MIGRATION

# TFEU , TITLE V AREA OF FREEDOM, SECURITY AND JUSTICE

## CHAPTER 2 POLICIES ON BORDER CHECKS, ASYLUM AND IMMIGRATION

*Article 79 TFEU (ex Article 63, points 3 and 4, TEC)*

### **Policies**

- develop a **common immigration policy** aimed the efficient management of migration flows,
- **fair treatment of third-country nationals** residing legally in Member States,
- and the **prevention of, and enhanced measures to combat, illegal immigration and trafficking** in human beings.

### **Measures**

- the **conditions of entry and residence**, and standards on the issue by Member States of **long-term visas and residence permits**, including those for the purpose of family reunification;
- the **definition of the rights of third-country nationals residing** legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States;
- **illegal immigration and unauthorised residence**, including **removal and repatriation** of persons residing without authorisation;
- combating trafficking** in persons, in particular women and children.

### **Safeguard**

„ This Article shall **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”

## REGULAR MIGRATION

Immigration: still national competence (no general EC legislation on long term migration)

Partial rules:

- **Family unification** (Council Directive 2003/86/EC of 22 September 2003)
- **Long term residents** (Council Directive 2003/109/EC of 25 November 2003)
- **Students** (Council Directive 2004/114/EC of 13 December 2004)
- **Researchers** (Council Directive 2005/71/EC of 12 October 2005)
- **Highly skilled** (Council directive 2009/50/EC of 25 May 2009)
- **Single application** procedure for a single permit for third-country nationals **to reside and work** (Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 ) To be transposed by 25 December 2013

## THE SO CALLED BLUE CARD DIRECTIVE

**Council directive 2009/50/EC (25 May 2009) on facilitating conditions of entry and residence in the EU of third-country citizens for the purpose of highly qualified employment**

Blue card = special residence and work permit

Eligibility:

- 1 year long contract or binding job offer with a salary exceeding the 150 % of the yearly gross average wage
- degree from a higher education institution, meeting the professional requirements of the receiving state
- sickness insurance for risks normally covered for the nationals of the state
- available quota (if determined by the MS)

Benefits (rights):

Valid for 1-4 years, guarantees entry and residence

First two years: work with the original employer thereafter: freedom to move to other MS

Deadline for transposition: 19 June 2011 .



# REGULAR MIGRATION

## Rules in the making

### Commission's proposals:

Directive on **seasonal workers** COM (2010) 379 final, 13 July 2010.

(Max . 6 months in a year)

Directive on conditions of entry and residence of third-country nationals in the framework of an **intra-corporate transfer** COM(2010) 378 final 13 July 2010

(Managers, specialists, trainees, who have worked with the company for a year before transfer)

**ILLEGAL MIGRATION**

**(UNDOCUMENTED PERSONS)**

## ILLEGAL MIGRATION

### Order of magnitude

„The scale of the phenomenon is necessarily hard to quantify: estimates of the number of third-country nationals illegally staying in the EU vary between 4,5 to 8 million” (Commission proposal for a directive on sanctioning employers, COM(2007) 249 final)

Between the 1980s and 2007 at least 3,7 million persons have been regularized in France, Greece the Netherlands, Italy, Portugal and Spain.

„Frontex’s Annual Risk Analysis 2011: ... the sharp decrease reported in 2009 (of around a third on 2008) stabilised in 2010; Member States and Schengen Associated Countries reported a total of 104,049 detections of illegal border crossing at the sea and land external borders, a total almost identical to the 2009 figure of 104,599. „

[http://www.frontex.europa.eu/situation\\_at\\_the\\_external\\_border/art23.html](http://www.frontex.europa.eu/situation_at_the_external_border/art23.html) visited 23 January 2012

Detections of illegal stay within Member States decreased from 412 125 in 2009 to 348 666 in 2010 (-15%), but there were large differences between particular countries.

## ILLEGAL ENTRY, STAY + FACILITATORS – FRONTEX DATA (EXCLUDING UK, IRELAND)

FRAN indicator	2011				2012		2012 Q2	
	Q1	Q2	Q3	Q4	Q1	Q2	% change on prev. year prev. qtr	
1A Illegal entries between BCPs	32 923	41 273	38 530	28 325	13 635	<b>23 092</b>	-44	69
1B Clandestine entries at BCPs	74	60	64	84	103	<b>126</b>	110	22
2 Facilitators	1 856	1 941	1 546	1 614	2 107	<b>1 785</b>	-8.0	-15
3 Illegal stay	82 327	86 750	88 037	93 834	88 455	<b>84 076</b>	-3.1	-5.0
4 Refusals of entry	28 699	30 076	30 325	29 011	24 635	<b>28 244</b>	-6.1	15
5 Applications for asylum	53 193	61 574	67 413	71 874	56 854	<b>57 989</b>	-5.8	2.0
7A Return decisions issued	50 970	55 716	57 389	67 310	69 904	<b>67 891</b>	22	-2.9
7B Effective returns	34 745	35 076	37 639	41 585	40 229	<b>40 299</b>	15	0.2

Source: FRAN data as of 6 August 2012

# COUNCIL'S SUGGESTION OF 2010

Council conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration JUSTICE and HOME AFFAIRS Council meeting Brussels, 25 and 26 February 2010

## Frontex

Reinforce it and its activities

9 goals

## Eurosur

Develop it and enhance cooperation with third countries and among MS  
5 goals

**Fight against illegal immigration networks and trafficking in human beings**

2 goals

**Solidarity and the integrated management of external borders**

5 goals

**Cooperation with third countries**

7 goals

For a review of measures see: COMMISSION STAFF WORKING DOCUMENT on the fulfilment of the 29 measures for reinforcing the protection of the external borders and combating illegal immigration adopted at the Justice and Home Affairs Council meeting, held on Brussels on 25 and 26 February 2010. Brussels, 26.11.2010 SEC(2010) 1480 final

**EU ACTION ON MIGRATORY PRESSURES – A STRATEGIC RESPONSE  
APPROVED BY THE JHA COUNCIL ON 26-27 APRIL 2012**



# THE RETURN DIRECTIVE

**DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 16 December 2008 on common standards and procedures in Member States for returning  
illegally staying third-country nationals**

## Personal scope

Obligatory: third-country nationals staying illegally on the territory of a Member State

Optional:

- those refused at the border or intercepted on land, sea or air
- subject to return as a criminal law sanction

Limits: MS must respect rights of persons entitled to free movement under community law and the principle of *non-refoulement*

+ „due account of” best interest of the child, family life, state of health of the person

Member States may retain more favourable provisions

## RETURN DIRECTIVE, 2008

Member states **must** issue the return decision to any illegal stayer (exceptions exist, like right to reside in other MS or humanitarian reasons)

Preferred return: **voluntary return** within 7-30 days

Exceptions:

risk of absconding,

manifestly unfounded or fraudulent application for stay permit

or if the person concerned poses a risk to public policy, public security or national security,

States **must** take all necessary measures to enforce the return decision if the third country national does not depart voluntarily or if the exception to voluntary departure is applicable

**Compulsory entry ban** (max five years) if no voluntary return within time

Proportionate coercive measure against resisting persons

**Detention: max 18 months** (if danger of absconding or hampering preparation of return or process of removal )

Strong critique (ECRE, UNHCR, NGO-s)



# EMPLOYERS' SANCTION

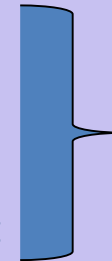
Directive 2009/52/EC of 18 June 2009

providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

„illegally staying third-country national” = who does not fulfil, or no longer fulfils, the conditions for stay or residence in that Member State

Obligations of the employer:

- see the valid residence permit of the tcn;
- keep a copy or record of it
- notify the competent authority of start of employment



If done, can not be sanctioned

Effective, proportionate and dissuasive sanctions must be imposed on the employer:

Financial sanctions which shall increase in amount according to the number of illegally employed

Payments of the costs of return of illegally employed third-country nationals

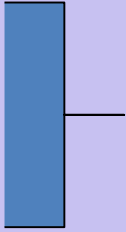
Paying the difference between the remuneration of the illegally employed and the legally employed to the illegally employed

An amount equal to any taxes and social security contributions that the employer would have paid

# EMPLOYERS' SANCTIONS

## Further sanctions

- Exclusion from public aid or subsidy
- Exclusion from participation in a public contract
- Recovery of recent (max 12 months) public benefits, aid, or subsidies
- Temporary or permanent closure of the establishments that have been used to commit the infringement
- Temporary or permanent withdrawal of a licence to conduct the business activity in question



**For a maximum  
of 5 years**

## **Criminal sanctions** in „severe“ cases

- The infringement continues or is persistently repeated;
  - Simultaneous employment of a significant number of illegally staying third-country nationals;
  - The infringement is accompanied by particularly exploitative working conditions;
  - The employed person is victim of trafficking
  - The employed is a minor
- Transposition date: 20 July 2011.

# ASYLUM

(PERSONS IN NEED OF INTERNATIONAL  
PROTECTION)

# THE COMMON EUROPEAN ASYLUM SYSTEM (CEAS)

Goal: Common European Asylum system

First phase: harmonized rules (minimum standards)

Second phase: uniform procedure and uniform status

(Majority decision-making only after first phase complete  
– from 2005 December)

# ASYLUM ISSUES

## Adopted measures

1. Regulation **on Eurodac** (2000)
2. Directive on **temporary protection** (2001)
3. **Reception conditions** directive (2003)
4. **Dublin II** Regulation and its implementing rules (2003)
5. Qualification (**Refugee definition**) directive (2004)
6. **Asylum procedures** directive (2005)
7. Decision on the (third) **European Refugee Fund** (2007)
8. Establishment of an **European Asylum Support Office**. (2010)

## OVERVIEW OF THE RECASTS

Secondary rule	Is there a recast?	State of play
<b>European refugee Fund</b> 2007/573/EK határozat	None	To be replaced by a new Fund on Migration and Return
<b>Temporary Protection Directive</b> Council Directive 2001/55/EC	None	
<b>Eurodac</b> Council Regulation 2725/2000/EC	Yes	Text negotiated but impasse
<b>Dublin II regulation</b> Council Regulation 343/2003 EC	Yes	November 2012 political agreement see doc. 16332/12
<b>Reception Conditions Directive</b> Council Directive 2003/9/EC	Yes	September 2012. political agreement see doc. 14112/1/12 REV 1
<b>Qualification directive</b> Council Directive 2004/83/EK irányelv	Yes	Published as directive 2011/95/EU 20 December 2011
<b>Procedures directive</b> Council Directive 2005/85/EC	Yes	January 2013 still negotiating the second proposal

**EUROPEAN ASYLUM SUPPORT  
OFFICE**

# EASO

Commission's proposal: (COM (2009) 66 final)

Regulation: 439/2010/EU establishing a European Asylum Support Office, OJ L 132/11, 29.5.2010

## Purposes

Coordinate and strengthen **practical cooperation** among Member States and improve the implementation of the CEAS;

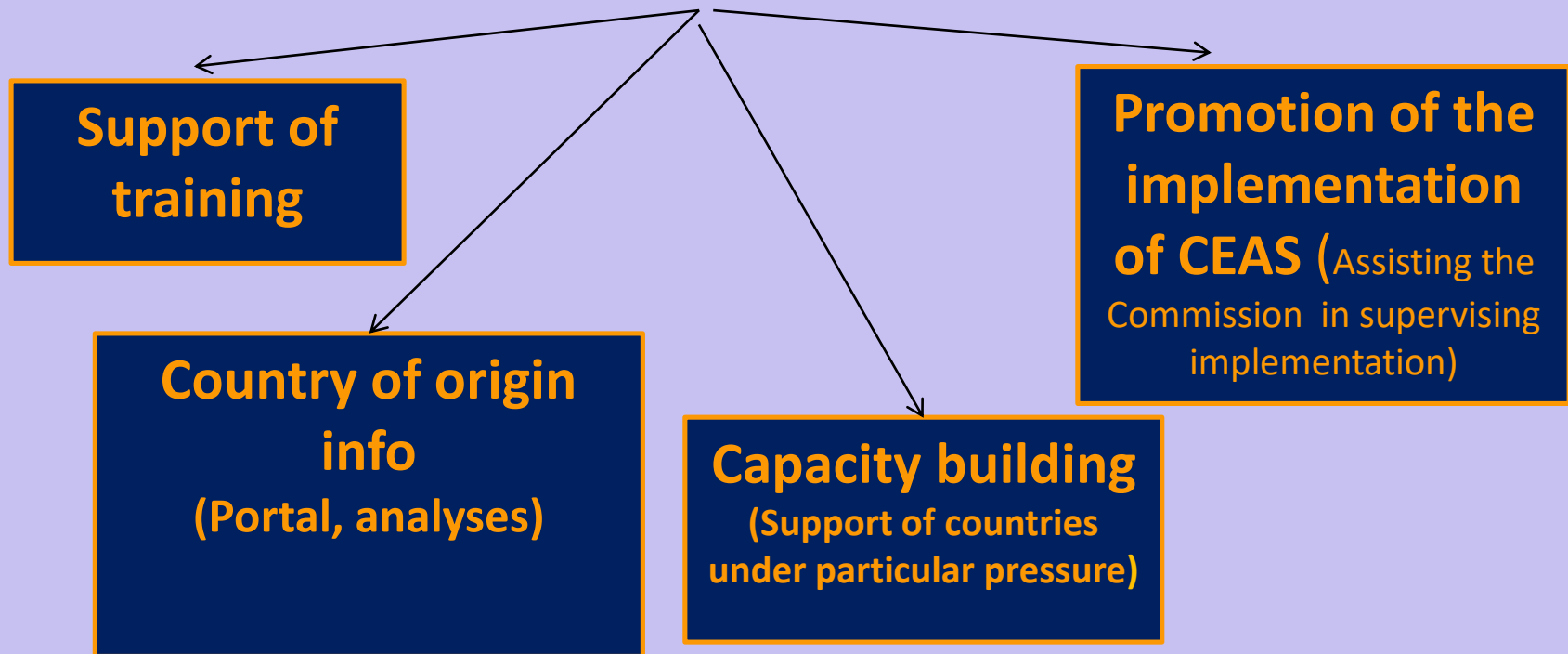
**Operative support** to MS subject to **particular pressure** on their asylum and reception systems

**Scientific and technical assistance** in regard to the policy and legislation of the Union



# EASO

## Priorities



**First meeting of the Management Board : Malta, 25-26 November 2010**

**Start of operation: 19 June 2011.**

**For developments check: <http://easomonitor.blogspot.com/>**

# PROGRESS OR SLOW MOTION

In asylum and (regular) migration rather slow motion

The EU is fragmented in an increasing fashion – the move to qualified majority decision making has not increased efficiency

In the field of regular migration member States are unwilling to give up their national preferences and specialities

Dividing lines: :

States at the external borders exposed to disproportionate pressure - more protected central (and Western) states

Liberal, human rights based approach – pragmatist realists

Changing geometry (Great Britain, Ireland, Denmark, Iceland, Norway, Switzerland, Liechtenstein) hard to identify the actual obligations of MSs

## Illegal migration

Fight against illegal migration – fitting well with the securitisation spirit  
- Human rights constraints!

# QUESTIONS FOR DISCUSSION

1. Is the European **culture** so valuable and in need of protection?
  - Think of the religious wars, colonisation, fascism, communism, civil wars, ethnic clashes.
  - Or do we want to defend achievements of the last 68 years?
2. Why is **migration** seen as a problem?
  - isn't it part and parcel of human history?
  - was Europe not the region with the largest number of poor emigrants seeking betterment of their life in other continents?
  - Is the European Union not based on the desirability of migration (freedom of movement)?
3. Is **exclusion of asylum seekers** compatible with «our ethics »?
4. Is the imposition of **visa** a collective stigma?
5. Should the Union have a common (integrated) **border guard** replacing national units?

# **THANKS!**

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