

MOBILITY PARTNERSHIPS: A CONVINCING TOOL FOR THE EU'S GLOBAL APPROACH TO MIGRATION?



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SUMMARY

Mobility Partnerships constitute a key tool of the EU's GAMM (Global Approach to Migration and Mobility) aiming to facilitate and organise the legal mobility of Third Country Nationals, to address irregular migration under effective and humane measures and to reinforce the development outcomes of migration. Key actions in this respect are the introduction of visa facilitation agreements and readmission agreements with the partner countries. Circular and/or return migration schemes are other priorities around labour mobility that countries may wish to promote through Mobility Partnerships. This Policy Paper will critically assess the tool of Mobility Partnerships in the framework of the new EU GAMM in the light of recent data on legal migration channels between EU countries and actual and potential partner countries of the EU neighbourhood and the effectiveness of preventive and reactive measures against irregular migration.

This Policy Paper is part of a series entitled "[How can Europeans address their demographic challenge through a comprehensive migration strategy?](#)" which also includes contributions by Hans Martens (EPC, Brussels); Sergio Carrera (CEPS, Brussels), Joanna Parkin (CEPS, Brussels) and Leonhard den Hertog (for CEPS, Brussels); Carmen González (Real Instituto Elcano, Madrid), Roderick Parkes (for SWP, Berlin), Alicia Sorroza (Real Instituto Elcano, Madrid) and Andreas Ette (for SWP, Berlin); and Ruby Gropas (Eliamep, Athens).

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Four other series of Policy Papers deal with key challenges on defence, EU neighbourhood, strategic resources and economic policy. The final report presenting the key recommendations of the think tanks will be published in March 2013, under the direction of Elvire Fabry (*Notre Europe – Jacques Delors Institute, Paris*).

Introduction

The proclaimed new EU Global Approach to Migration and Mobility (GAMM) presents important contradictions: while it seeks to facilitate and organise the legal mobility of third country nationals (TCN) and to ensure that TCNs in need of international protection receive it, it also aims at strengthening border controls. At the same time, Member States implement highly restrictive labour migration policies in view of the current economic crisis and rising unemployment. This Policy Paper assesses the usefulness of Mobility Partnerships (the main instrument for TCN mobility within the EU) in the face of restrictive Member State labour migration policies. It also discusses the contradictions between strict border control, the effort to enforce readmissions and introduce visa facilitations for TCNs. The EU must take a bolder stance if the several competing aims in the new GAMM are to be achieved.

1. Mobility Partnerships and Labour Migration Management: Conflicting Objectives

Mobility Partnerships (MP) form an integral part of the GAMM (European Commission 2007:4). They encompass a broad range of issues ranging from development aid to temporary entry visa facilitation, circular migration programmes¹ and the fight against unauthorised migration, including cooperation on readmission.² MPs have now been signed with Moldova (2008), Cape Verde (2008), Georgia (2009) and Armenia (2011). Negotiations with Senegal started in 2008, but stalled and have not progressed. Negotiations with Ghana have been ongoing since 2010, and Mobility Partnerships are also likely to be signed with Morocco, Egypt and Tunisia in the light of the Arab Spring.³ MPs are selective in that they are concluded with third countries once certain conditions are met, such as cooperation on illegal migration and the existence of “effective mechanisms for readmission”.⁴ The EU’s attempt to link MPs with cooperation on readmission reflects how this issue has become a central component of its immigration policy.⁵ So far, however, there is an imbalance identified between actions on legal labour migration and actions addressing the flows of irregular migration in existing MPs on both sides of the partnership.

“THERE IS A LACK OF LEGAL MIGRATIONS CHANNELS AS WELL AS A FAILURE TO MAKE EXISTING ONES WORK IN MOST EU COUNTRIES”

According to Reslow, this imbalance between actions on legal labour migration and mobility and measures against irregular migration is partly a result of the current economic crisis in Europe, and partly a consequence of the division of competences within the EU.⁶ Labour migration is still a competence of Member States and most of them have been reluctant to open legal entry channels to labour migration. To the contrary, their efforts have concentrated on beefing up border controls (as we shall discuss later on in the paper) and narrowing considerably their existing legal migration channels. The economic crisis has exacerbated this reluctance on the part of Member

States to open avenues for legal labour mobility. Notably, the CLANDESTINO research project, which studies the processes and policies that contribute to irregular migration in the wake of the current economic crisis,

1. A recommendation about “temporary and circular migration” first appeared in the Communication of the European Commission entitled Migration and Development: Some Concrete Orientations (COM(2005) 390), dated 1.9.2005. Further details were included in European Commission Communication on The Global Approach to Migration One Year On: Towards a Comprehensive European Migration Policy, COM(2006) 735 final dated 30.11.2006.

2. Jean-Pierre Cassarino, “Circular Migration and Securitized Temporariness”, in Anna Triandafyllidou (ed.), *Circular Migration between Europe and its Neighbourhood. Choice or Necessity?*, Oxford: Oxford University Press, 2013 forthcoming.

3. Natasja Reslow, “European Policy Debate: the Mobility Partnerships”, *Migration Policy Brief no.9*, Maastricht Graduate School of Governance, 2012.

4. European Commission, *The Global Approach to Migration One Year On: Towards a Comprehensive European Migration Policy*, COM(2006) 735 final, 30.11.2006.

5. Jean-Pierre Cassarino, *op. cit.*

6. Natasja Reslow, *op. cit.*

identified a lack of legal migration channels as well as a failure to make existing ones work in most EU countries.⁷

Austrian governments have markedly restricted legal opportunities for work-related and family-related migration from countries outside the EU and the European Economic Area (EEA) since the early 1990s. Long-term immigration is effectively limited to highly-skilled migrants and their family members while low-skilled migrants are admitted as seasonal migrants only, mainly in agriculture and tourism. Overall, legal admission of third country nationals for work purposes constitutes a marginal share of total immigration.⁸ In Germany the situation is similar. Immigration is allowed as an option, but a growing series of restrictions and conditions rendering it practically impossible have been added over the years. France and the Netherlands too discourage labour migration, with the exception of highly-skilled migrants. The most common forms of legal admission in France are tourist visas, permission to visit family, to study, or to conduct some professional business.⁹ The Dutch government may have simplified the visa procedure for highly-skilled migrants but discourages the flow of unskilled ones.¹⁰

In Greece, there is practically no opportunity for prospective migrants to obtain long-term regular entry for the purpose of work. The existing quota system of inviting a foreign worker for seasonal work (*metaklisi*, in Greek) involves very small numbers employed mainly in agriculture.¹¹ Similarly in Spain, quotas for seasonal migration are restricted to temporary agricultural work concentrated in the south-western province of Huelva, with a minor presence in the south-eastern province of Almería and in the north-eastern province of Lleida. This represented around 1% of the total Moroccan immigrant population on Spanish soil in 2009 and 2010.¹² Interestingly, a channel to legality is offered via ordinary regularisation due to settlement or rootedness (*arraigo*) in Spain, giving the possibility to irregularly residing immigrants to obtain a yearly stay permit for the purpose of work after three years of illegal stay, provided they prove that they have bonds with the country (through the offer of a work contract or the demonstration of family ties with Spaniards or legally-staying foreigners).¹³

In Italy, misuse of the existing quota system tends to increase the chances of becoming a legal resident migrant for an undocumented migrant who is already in Italy, than for a potential migrant who is trying to gain legal access to the Italian labour market from abroad.¹⁴

Poland, Czech Republic and Slovakia offer few legal migration channels. No system of managing circular or temporary labour migration has been established in the Czech Republic. Irregular migration is a natural consequence of restrictive legal migration channels and work permit policies, highly liberal conditions for getting a trade license in an environment which tolerates undeclared work, and a lack of control over agencies which recruit foreign labour.¹⁵ Having experienced a dramatic outflow of approximately two million people since 1st May 2004, Poland, on the other hand, needs both skilled and unskilled foreign labour. However, government plans to attract low-skilled migrants from third countries were never executed since it was considered highly probable that those arriving in Poland would treat it as an opportunity to go further west. In fact, it has proven very difficult to satisfy the demand for workers while respecting the security measures implemented in December 2007 by the Schengen Convention in a country like Poland, where low wages do not attract immigrants.¹⁶ Poland's protective approach to local labour policy and liberal visa policy for eastern neighbours has led to a category of arrivals predominantly comprised of shuttle or circular migrants from the former Soviet

7. Franck Düvell, "Comparative Policy Brief: Pathways into Irregularity. The Social Construction of Irregular Migration", CLANDESTINO Research Project, 2009.

8. Albert Kräler and Christina Hollomey, "Austria: Irregular migration – a phenomenon in transition", in Anna Triandafyllidou (ed.), *Irregular Migration in Europe: Myths and Realities*, Farnham: Ashgate, 2010, pp. 41-70.

9. Catherine Wihtol de Wenden, "Irregular migration in France", in A. Triandafyllidou (ed.), *Irregular Migration...*, op. cit., pp. 115-124.

10. Joanne van der Leun and Maria Ilies, "The Netherlands: Assessing the irregular population in a restrictive setting", in Anna Triandafyllidou (ed.), *Irregular Migration...*, op. cit., pp. 187-206.

11. Thanos Maroukis and Eda Gemi, "Albanian Circular Migration in Greece: Beyond the State?", in Anna Triandafyllidou (ed.), *Circular Migration ...*, op. cit., chp. 4.

12. Carmen González-Enriquez, "Circularity in a restrictive framework: Morocco and Spain", in Anna Triandafyllidou (ed.), *Circular Migration ...*, op. cit., chp. 6.

13. *Ibid.*

14. Francesco Fasani, "The quest for la dolce vita? Undocumented migration in Italy", in Anna Triandafyllidou (ed.), *Irregular Migration...*, op. cit., pp. 167-186.

15. Dusan Drbohlav and Lenka Medová, "Czech Republic: irregular migration – "old wine in new bottles", in Anna Triandafyllidou (ed.), *Irregular Migration...*, op. cit., pp. 71-92.

16. Krystyna Iglicka and Krystyna Gmaj, "Circular Migration Patterns between Ukraine and Poland", in Anna Triandafyllidou (ed.), *Circular Migration ...*, op. cit., chp. 8.

Union (with Ukraine leading) who work in construction, agriculture and domestic/caretaking services – sectors in which undeclared work is common.¹⁷

2. Circular Migration: A Realistic Assessment

Temporary and circular legal migration schemes have featured high on the agendas of EU policymakers since the publication of the Communication on circular migration and mobility partnerships between the European Union and third countries¹⁸ in May 2007. However, the realities of circular migration explored under the METOIKOS research project¹⁹ show that the type of circular migration envisaged so far by the European circular migration policy framework is largely non-existent. There are very few highly-skilled migrants who engage in circular mobility and take back to their country of origin the skills they acquired in the EU. In reality, the only circular migration that is more or less regulated by the EU Member States studied (Italy, Spain, Greece, Hungary, Poland) is seasonal agricultural migration.²⁰ Circular migration usually occurs through informal channels and outside inter-state labour agreements. The migration policies of host and source countries (and possibly, partner countries) often remain trapped in a dichotomy of temporary versus permanent migration.

For example, the policy whereby foreign workers are accepted on a seasonal basis in Greece has unintentionally created a framework in which circular migration patterns occur. Statistical evidence points in this direction: nearly half of the 65,462 registered individuals that applied for a seasonal work permit during the period 2001 to 2011 have applied for such a permit more than once in Greek municipalities.²¹ Nevertheless, attesting to the spontaneous rather than the state-controlled character of circular migration is the fact that most circular migrants in Greece (mainly construction and service sector workers) are in possession of a two- or ten-year stay permit in the host country and adapt their work around the demands of their family life and periods of unemployment in either country. In Spain, there is a ‘six month clause’ included in the Implementation Rules of the 2000 Law on Foreigners which prevents regular immigrants from spending more than six months out of Spain, as they risk losing their permits. “This clause is the main obstacle to circular migration and it lacks justification in a phase of high unemployment”²².

Circular migration schemes constitute the EU’s primary means of promoting legal migration channels for non-EU workers through Mobility Partnerships. Evidence on the ground shows that legally resident migrants in Southern and Eastern Europe have been spontaneously developing circular migration strategies already in order to cope with rising unemployment in the host country.²³ Yet Member States policies have not been adapted accordingly.

Nevertheless, even if evidence pointed towards the willingness and/or capacity of EU Member States to promote circular or temporary migration schemes, commitments made by the third country and the EU country concerned exist and could stand in the way of a Mobility Partnership.²⁴ The most important commitment, the implementation of measures to prevent irregular migration and enforce readmission, overall has yielded poor results on both sides of external EU borders.

17. *Ibid.*

18. European Commission, Communication on circular migration and mobility partnerships between the European Union and third countries, COM(2007) 248 final, 16.5.2007.

19. METOIKOS project, Circular migration patterns in Southern and Central Eastern Europe: Challenges and opportunities for migrants and policy makers.

20. Anna Triandafyllidou *et al.*, *Circular Migration and Integration: a short guide for policy makers*, METOIKOS Project; 2011.

21. Thanos Maroukis and Eda Gemi, *op. cit.*

22. Carmen González-Enríquez, *op. cit.*

23. Anna Triandafyllidou (ed.), *Circular Migration... op. cit.*

24. Europa Rapid, “Circular migration and mobility partnerships between the European Union and third countries”, MEMO/07/197, 16.5.2007.

3. Readmissions: where exactly is the carrot?

The readmission of irregular migrants and refugees who entered EU territory constitutes the biggest challenge that the third country partner is confronted with. There are cases of third countries who have readmitted large numbers of irregular migrants (including own nationals) and potential asylum seekers. Visa liberalisation between the EU and Albania, in force since January 2011 following a record of readmissions of its own nationals from Greece over the years, is an example of collaboration that works even though considerable policy gaps in the re-integration of readmitted Albanians are identified.²⁵ The problematic implementation of the Readmission Agreement signed between Turkey and Greece, on the other hand, is a failure story. Between 2006 and 2010, Greece presented 3,431 readmission requests to Turkey in the context of this Protocol, concerning 62,816 people. Of those, 7,359 were accepted for readmission by Turkish authorities, but only 1,281 were effectively readmitted to Turkey.²⁶ However, one has to look into the political economies of the partner countries in order to understand their capacity and eagerness or reluctance to successfully implement a readmission agreement and tackle irregular migration flows or even endorse a visa facilitation agreement.

“UNDERSTAND THEIR CAPACITY AND EAGERNESS TO IMPLEMENT READMISSION AGREEMENTS AND TACKLE IRREGULAR MIGRATION”

Visa liberalisation between the EU and Albania mainly offers Albanians the opportunity to seek short-term and seasonal informal work in Greece²⁷ – a strategy which fits well with the political economy of Albania. Offering its citizens the opportunity to travel legally and work informally in neighbouring Greece eases the pressure of rising unemployment, a strained welfare regime and an economy that lacks basic infrastructure for achieving better distributional effects of Foreign Direct Investments in the country over the last decade.

The case of Turkey is less straightforward with regard to the ‘wish-list’ of priorities that partner countries would want to achieve through a potential Mobility Partnership.²⁸ Commenting on the recent initiative of the Austrian government to discard German language requirements for Turkish citizens applying for a family unification residence permit, the Turkish Minister of European Union Affairs Egemen Bağış characteristically stated “*they [EU Member States] are welcome to go ahead if they plan to carry out some sort of facilitation of the visa process. But what Turkey deserves is a visa exemption*”.²⁹ Although the external anchor of EU membership has functioned during most of the 2000s as a powerful incentive for Turkey to proceed with substantial political and economic reforms,³⁰ Turkey’s economic growth record so far has given ground to the “apparently paradoxical conclusion that whether Turkey becomes a member or not will not have such a dramatic impact on the quality of its economic performance and the nature of its democratic regime”.³¹

4. Recommendations

We believe that the new GAMM offers important tools and proposes a new political impetus for re-launching the EU approach to managing migration and asylum. However, a bolder approach to the management of legal migration and mobility is needed to make the carrot more appealing to third countries when the stick they are required to carry (readmissions, border management, reduced legal migration in the face of a European economic crisis) is quite heavy. We therefore suggest the following initiatives.

25. Thanos Maroukis and Eda Gemi, *Circular Migration between Albania and Greece: a case study*, METOIKOS Project, EUI: Florence, 2011.

26. Anna Triandafyllidou and Thanos Maroukis, *Migrant Smuggling: Irregular Migration from Asia and Africa to Europe*, Migration, Minorities and Citizenship Series, Basingstoke: Palgrave Macmillan, 2012.

27. Thanos Maroukis and Eda Gemi, *Circular Migration between Albania and Greece: a case study*, op. cit.

28. There is an intensive dialogue between Turkey and the EU about developing close partnerships and cooperation on migration and mobility. See European Commission, *The Global Approach to Migration and Mobility*, COM(2011) 743 final, 18.11.2011.

29. See “Turkey insists on visa exemption versus visa facilitation”, *Today’s Zaman*, 24.04.2012.

30. Ziya Öniş, “Crises and transformations in Turkish political economy”, *Turkish Policy Quarterly*, Vol.9 (3), 2012, pp. 45-61.

31. Ziya Öniş and Caner Bakır, “Turkey’s Political Economy in the Age of Financial Globalization: The Significance of the EU Anchor”, *South European Society and Politics*, Vol.12(2), 2007, pp. 147-164.

1. Promoting legal migration and mobility with flexible and attractive schemes:

- Create legal migration/mobility schemes that acknowledge the existence of migration networks. Take the example of the 'sponsor' scheme implemented in Italy in the late 1990s/early 2000s (a legal resident or citizen can 'sponsor' a new migrant if he/she provides accommodation, food and insurance, until the new migrant finds a job. The initial permit is valid one year). Such schemes bear fruit where there is a need for migrant workers and the offer and demand cannot be met otherwise.
- Promote circular migration programmes for highly-skilled migrants to spend a period working in the EU with an incentive to return: when they go back they will receive a top-up on their salary (see the Brain Gain programme implemented by the United Nations Development Programme (UNDP) in Albania).

2. Managing irregular migration and promoting readmission/return:

- Create and expand sustainable return programmes with countries of origin and countries of transit. Provide for training before departure from the EU and monitor settlement upon return to the country of origin.
- Provide visa facilitation or indeed visa exemption to countries with a key role in transit irregular migration, notably Turkey. Turkey's cooperation is key to the successful management of irregular migration in the wider southern and south-eastern regions of Europe.

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