Towards the Creation of a Common Immigration and Asylum Policy: A Review

Andrew Geddes
Europe in the World Centre
University of Liverpool
University of Liverpool
Liverpool, L69 7ZT
UK, Phone: +44 151 794 2653
Fax: + 44 151 794 3948
Email: a.r.balch@liv.ac.uk
http://www.liv.ac.uk/ewc
geddes@liv.ac.uk

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"Immigration can help Europe. Immigration may not be the answer to all our demographic and economic challenges, but there is no answer to these issues that does not include immigration. And we cannot succeed with immigration without investing diligently in integration." Greek Foreign Minister George Papandreou, speech to Athens conference on Managing Migration for the benefit of Europe, May 15th 2003.

International migration is, by definition, made visible by states and their borders. Changes in these borders resulting from European economic and political integration have important implications for the understanding of and responses to international migration in its various forms. Thus changed social and political relations within European states (such as labour market and welfare state changes), changed relations between them arising primarily, although not solely, from European integration, and changed relations with the EU's neighbouring states and regions are the setting within which the politics of migration during the Greek presidency need to be assessed. Whether the Greek presidency handling of immigration and asylum placed them between 'disintegration and consensus building' (as this conference encourages us to consider) is difficult to judge because there has not been much 'integration' to 'disintegrate', while the main challenge seems to be the building of a consensus in complex and sensitive areas where unanimity prevails as the decisional modus operandi. Negotiating the quagmire may be a better way to put it.

Greece has faced particular dilemmas caused by difficulty enforcing border controls and a position at the hub of many of the people smuggling and human trafficking networks operating across the borders of the EU. Greece, in common with Spain and Italy, thus has a strong interest in EU measures designed to reinforce external frontier controls and counter irregular forms of migration. Greece has also been concerned to ensure that the costs of control are shared more equitably and do not fall on those member states located at the EU's external frontiers. In addition to this, Greece has experienced a rapid transformation from a country of emigration to a country of immigration. Ideas about Greek ethnic homogeneity have encountered a growing immigrant presence, particularly in the larger cities.

While immigration was identified as a priority for the Greek presidency, the multi-faceted nature of the immigration issue means that any consideration of developments during the Greek presidency needs to be broken down into various components. For the purpose of this analysis these are: legal migration; asylum; illegal/irregular immigration, borders and repatriation; relations with third countries; and the 'integration' of already settled migrants and their children.

There are also some more general contextual factors that can be introduced to facilitate discussion of the issues at stake, the development of a EU response, and the political

constellations that have formed around international migration in recent years. In terms of migration flows there can be said to have been a geo-political and conceptual widening of migration:

- Geo-political widening – new immigration countries in central, eastern and southern Europe, including Greece for which illegal/irregular migration, the enforcement of border controls, and action against people traffickers and human smugglers have become important concerns. The European politics of migration also 'join up' in the sense that south European points of entry can also be transit countries with migrants moving on to other member states.
- Conceptual widening – new forms of migration such as the growth of the illegal branch of the migration industry such as people trafficking and human smuggling coupled with new forms of state response with increased emphasis on attempts to externalise controls through the co-option of surrounding states and regions

In addition to this widening, there has been since the mid-1980s a spatial and temporal reconstruction of the policy response:

- Spatial reconstruction – the post-Single European Act and Maastricht acceleration of the development of immigration and asylum measures linked to the development of an EU internal security framework, but also more recently to concerns about demographic change, labour market needs etc. landmarks here are the Amsterdam Treaty, which 'communitarised' the EU response and the Tampere summit call for a common migration policy (more of which later)
- Temporal reconstruction – attempts to reconstruct at a temporal distance from then guestworker and post-colonial migration flows of the 1950s and 1960s new forms of 'positive' migration policy in response to demographic changes and labour market needs. This has been particularly focused on skilled migration, but there remain well-established needs for migrants in lower skilled occupations too.[1]

The background

The parameters of a common EU immigration and asylum policy were set out by the Amsterdam Treaty and given clearer definition by the declaration of EU heads of government meeting at Tampere in October 1999. Amsterdam brought free movement, immigration and asylum together in a new Title IV of the Treaty, although intergovernmentalism was confirmed as the decision-making *modus operandi* for at least five years following Treaty ratification (until May 2004 at least). Title IV gave the Council of Ministers responsibility to ensure within the five-year period the free movement of persons and related border control, asylum and immigration measures. Amsterdam also incorporated the 1985 Schengen Agreement, the 1990 Schengen Implementing Convention, plus all the post-1990 decisions made within the Schengen framework. Amsterdam also added new provisions to the EU treaty to combat discrimination, including on grounds of race, ethnicity and national origin (Article 13). Two directives were adopted in June 2000 - a 'race directive' and a directive combating all forms of discrimination in employment.

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[1] See Andrew Geddes, *The Politics of Migration and Immigration in Europe*, London: Sage.

The 1999 Tampere summit sought to provide political impetus from the highest level and identified the following components of a common European migration and asylum policy:

Partnership with countries of origin *with an important role played by the High Level Working Group on Immigration and Asylum (HLWG). The HLWG marks a blurring of the distinction between 'internal' and 'external' security threats and the growing centrality of what can be called 'international migration relations'. Action Plans were drawn up in 1999 to cover Afghanistan and the neighbouring region, Iraq, Morocco, Somalia and Sri Lanka.*

A Common European Asylum System including a clear and workable determination of the State responsible for the examination of an asylum application (building on the Dublin Convention of June 1990), common procedures for determining asylum applications, common minimum conditions for the reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status. The longer-term aims are the development of a common asylum procedure and a uniform status for those granted asylum valid throughout the EU.

Fair treatment of third country nationals with 'a more vigorous integration policy' aimed at giving TCNs rights and obligations comparable to those of EU citizens. There was also a commitment to anti-discrimination and the tackling of racism and xenophobia.

Managed Migration Flows with emphasis placed on balancing flows of legal migrants and stronger measures against irregular forms of migration.

On the basis of the Amsterdam Treaty and the Tampere agreement, the general parameters of a future common EU approach was developed, although progress since then has been slow because of the intrinsic sensitivity of many of the issues under discussion and the requirement for unanimity. The difficulty of securing agreement became apparent during the attempts of the Greek presidency to establish a directive on refugee status and subsidiary protection, which encountered German government reservations that blocked progress.

Prime Minister Simitis declared immigration and asylum to be top priorities for the Greek presidency. According to a senior Greek government official, the two priorities were:
  (i)   Measures to counter illegal immigration, which was a key Greek concern because of the difficulties regulating entry across Greek's external frontiers and the dilemmas posed by the development of the smuggling and trafficking branch of the migration industry. It was acknowledged that illegal immigration was an issue that hit the headlines and that unavoidably coloured' the Greek presidency.
  (ii)   Co-ordination among member states on the issue of legal immigration with dissemination of best practice between member states.
In addition to this focus on legal and illegal migration flows, albeit with strong impetus from northern EU member states, particularly the UK, Denmark and the Netherlands,

there were proposals to introduce new measures to regulate asylum and refugee migration. Asylum has not been such a big issue for the Greek government with the result that the domestic constraints that have, for example, driven the UK response were not so apparent. For this reason the Greek presidency was abler to play the role of honest broker.

Greece inherited a challenging immigration and asylum agenda because, although, progress had been slow, the agenda was filled with discussions of the range of thorny issues thrown up by migration. First of all, measures to counter irregular migration had been given firm impetus during the Spanish presidency. Indeed, the Italian presidency in the second half of 2003 brings together in the space of four Council presidencies, three countries with a strong interest in irregular forms of migration. Second, progress had been made during the Danish presidency on asylum. Most notably the Dublin II directive had been agreed, that brought the principle of the principle sof the June 1990 Dublin Convention into Community law where responsibility for determining a request for asylum lies with the member states that played the greatest role in the asylum seekers entry, or a one-stop approach as it has been called. Third, there has been a re-orientation of European migration policies since the end of the 1990s with an increased emphasis on the recruitment of labour migrants. This has been motivated by labour market shortages and by concerns about Europe's ageing population. Immigration is not the 'magic bullet' that will resolve these problems (labour market and welfare state changes are also necessary), but immigration is part of the solution. Immigration can thus also be linked to the economic reform project launched at the Lisbon summit.

In terms of its domestic political orientation to immigration issues, Greece is now an immigration country and conforms to what can be characterised as the 'universalised exceptionalism' of European immigration politics. By this is meant that the nature of the response continues to be conditioned by a belief in the distinct features of Greek society, in particular, ethnic homogeneity. Yet, this exceptionalism is actually the European norm with clear similarities in terms of the social, political and economic response across the EU to the objectively similar phenomena associated with international migration in its various forms. In terms of EU comparisons, the development of the Greek response can be likened to the experience of Italy, Spain and Portugal that all underwent transitions from emigration to immigration countries since the end of the 1980s. All have faced pressure from other EU member states to pursue vigorous external frontier controls, although in all four of these countries there are relatively large informal economic sectors that have provided a space for the economic insertion of irregular migrants. Thus, while measures have concentrated on toughening up the EU's external frontiers, there remain strong 'pull' factors in EU states drawing migrants to particular economic sectors.

The issue, then, is how to manage this migration. This dilemma was at the top of the Greek presidency agenda. The political stakes are high, as *The Economist* noted in a special feature on Greece published in October 2002: 'If a moderate socialist government in a country that has rapidly moved from homogeneity to diversity can tackle migration successfully, that will deal a blow to the extreme right everywhere'.[2] Put another way,

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[2] *The Economist*, 'Roll out the welcome mat', October 10th 2002.

could the Greeks steer discussion from 'secure borders' to 'smart borders', by which is meant borders that welcome labour migration, offer protection to refugees and asylum-seekers, whole clamping down on irregular migration flows. The agenda was not 'fortress Europe', although in terms of the general sequencing of the arguments and their underlying logics, it would seem that the regulation of borders is viewed as a necessary pre-condition for a more 'positive' approach towards labour migration.

The 'smart borders' approach was the theme of a conference in Athens in May 2003 organised under the auspices of the Athens Migration Policy Initiative, a Greek foreign ministry-sponsored venture in collaboration with the Washington DC-based Migration Policy Institute. The conference brought together 12 leading experts on international migration. It was fairly clear that Greece, as with other European countries, has internalised a structural need for migrant workers. This may be a relatively new issue for Greece, but is a fairly common European dilemma. Indeed, despite the political exploitation of 'uncontrolled migration' that has occurred in many EU member states, the reality is that only around 2.5 per cent of the world's population live outside the country of which they hold nationality, and, of these, around 10 per cent live in Europe (around 13 million people. Moreover, of the world's 13 million asylum-seekers and refugees, 9 million are outside Europe. Moreover, the costs of control are high. The Greek government spent €600 million on border controls in 2002 and deported 54,600 illegal immigrants. While international migration in its many and various forms clearly raises troubling border and boundary issues for EU member states it is worth noting that the world's richer countries remain powerfully exclusionary. The discussion of 'managed migration' and 'smart borders' can thus be placed in the more general context of policies that have sought to regulate flows of 'wanted' migrants into EU member states while seeking to reduce the flows of those state policies have defined as unwanted.

Progress on key issues
The discussion in this section focuses on the areas identified by the Greek presidency as priorities: legal immigration, asylum, and illegal immigration, borders and repatriation. To these are added relations with third countries and anti-discrimination/immigrant integration.

Although debates about 'immigration' can become very fixed on forms of population mobility that involve a move from one country to another and lead to permanent settlement, the reality is that international migration comes in many and various forms that can encompass different motives for movement and different durations of stay. There are many types of movement that involve the crossing of state borders that are capable of 'metamorphosing into something else through a set of processes that are increasingly institutionally driven' (Dobson et al. 2001: 25).

This insight provides four background observations that are useful to bear in mind when specific Presidency issues are assessed. First, the history of European migration can be understood as the progressive narrowing of the categories of persons entitled to enter European countries (with some contemporary re-opening linked to the spatial reconstruction of European migration discussed earlier). One result of this has been the

development of forms of migration -most notably people trafficking and human smuggling - that seek to subvert these controls. Second, a key role in migration policy is played by the perceptions of the effects of migration in receiving states, which, in turn, are linked to questions of resources and values and whether or not immigrants are 'wanted' or 'unwanted', 'good' or 'bad' in the context of the (usually) national framing of these discussions of resources and values. Third, migration embodies a set of complex issues that defy any simplistic 'secure borders' approach. Migration can be short or long term, or it may take the form of rotation, commuting or contract-based migration. What is more, the dynamics of particular economic sectors that contribute in distinct ways to migration dynamics as on-going Framework 5 research into the construction, ICT and health care sectors across the EU demonstrates. Fourth, the set of institutions that drive migration policy are changing. The primacy of the national state is questioned by European integration, but it is also worth recalling that in the area of international migration the power of the national state has been questioned by an international legal framework originating in the 1951 Geneva Convention that sought to establish a system of protection for those in fear of persecution. Thus, it is not only the institutional processes (and their location) that are of interest, but also the normative foundations of these institutional processes. This becomes particularly relevant when asylum is discussed.

Legal immigration
The attempts to develop more 'positive' labour migration policies can be related to the effects of labour market shortages and concerns about Europe's ageing populations on the arguments about 'resources' and 'values' that inform migration policies. In this area there were two important developments during the Greek presidency. First, a directive on family reunification was agreed, which defines the concept of the family and the rights of families to be reunited in EU member states. Legally resident third country nationals (TCNs) who hold a residence permit valid for at least one year and refugees can be reunited with their families. Persons eligible are the spouse, children under the age of 16 and under-age children of the spouse. Member states can demand a certain period of residence before TCNs are authorised to bring in family members, but this cannot exceed two years. The directive is important because family reunification measures in European countries helped turn flows of labour migrants into settled immigrant populations as the labour migrants were joined by their family members. This was seen as leading to the creation of forms of rights-based politics where judicial interventions stymied more repressive executive instincts. A directive on the rights of long-terms residents was also agreed, which extends to TCNs with 5 years continuous residence in a member state the right to move from one member state to another without encountering the procedures for new immigrants.

The reaching of agreement on these issues was an achievement for the Greek presidency because these issues had been on the agenda for a long time (3 years in the case of the long–term residents' directive. The Greek presidency linked the agreement on the two directives to close co-operation with a 'constructive and flexible Commission, which accommodated the Council and to a policy of listening to the smaller member states, which created an atmosphere of compromise as no state was 'pushed from the table'. On

both of these issues, the Benelux countries were prepared to be liberal, as too were the Swedes and Finns, but not the Danes.

The directive on the rights of long-term residents is also important in terms of the more general discussion of European citizenship. In its 2000 communication on common immigration policies, the Commission mooted the idea of 'civic citizenship' for legally resident TCNs, which is essentially a Europeanised form of denizenship, whereby legally resident TCNs acquire legal, social (and perhaps local political rights) short of full citizenship. The route to the repair of this 'incomplete' membership status is envisaged as the acquisition of the nationality of a member state. There seems to be no route independent of the national route for the acquisition of EU citizenship by legally resident third country nationals.

Asylum
The international protection system put in place after World War Two has been at the centre of the contentious politics of migration across Europe, particularly in northern Europe. Asylum has not been a hot issue in Greek politics, which allowed the Greek presidency to play the role of honest broker and seek progress on two important directives: a directive covering minimum standards on procedures for granting or withdrawing refugee status and a directive on refugee status and subsidiary protection. During the Greek presidency, most progress was made on the procedures directive. German opposition blocked the refugee directive.

Table 1 shows the numbers of asylum seekers entering the EU in 2002 and the first quarter of 2003 while Table 2 shows the distribution of these asylum seekers per 1000 inhabitants in EU member states.

Asylum applications in the EU for 2002 and the first quarter of 2003
(first table ranked by totals and second per per 1,000 inhabitants)

	Total in 2002	(Jan-Mar 2003)		Per 1,000 in 2002
UK	110,700	20,640	Austria	4.6
Germany	71,127	14,939	Sweden	3.7
France	50,798	12,323	Ireland	3.1
Austria	37,074	6,657	Luxembourg	2.4
Sweden	33,016	7,937	UK	1.9
Belgium	18,805	3,828	Belgium	1.8
Netherlands	18,667	3,674	Netherlands	1.2
Ireland	11,634	2,818	Denmark	1.1
Italy	7,281	-	Germany	0.9
Spain	6,179	1,547	France	0.9
Denmark	5,947	1,176	Finland	0.7
Greece	5,664	2,246	Greece	0.5
Finland	3,443	768	Spain	0.2
Luxembourg	1,043	296	Italy	0.1
Portugal	245	22	Portugal	0.0

Source: UNHCR, Population Data Unit

The Tampere declaration identified four building blocks of the EU asylum system:
- Determination of the state responsible for the examination of an application (covered by Dublin II)
- Conditions for the reception of asylum seekers (also agreed during the Danish presidency)
- Minimum standards on asylum procedures
- Qualification and content of refugee and subsidiary protection status.

These latter two were the main concerns of the Greek presidency, although attention was particularly focused on the procedures directive because there was more chance of progress being made. The procedures directive does, however, have some implications for the Greek asylum system because it introduces the concept of 'effective remedy' and the right to appeal before an independent authority. Greece currently does not have such a system of independent appeal and, if the directive were to be agreed, would have to make changes to domestic asylum laws and procedures.

During the Greek presidency it could be argued that the parameters of the second phase of the development of a common EU asylum system became clearer through the procedures and refugee directive. At the same time, the UK government and UNHCR initiated a broader debate about international protection, which we will get to later in this section.

As already noted, most attention was paid to the procedures directive with work done of the first 22 articles. There were some problems with the scope of the directive and its application to forms of subsidiary protection. France, Finland, the Netherlands and Sweden wanted the directive to apply to all kinds of requests, but this would have required more provisions being added to the directive. The first 22 articles themselves contained many thorny issues as they cover access to the process, the interview, the gathering of information, obligations, rights and guarantees, detention, and the right to free legal assistance and representation. Greece and France both introduced reservations on the issue of free legal assistance. Germany added a reservation on this issue at the June JHA council, while the UK have asked for time to reconsider in light of changes in domestic legislation. This issue remained unresolved during the Presidency. As too did the question of unaccompanied minors because Germany does not provide them with automatic representation even though such a provision is contained in the directive. Detention was another tough article with a lot of discussion with the Council legal service about wording that would remain faithful to international legal standards established by the Geneva Convention and monitored by the UNHCR. The end result is a short 2-paragraph Article 12 covering detention, but that has been subject to criticism from NGOs such as the European Council for Refugees and Exiles (ECRE). Unresolved issues

include accelerated procedures. Indeed, it may be difficult to reach agreement on these during the Italian presidency[3]

The refugee directive never really managed to get past the starting post because, even though significant progress had been made during the Danish presidency, it became clear at the first meeting of the Asylum Working Group that 14 member states were prepared to agree on the directive as it stood, Germany was not. Germany had reservations about the recognition of oppression by non-state actors, which it does not recognise. There were also German reservations concerning access to employment and health care. Other member states that have not exactly been welcoming in their national asylum policies considered that the directive still allowed them plenty of scope to be tough on these issues, but Germany had problems with its domestic legislation and domestic politics because of a lack of agreement between the main political parties.[4]

Another issue on which it was difficult to make progress was the listing of 'safe third countries'. Austria proposed that the EU develop a list, although most member states were unwilling to have such a list because they often have different ideas about which countries are safe and which are not. Moreover, by the time member states had added their own ideas about safe countries of origin, the EU was left with just the EFTA countries. It seems unlikely that that EU will receive too many asylum applicants from Norway in the near future, so the utility of such a list is questionable.

The broader political debate on asylum coalesced around positions staked, on the one hand, by the UK government, and, on the other, by the UNHCR. These provided some background context for the more detailed discussions, but were not the subject of negotiations. Moreover, the Greek presidency had reason to be concerned about the UK approach because, first of all, the emphasis on the processing of asylum seekers in regional and transit processing centres outside the EU was not seen to present remedies to Greek problems with people trying to enter by boat. Also, there were some concerns that if such camps were established and people were to seek to leave them, then Greece could be exposed to a new wave of clandestine entry.

The UK government's 'new vision' paper that sought the creation of regional and transit processing centres outside EU territory. The UNHCR proposed a 'three pronged' approach that emphasised the core principle of state responsibility, but in a European and regional context, as will be explained more fully below.

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[3] Summary Comments from the European Council on Refugees and Exiles on the Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status available from http://www.ecre.org/statements/apcsummapr03.shtml.

[4] Submission by Statewatch on the Commission proposal for a Directive on refugee status and subsidiary protection to the House of Lords Select Committee on the European Union, Sub-Committee "E" available from http://www.statewatch.org/docbin/evidence/refstatus.html

To begin with, the UK approach can be outlined, which can in turn be compared to the Australian 'Pacific solution'. There are links between the two approaches transmitted through intergovernmental consultations on migration policy.[5] The original British plans centred on the creation of 'safe havens' outside the EU (although the term 'safe havens' was later dropped). The plan was that asylum seekers would be kept closer to their countries of origin in regional processing centres. This envisaged camps in Turkey, Iran and Iraqi Kurdistan for Iraqis, in northern Somalia for southern Somalis, and in Morocco for Algerians. In March 2003, a letter from Blair to Greek Prime Minister Simitis outlined the UK 'New Vision' based on strong condemnation of the failings of the existing system.[6]

The UK government proposed a stronger regional dimension, although without use of the term 'safe haven' because of the Srebrenica massacre. The UK also proposed the creation of 'transit processing centres' in states bordering the EU (Albania, Bulgaria and Romania were mentioned). The idea was that applicants entering the EU would be sent back to regional or transit processing centres while their claim was assessed. In May 2003, the Blair's representative on the Convention on the Future of Europe proposed altering Article 11 of the draft constitutional Treaty which would place more emphasis on processing and protecting asylum seekers and refugees in their regions of origin. A flaw in the UK argument was identified by Noll when he argued that 'The injustice of the global refugee regime, so vigorously decried in the UK vision paper, is addressed by locating the refugee beyond the domain of justice' outside the destination state and outside established mechanism for assessing the claim.[7] Noll went on to argue that the UK proposal would 'liberate an exercise of discretionary sovereignty which we believed to be fettered in international refugee law since 1951'. Loescher and Milner call for comprehensive engagement by the EU in regions of origin, and, on this basis, analyse the UK government proposals.[8] They conclude that 'they do not conform to international human rights and refugee protection standards. They fail to understand the burdens, pressures and priorities of countries in those regions. They ignore the fact such programmes would place asylum seekers at considerable risk, and that the UN agencies supposedly charged with the management of the 'protection areas' are understaffed, underfunded and unable to assume this responsibility. Ass such these proposals are misguided and unworkable, for political, legal and ethical reasons'.

In its June 2003 communication 'Towards more accessible, equitable and managed asylum systems' of June 3 2003 the Commission distanced itself from the UK proposals. Instead, the Commission seemed more inclined to support the UNHCR 'three pronged solution'. But, as noted earlier, these general discussions, provided some context for the

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[5] G. Loescher and J. Milner, 'The missing link: the need for comprehensive engagement in regions of origin', *International Affairs*, 79 (3), 2003: 583-617.
[6] The UK document can be accessed at http://www.ecre.org/eu_developments/debates/ukletter.pdf
[7] G. Noll, 'Visions of the exceptional: legal and theoretical issues raised by transit processing centres and protection zones', forthcoming in *The European Journal of Migration and Law*, 2003.
[8] Loescher and Milner, op. cit.

asylum work of the Greek presidency, but were not directly related to the main content of the discussion, which was focused on the procedures and refugee directives.

The UNHCR responded on 17th March with a three pronged approach emphasising the principle of state responsibility, burden and responsibility sharing, the better working of national asylum systems and the strengthening of capacity in asylum countries at the point where asylum seekers first seek protection (see Annex One). The EU element of this would include:
- Closed reception centres and the listing of safe countries of origin (a concession to the UK position)
- Speedier determination of a claim
- Rapid return of persons not in need of protection
- Strengthened protection capacity with EU support in countries of origin

In May 2003 Blair's representative to the Convention on the Future of Europe proposed altering Article 11 of the draft constitutional treaty which would place more emphasis on processing and protecting in regions of origin. Gregor Noll points out that the UK vision merits close attention because it talks about smaller groups of states pressing ahead with such measures.[9] If they do, then these might work themselves slowly into EU practices in the same way that the notion of 'safe countries' did from a 1986 Danish law.[10]

The Commission's June 2003 communication outlined 10 premises on accessible, equitable and managed asylum systems (which needs to be read in conjunction with the March 2003 communication on the common asylum policy and the agenda for protection). The UK proposal seems to run counter to many of them. The Commission suggested resettlement schemes and protected entry procedures.
- Resettlement schemes share responsibility between member states
- Protected entry procedures allow access for applications made outside the EU

In addition, a new legal basis was sought for co-operation with third countries that will seek to build capacity

Whether the discussion of asylum during the Greek presidency can be seen as consensus or disintegration is difficult to judge. Rather, it would seem that the Greek presidency entered the quagmire of asylum negotiations in a political environment where domestic constraints were strong and where major issues were at stake. Not least, the relationship between the EU as a regional grouping and national/international legal standards.

Illegal immigration, external borders, repatriation
Greece has been particularly exposed to irregular forms of migration and saw this as a key issue. An implicit trade off seemed to exist in the sense that the securing of external frontiers was viewed as the necessary basis for discussion of more 'positive' labour migration policies. In terms of the legal framework, Article 63 of the Amsterdam Treaty called within five years for the Council must adopt measures on illegal immigration and

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[9] Ibid
[10] Ibid, fn 28, p. 7

return policy. The Seville summit saw much development in this area and established a full work programme for the Commission and Council. The Thessaloniki reviewed the roadmap reviewing relations with 3rd countries. On June 11th the European Commission adopted a proposal for a regulation covering financial and technical assistance to third countries, a programme with a 2004-8 budget of €250 million.[11] This builds on the December 2002 Commission communication 'Integrating migration issues into the EU's external relations' and is focused on:

- Migration's root causes
- Partnerships with third countries
- Specific measures to develop capacity to regulate migration

The programme is specifically aimed at those countries with readmission agreements with the EU. It involves using the CFSP, economic and development assistance and JHA measures. In 2002 it had been agreed to explore possibilities with regions other than those already covered by Council action plans, including Afghanistan and neighbouring countries as well as projects targeted at irregular migration.

The Thessaloniki European Council meeting sought to push ahead with a Visa Information System with use of biometric identifiers, which would result in harmonised solutions for documents for third country nationals, EU citizens' passports and information systems (VIS and SIS II). The Commission was also asked to Commission to examine the establishment of a Community instrument that would support the Return Action Programme approved by the Council. The European Council also asked the Commission to report annually on the results of cooperation with third countries.

The link between immigration/asylum and other issues has been a point often made by Commissioners Patten (External Relations) and Nielson (Development and Humanitarian Aid). More generally, the development of EU measures demonstrates quite clearly how migration is an issue that affects social and political relations within EU states, relations between EU states, and the interactions between the EU, its member states and surrounding states and regions. These 'international migration relations' have always been an integral component of post-war migration to Europe as they were evident during the period of guestworker and post-colonial recruitment. They have, though, acquired new form because of the developing supranational framework and new institutional structures that process these concerns.

Immigrant 'integration'
A necessary accompaniment to discussion of immigration and asylum policy is analysis of measures at EU level to promote the 'integration' of already settled immigrants and to combat racism and xenophobia. Immigrant integration is a controversial term in some quarters because it seems to imply mathematical processes of building a whole number while remaining quite unclear about from what and into what this process is supposed to occur while also being unclear about the institutions that are to effect this process. Moreover, much of the debate about 'immigrant integration', has centred on welfare and labour market concerns that relater to more general pressures of economic transformation

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[11] Proposal for a Return Action Programme, Council 14673/02 Limite MIGR 125, FRONT 135, VISA 172 25/11/2002

and restructuring that are difficult to link solely to immigration. Nevertheless, immigrant integration is a hot button issue across the EU and measures to strengthen the Treaty anti-discrimination provisions were included in Article 13 of the Amsterdam Treaty. Progress on these issues had been made before the Greek presidency when in June 2000 under the Portuguese presidency, when two anti-discrimination directives were agreed. These were to be transposed into national law by July 2003. The Commission sought to develop the immigrant integration agenda in a June 2003 communication on Immigration, Integration and Employment[12] tied immigrant integration more closely to the Lisbon economic agenda and a discussion tied almost entirely to the economic implications of demographic and labour market changes. This was, however, a difficult issue for the Presidency because national responses to immigrant integration are very diverse, and are also linked to questions of nationality and citizenship which are usually quite closely guarded national domains.

Conclusion

The development of the EU migration agenda during the Greek presidency demonstrates how and why migration affects social and political relations within EU states, relations between them, and relations with surrounding states and regions. It connects with debates about the European economy, internal security and the relationship between states and international human rights standards. At the end of the Greek presidency, much is still to play for and the parameters of a common EU approach remain hazy at best with divergent national approaches to the management of migration and the 'integration' of immigrant populations. The particular migration concerns of the Greek government have centred on the countering of flows of irregular migrants. The presidencies of Spain, Greece and Italy in 2002 and 2003 ensure that irregular migration has been high on the agenda because this is a common concern for all three of these countries. If the Greek presidency did mark progress towards some form of common EU immigration and asylum policy then that progress could only be described as slow and stuttering. While the basic parameters of a EU approach can be detected, this remains an areas where the EU has found it difficult to make progress because of the reliance on unanimity and the difficulty that has been encountered securing agreement on sensitive migration issues. It would be unfair to lay the blame for any perceived lack of progress at the door of the Greek presidency. In fact, there were one or two areas of progress with regards to family reunification and the rights of long-term residents. It was more difficult to secure agreement on asylum, although progress was made on the asylum procedures directive if not on the refugee directive. During the Greek presidency, broader political debates about migration also continued to develop. One of these centres on the theme of managed migration and, particularly, the ways in which channels for regular migration for the purposes primarily of employment can be opened with the result, or so it is hoped, that irregular migration can be curbed. The second of these debates centred on the future of refugee protection and the relationship between states, the EU and the international legal order. The stakes are high as systems of national, European and regional protection are

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[12] Communication from the Commission to the Council and European Parliament, 'Immigration, Integration and Employment', COM (2003) 336 final

debated. Also these themes were not the subject for detailed discussion during the Greek presidency they were important contextual factors that shape the contemporary politics of migration in Europe.

Annex one

"UNHCR'S THREE-PRONGED PROPOSAL"

EU DESTINATION STATE
Prescreening/Admissibility Procedure for prompt differentiation and channeling of claims into one of three processes

REGIONAL PRONG	DOMESTIC PRONG	EU PRONG
IMPROVED ACCESS TO SOLUTIONS IN THE REGION OF ORIGIN	**IMPROVED NATIONAL ASYLUM SYSTEM OF DESTINATION STATE**	**'MANIFESTLY UNFOUNDED' CASES PROCESSING**
• Return of asylum-seekers and refugees who have moved in an irregular manner, to a country of first asylum offering effective protection • Return of specific caseloads as part of a comprehensive durable solutions arrangement in the region of origin	Asylum processing on the merits except for: • Asylum-seekers and refugees who can be returned to effective protection in a country of first asylum • Specific caseloads falling under a special solutions arrangement (Convention Plus) • Caseloads envisaged for third prong, composed primarily of economic migrants	**EU-based processing for pilot caseloads composed primarily of economic migrants** Immediate transfer
Region of origin: • Country of first asylum Previous stay and enjoyment of effective protection and/or • Comprehensive durable solutions arrangement Access to solutions through special agreements for specific caseloads (Convention Plus). This should include registration and might include 'processing' in certain circumstances.		**EU-based processing centre** • Closed reception centre • Processing, including simplified appeal with UNHCR participation • Distribution of those found in need of protection within the EU in accordance with pre-agreed criteria Joint EU effort at return of rejected cases (with IOM)
Solutions • Self-reliance in country of asylum (possibly local integration, including DLI) • Expanded Resettlement • Voluntary repatriation and reintegration (including 4Rs) Additional and substantial development assistance will form part of the solutions arrangement.		Country of origin Producing primarily economic migrants