

Chapter 4

Immigrants in the Heart of Europe: Can A Common European Migration Policy be Avoided?

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How will the recent enlargement of the European Union and future enlargement to Turkey and additional central European countries affect migratory flows? This is a central question related to Europe's new frontiers.

It seems natural to question the link between enlargement and migration flows, given the intense resumption of such flows in a Europe that already contains almost 15 million migrants from third countries. This is not a new issue, however. In fact, every time the EU has enlarged the question of migration flows has been raised.

One expects to answer this question with figures—what additional flows, how many potential immigrants? This type of question has often given rise to catastrophic scenarios, mixed with fantastic estimates. I will, of course, refer to figures, but I want to go further and demonstrate how some characteristics of migration policy are becoming visible at a European level and are likely to affect the entire project of European construction, including the nature of its “Space” and its boundaries.

As the European Union deepens and widens, it is continuing a restrictive approach to immigration—despite the daily reality of European life and a growing chorus of European political leaders, from the right and the left, who are calling for change. Can the EU change its approach? How?

I will start with the basic question ordinary citizens ask themselves: how many immigrants will enlargement bring? I will then suggest what the answer to this question may tell us about the nature of the European frontier, about movement in the European Space and,

beyond that, the nature of the European Space itself. The difficulties involved in constructing a European migration policy, other than that of controlling frontiers, are explained by the basic characteristics of this European Space.

For a long time, we have been building Europe without a European migration policy. Member states have been most insistent about retaining their prerogatives in this area. Only border control and asylum issues are subject to common EU policies. As the borders of Europe advance, however, and as immigrants coming from countries near and far continue to enter, work and set up home in the European Space, one can only conclude that the issues surrounding immigration flows will persist. Can the EU maintain its present course without a migration policy? In a larger Europe, this question takes on new significance.

The EU finds itself at a crossroads. Attempts to forge a European migration policy have either been blocked or have registered only modest advances, particularly regarding border controls. A certain sense of powerlessness is evident in the building of a European migration policy. This powerlessness may be traced to the origins of the European Union itself. That states are reticent to hand over their authority in this area is nothing new. Public opinion against immigration, however, has hardened—even though the relatively modest number of legal entries annually, including refugees and foreigners who find themselves in the EU because of persecution, would lead one to wonder why.

Enlargement and its Consequences for Migration Flows

Let us begin with the most obvious and factual questions. What are the real consequences of enlargement in terms of migratory flows? What will be the consequences of future enlargement? These questions have appeared and reappeared throughout the course of European construction each time the prospect of further enlargement arises. Potential immigration is one of the issues that must be faced when considering enlargement.

I will address three aspects of the overall issue: What are consequences of enlargement in terms of migration flows? How has this issue figured in the preparatory discussions and in the implementation

of enlargement? To what degree was this issue taken into account when the extent of EU enlargement was discussed?

a) Enlargement and its consequences for migration

What are the consequences of enlargement in terms of migration flows? Four types of flow should be considered: the movement of citizens of the new member states to other countries of the Union; the movement of people who are not citizens of these states but who are resident there (for example, immigrants in Poland, which historically is a country of emigration but which has also now become a country of immigration); the movement of populations from countries neighboring the accession states, who have now become neighbors of the Union; and finally the movement of more distant populations who pass through these countries to enter the Union. The first category has been discussed every time the Union has enlarged. The others have gained more significance recently.

Let us consider the first type of flow. The 2004 enlargement is not generating either increased flows beyond existing levels, or new flows from countries where none existed. This is similar to previous enlargement rounds. In short, accession is not, in itself, a factor in immigration. Migration flows continue as they were. The destination countries remain largely the same, even if there is always a certain spreading out. As in the past, immigration follows routes forged by historical, political or economic bonds, which are themselves reinforced by the networks that form the very process of migration. Thus, Polish migration to Germany and France continues for essentially the same reasons as in the past. The same may be said for Portuguese migration to the north. It may be interesting to note, however, that traditional emigrant countries, such as Italy and Spain, have also become countries of immigration, and have seen their own immigrant populations grow strongly.

Overall, however, these flows are receding. Polish immigration, notably, began in the 1980s, due to political repression and economic difficulties, and surged to annual levels of 800,000 departures. The opening of borders that accompanied the fall of the Iron Curtain, however, did not bring about a massive wave of immigration. 150,000 annual departures were recorded between 1986 and 1990; 112,000

annual departures were recorded between 1991 and 1995.¹ The figures fall every year thereafter. In other words, the trend in migration is already on a descending slope. This does not mean that such flows are likely to end. It does mean that EU accession is not the reason for such flows.

It is necessary to make a comparison with the past. When Italy became an original signatory to the Treaty of Rome establishing the European Communities in 1957, outward Italian emigration figures were at 200,000, but already on a descending slope. Spain, Portugal, and Greece subsequently joined the European Community when emigration from these countries had also begun to recede. In short, in each of these cases accession did not unleash outward flows of people, it facilitated two-way flows of people.

In fact, the real impact of accession in these countries has been to reduce rather than accelerate migratory outflows. The countries of southern Europe—all of them traditionally countries of emigration—have now become countries of immigration. Moreover, the fact that a country has not acceded to the EU does not appear to prevent outward migration flows. Outward emigration from Turkey, for instance, is continuing.

A related conclusion is that accession always occurs at a moment when outward emigration flows are already on a descending slope. Is this by chance? We will see that it is not.

For the moment, let me simply note the gulf between reality and fear, which is often generated by incredible estimates. When the Soviet bloc collapsed, commentators suggested that western Europe should brace itself for up to 20 million eastern immigrants. The reality was less dramatic. The main movements of people proved to be relatively contained both in time and space, and largely involved movements of ethnic minorities *within* central and eastern European countries, rather than from east to west.

The issue of transit flows from EU neighbors or from further afield took on new significance in the 1990s, as asylum requests accel-

¹ This means, of course, real flows, e.g. entries by people who can leave again (and, in some cases, come in a number of times) and not “stocks.”

erated and EU member states sought to restrict immigration, even as they took steps to dismantle internal borders within the EU through the Schengen accords. Moreover, one consequence of enlargement has been to delegate external border control to new member states.

Candidates for immigration coming from such disparate countries as Turkey, Romania, Iran or Bangladesh have not come to European borders because of enlargement. These flows were present before enlargement and will follow their own dynamic. In fact, the most recent wave of enlargement has been accompanied by tougher external border control measures, which are likely to reduce migrant flows through these states.

Of course, all migration into the Union does not flow through the new member states. Migration is rapidly expanding across the EU's southern frontiers. African migrants arrive via the Canary Islands, Tangiers or Gibraltar. Italy receives Libyan migrants via Lampedusa, and Iranian, Iraqi and Afghani immigrants via Catania. Turkish migrants enter Greece via Patras. Italy and Austria are entry points from southeastern Europe. In northern Europe the world port of Rotterdam has been a significant point of entry for Chinese and Sri Lankan migrants.

b) Migration's role in further enlargement and the further construction of Europe

In sum, enlargement has not been shown either to generate new sources of inward migration or to accelerate already existing flows. On the other hand, the potential for such migration has always been a significant issue in debates leading to each wave of EU enlargement itself. This is my second point.

Each time the question of EU enlargement arises, numerous studies are commissioned to quantify the flows that could be generated by immigration. These forecasts have almost always emphasized that migratory flows are influenced far more by domestic conditions in the source countries themselves than by the prospect of EU enlargement. Such studies have also underscored that enlargement has generally served to inhibit such inward flows. A study by Boeri and

others in 2001,² for example, concluded that the impact of enlargement would be weak, with little impact on the European labor market. The study examined such variables as income differences in incomes and employment levels, using a convergence hypothesis of 2% per year for GDP, with an unchanged level of unemployment for both the EU and the central and east European countries. The study estimated that migration from new member states to old member states would total around 300,000 persons per year, but concluded that after a period of transition the new member states were likely to become countries of immigration themselves, as has happened in southern Europe.

It is striking, however, that most of these studies tend to regard mobility as a problem, rather than as a positive factor promoting greater labor mobility for the economy. I will return to this point.

Migration flows were also a subject of the accession negotiations. In most cases, free movement of people is achieved in stages. Transition rules are negotiated to manage the movement of people from a new member state to the old member states. First, a new member state must align its entry rules (particularly visas) with those of the Union for people coming from third countries. In return, the EU provides financial and other means of assistance (“Schengen funds”) to enable the acceding state to bolster its own external border management operations, since such national frontiers become the EU’s external frontier.

In short, the EU has always sought to manage enlargement by ensuring that not too many people from acceding states come to settle in old member states.

c) Migration and the limits to EU enlargement

The potential impact of further EU enlargement on migratory flows across the European continent will continue to be an important

² T. Boeri, H. Brucker et.al., *The Impact of Eastern European Enlargement on Employment and Labour Market in the Member States*, European Integration Consortium, Berlin/Milan, 2001. See also SOPEMI 2000, OECD. See also H. Hille, T. Sraubhaar, “The impact of the European enlargement on migration movements and economic integration : results of recent studies,” in *Migration Policies and EU Enlargement*, OECD (2001).

factor as EU nations consider the future size and nature of their Union. It is an important issue as the EU considers other candidate countries from eastern Europe. It has been raised consistently with regard to Turkish accession. The potential impact of Turkish migration continues to play an important role in Germany, the principal destination country.

I draw three basic conclusions from these debates. First, I believe I exaggerate only a little if I say that enlargement takes place under conditions of limited or controlled mobility within the Union—a paradox in a Europe committed to create a space in which there is free movement of people. Second, each time enlargement proceeds the Union raises its external borders even further. One might go so far as to say that as the EU pushes its frontiers out, it becomes ever more closed to immigration. This presents a stark contrast with the U.S. border, which advanced with the immigrants. Third, common efforts to control human mobility towards the Union and reinforce the EU's external borders control are the only signs of what might be called the "Europeanization" of migration policies.

The Different Frontiers of Enlargement and of the European Space

I would like now to analyze, from the point of view of immigration, the relationship between this European frontier and the other borders of the European Space, be they provisional or longer-lasting.

Borders delineate an area of autonomous law which defines the area of sovereignty. Granting right of entry is a discretionary power. The right to leave is an acknowledged precept of international law; the right of entry is not. Moreover, it is important to distinguish between the right of entry and the right of abode. As European construction advances, the right of abode raises for EU member states the issue of free movement of people.

The 1957 Treaty of Rome refers to free movement of people, and thus affects the sovereign powers of EU member states, but it is essentially concerned with the free circulation of goods and capital. The first European Space was that of a market, a space in which the mobility of men and women and their freedom to circulate was not a prime

objective. Debates about the free movement of people arose only later, as G. Callovi notes.³

The freedom to set oneself up elsewhere is bound up with economic activity, whether for salaried work, the setting-up of an independent activity or the offering of services. Family members are not mentioned in the Treaty and this issue was not addressed for a long time, other than as a right subsidiary to the activity concerned.

For many years the Treaty of Rome was used mainly to pry open areas of economic activity within member states that were closed or restricted for one reason or another. Ensuring more open access to closed professions has been a long battle within the European Union, and scant progress has been made. The European Court of Justice was compelled to challenge restrictions and exceptions that had been established by member states in the area of public service, for example. Accompanying legislation regarding mutual recognition of diplomas and qualifications was also needed; this is now being extended along with a common framework for higher education. Efforts to ensure equal treatment of nationals and non-nationals when it comes to social benefits have been slow, and were limited at the outset to people with jobs. Finally, for a long time the right of abode for family members was a right derived from the activity of one member of that family.

It was only in 1990 that the right of abode was extended to persons not undertaking an economic activity, with the condition that they possessed sufficient resources to support themselves. This determination introduced a new and very different logic. The fact that the Treaty of Rome included the free of movement of people (as well as goods, services and capital) as a fundamental freedom is a break with the classical concept that accords nations the exclusive right to allow people into their territory and to accord priority to their own citizens when it comes to employment. The Treaty challenges this notion, establishing that this is a right *per se*, a personal right derived from the

³ G. Callovi, the former Head of Unit for “Free Circulation of Persons, Visa Policy, External Borders, Schengen” at the European Commission, Working Paper: *The Europeanisation of the Immigration Policies of the European Union* (“Rencontres du CEDEM”, 11 February 2004). Here, we find a perception that is close to neo-classical theory, which underestimates the issue of movement of people. See G. Tapinos, *The Economy of International Migration*, “Presses de la FNSP,” Paris.

⁴ Callovi, *Ibid.*

Treaty, not an administrative authorization of the receiving State.⁴ Both the Second World War and the Cold War were important influences on the development of this right.

A major step forward came with the Treaty of Maastricht in 1992, which recognized freedom of movement as a consequence of citizenship of the Union, even if a certain number of ambiguities remained, particularly since this freedom remained subjected to a number of instruments of subsidiary law. It was only the EU directive of March 10, 2004, concerning the right of citizens of the Union and the members of their families to circulate and to take up abode freely on the territory of the member states, which finally clarified the situation. Member states have two years to implement the directive, which coincides with the two-year transition period imposed on new member states.

As these developments unfolded, many of the EU's internal frontiers were dismantled. In June 1985, seven EU countries agreed at the tiny Luxembourg town of Schengen to end internal border checkpoints and controls. More countries have joined the treaty over the past years so that there are now 15 Schengen countries, including non-EU members Norway and Iceland but not yet including EU members Great Britain and Ireland. Also in 1985, the European Commission issued a White Paper setting out the goal of creating an internal space without borders, one that would eliminate physical, technical and fiscal frontiers between members - an objective subsequently taken up in the Maastricht Treaty, even though implementation really only began in 1995.

What do these developments mean for nationals of third countries within the space of the Union? To consider this, we must return to the distinction between the right of entry and the right of abode. As far as entry is concerned, the lifting of physical barriers means that once third country nationals are in the Union they may move freely within most of the Union. This circumstance was only achieved after great difficulties, and was at the heart of the discussions leading to the dismantlement of internal border controls. Great Britain, for example, took the view that free movement did not oblige it to abandon controls on third country nationals. The Commission, too, recognized that the process could not lead to a reduction in security and so the elimination of frontiers within the Schengen framework was accompa-

nied by implementation of a harmonized visa policy and reinforced controls on the EU's common external borders. Schengen is integrated into the 1997 Treaty of Amsterdam, which ends many internal controls on the movement of people. Particular provisions are retained, however, for Great Britain, the Republic of Ireland, Denmark, Norway and Iceland. New member states are obliged to conform to the EU *acquis* in this field, although transitional provisions do not allow them to lift such controls immediately.

The result is that an intermediate, variable-geometry frontier has been put in place within the European Union. Schengen, a zone of free movement, is at the same time an area of reinforced closure against potential immigration who would be able to pass through the territory of other member states if their borders are judged to be insufficiently closed.

A second border has also been set up. The freedom of third country nationals to move from one member state to another within the Union does not actually confer any right of abode. As was outlined earlier, this freedom has been closely linked to the issue of economic activity—even for citizens of the Union. States that permitted immigration after WWII were forced to limit the mobility of foreigners permitted to stay and to work, even within their own territories. In Germany, France and Belgium, work permits do not grant entry, in the same way as the work permits of the 19th century, to all areas of national territory. Thus, in France in the 1960s and 1970s, the first entry and work permits obtained by an immigrant restricted movement to a single *département* and to a single sector of activity. This policy, defined completely by the need for labor, intended to control mobility.⁵ This is what was called labor policy, common to the whole of Europe but so different from the policy of immigration of countries such as the U.S. and Canada. Restrictions were lifted first for those who became citizens of EU member states and who acquired freedom of movement with regard to entry and to right of abode within the whole of the Union. They were not always completely lifted for third country nationals within the national spaces—there were limitations, for example, on access for non-salaried professions. Moreover, nationals of third countries who enjoy the right of abode in one member

⁵ Y. Moulier-Boutang, *De l'esclavage au salariat*, PUF, 1998.

state do not necessarily enjoy the right of free movement of abode. Thus, another border opens at the heart of Europe.

Free movement is thus a variable geometry phenomenon. The Treaty provides for nationals of the member states to have all the rights foreseen by the Treaty except for the exceptions provided for in the Treaty. Third country nationals are excluded from these rights, unless there is a specific act of inclusion. By virtue of this second exception, the nationals of Switzerland, Norway, Iceland and Liechtenstein, who are not EU members and thus not EU citizens, benefit from free movement. By virtue of the first exception, however, nationals of new EU member states are subjected to a transition phase for a right linked to citizenship, but cannot take advantage of any specific status in Great Britain, Ireland and Denmark.

In short, for immigrants who have not acquired the nationality of one of the member states, a second frontier separates those who come from member countries and those who come from third countries. Immigration from a third country into a state of the Union does not today give one the right to move and live in another state of the Union. The naturalization procedures that transform immigrants into citizens of member states, and thus into citizens of the Union, are not equally accessible in different member states. Only Germany has just changed its legislation in this regard: many children of (mainly Turkish and Yugoslav) immigrants who have lived for a long time in Germany still do not have German nationality. The Treaty's inclusion clause, however, may open the door for third country nationals in the future.

This brief review underscores the considerable time it has taken the EU to act on the principle of free movement of people even for EU citizens. Such efforts have only recently addressed the issue of immigrants living within the EU. So as the EU has forged a common external frontier, a second, more invisible border has formed within the EU, separating those who have the right to circulate freely, to get a job and set up a home, those who cannot or only with much greater difficulty.

What will the consequences be in terms of enlargement? Once the transitional provisions end, accession makes the citizens of the new member states potential candidates for free movement. It also transforms immigrants living in these states into beneficiaries of the right

to free movement. Enlargement thus contributes to displacing and reinforcing the invisible internal borders between immigrants of third countries and immigrants of member states. This raises, in particular, the issue of what to do with many potential immigrants living on the southern bank of the Mediterranean, who are knocking on the door.

Thus, EU efforts regarding both the free movement of people and enlargement have raised the EU's external borders while generating invisible internal borders between member countries as well as between immigrants.

The paradox is that those who are free to move do not. In the EU today, intra-European mobility remains very weak. In the enlarged Union, only 0.2% of the EU population has moved from one state to another in the course of one year, as compared with 1.5% in the United States between the five major regions of the American census. Inter-regional mobility within EU member states themselves is itself very weak. Only 1.2% of Europeans who are employment have changed residence in this same period.

The upshot is that the European Union is developing as a space of mobility for those who do not move or move very little, and of a space restricted to those who do move. The original concept of the "European space," which was so completely dominated by the issue of controlling mobility in the labor market, remains strong.

Migration Policy: The Failure of Europeanization

One can only be struck by the successive failures recorded by efforts to Europeanize migration policy, which remains one of the least Europeanized areas. The difficulties inherent in developing a European migration policy that could be something other than a border control policy are perhaps best understood by realizing that one of the founding concepts behind European construction was that of a controlled economic space.

The area of migration policy remained largely the responsibility of EU member states. The result is a patchwork of approaches, accentuated by the special treatment various member states accord to third countries with which they share particular bonds.

The Treaty of Rome considers migration of third country nationals to be the exclusive preserve of the member states. The first phase of European construction, from 1957-1973, was a time of high immigration rates and great labor shortages within EU nations. Of the founding states of the EU, only Italy supplied labor, which was absorbed by other European countries, including Switzerland. The 1973 accession of Denmark, Great Britain and Ireland (whose emigration is directed towards Great Britain and the U.S.) did nothing to change this equation. Member states completely retained their authority in this area.

The first oil shock in 1974-75 ushered in a period of awareness of immigration and slowing of migration. The European Commission prepared an action program for families that centred on issues of integration, while the European Council sought greater dialogue on illegal immigration. The accession of Greece, Spain and Portugal, which, like Italy, are still considered to be countries of emigration but are becoming countries of immigration, reinforced divisions within the EU. When the Commission in 1985 issued a Communication on "the Orientations for a Community Policy on Migration," the Council quickly made it clear that issues of entry, abode and work were the competence of the member states. France, Germany and Great Britain challenged the Commission's request for greater information in these areas in the European Court of Justice.

It is remarkable that a common, harmonized policy on migration has not been considered among the measures essential to the abolition of controls on internal borders in the Schengen process. The Palma de Majorca document, adopted by the Madrid European Council in June 1989, confirmed the resistance of EU member states to consider such an approach. When a further Schengen convention was signed in 1990, some months after the destruction of the Berlin Wall, it gave no impetus to the harmonization of immigration policies, even though EU states were preparing to abolish internal borders in a context in which there was growing concern about massive arrivals from the East following the collapse of the Soviet bloc, the break-up of Yugoslavia, instability in neighboring countries and major inflows from the south.

The desire to complete the internal market and achieve an internal space without borders was accompanied by a continual resistance by member states of any movement toward new Commission competencies in the immigration field. The issue remains the preserve of mem-

ber states, with only very limited progress on harmonization in the area of social integration (education, language, housing, equality in work with nationals, racism etc.), which does not extend to core issues of migration policy such as the right of abode and the right to work.

Only on the issues of external border control and requests for asylum is there some degree of harmonization and Europeanization. Even here, however, individual member states retain their own criteria for recognition of the status of refugees.

The 1992 Maastricht Treaty and the subsequent Treaty on the European Union (TEU) represented major steps forward, by institutionalizing the three Pillars that form the European Union: the first Pillar consolidates the '*Acquis Communautaire*,' the second seeks to deepen European political cooperation through the Common Foreign and Security Policy (CFSP); and the third brings together various aspects of cooperation in the areas of justice and internal affairs, including issues relating to immigration and asylum. Authority in this last area, however, continues to reside with member states.

More time is needed to pass from the common interest to the community interest. The first attempt at an overall European policy more comprehensive than that of control of borders and harmonisation of policy on asylum requests already put in place is extremely recent. Although the Treaty of Amsterdam (May 1999) made Third Pillar questions of visas, asylum, and immigration Community procedures, unanimous decision by member states remains the rule.

At the Tampere European Council in December 1999, EU member states indicated a willingness to move from an approach focused on managing the issue of immigration to one that takes both immigration and integration of third country nationals into account. This was reaffirmed at the Laeken Council in December 2001. By 2002, however, member states were preoccupied once again with the problem of illegal immigration in its most restricted sense. The Sangatte crisis between France and Great Britain and September 11 ensured this. In short, except for some initiatives regarding social rights, intentions have not been translated into action.

Europeanization seems to advanced further with regard to a common approach towards admission to stay. The Commission has tried

to make progress on the status of long-term residents, as well as in the area of family regrouping, although this has been the subject of complaints by many states to the European Court of Justice. In January 2005 the Commission released a Green Paper on a EU-wide approach to the management of economic migration in which it stated that “the admission of economic migrants is the cornerstone of any immigration policy and that it is therefore necessary to address it at European level in the context of the progressive development of a coherent Community immigration policy.” Nonetheless, it remained cautious and deferred to member state sensitivities by concluding that “a successfully operating Community policy in this field can only be put in place progressively, in order to facilitate a gradual and smooth move from national to Community rules.”⁶

The Green Paper puts the question out in the open, but until now European policy on immigration has remained essentially one of closed frontiers based on security concerns. Moreover, this issue has become more important as the EU has grown.

Conclusion: Economic Frontier or Citizens’ Border?

The high priority accorded to security concerns in European migration policy does not mean, of course, that there will not be migration. Among OECD nations Europe remains a zone of strong immigration and even of immigration growth. This immigration consists of illegal immigration, asylum seekers and economic migrants, including highly-qualified third country nationals.

There is thus reason to believe that immigration will continue. Demographic projections from Europe and the pressures from the south make this scenario more than likely. The needs of the labor market are not only confined to qualified manpower in such areas as health or information technology), but also to unqualified manpower in certain neglected sectors. Although there is no EU policy in this area, support for a policy of “zero immigration” loses ground each day.

⁶ Commission of the European Communities, *Green Paper on an EU Approach to Managing Economic Migration*, January 11, 2005. Available at: http://europa.eu.int/comm/justice_home/doc_centre/immigration/work/doc/com_2004_811_en.pdf.

Many southern European countries that were formerly countries of emigration are now countries of immigration. In time this reversal could also happen in Eastern Europe. Accelerated immigration in other countries is due to more open approaches to in a range of employment sectors: massive and repeated regularizations in Spain and Italy; sectoral openness in Germany, as represented by the “green card” for computing specialists; and British appeals for higher numbers of qualified immigrants. France has been notably less open.

A debate on greater openness towards immigration has begun throughout Europe, but it remains confused and weighed down by the vestiges of post-WWII European “manpower” policies, which treated migration as short-term and temporary. Europe is still far from the recognition that “we cannot close the doors,” as Kofi Annan said in his 2004 speech to the European Parliament in Strasbourg. Europe has additional needs for immigration, which is also part of the solution as far as the question of the “South” is concerned.

There are also countervailing trends, as countries engage in more repressive policies (closure of the Sangatte camp by France, the multinational proposal for transit camps outside the Union, or the Italian air bridge to Libya for large-scale repatriations) and as governments find themselves pressured by xenophobic political parties (the Netherlands, Denmark), towards even more restrictive approaches to immigrants.

The consequence is that immigrants continue to waiting at the “servant’s entrance” of Europe, the continent’s back door, as Aristide Zolberg calls it, for irregular immigration, gaining admittance as local market needs or rights acquired by work (family reunification) allow.

The EU’s border lacks a front door, however, and remains dominated by considerations of harmonizing security, even as it proceeds from one wave of enlargement to the next.

European construction remains anchored in an economic conception of the “European Space.” To the outside world, it does not represent a space for citizens. Access to abode, and access to European citizenship for third country nationals, remain issues for individual member states.

Let us risk drawing some conclusions about enlargement. If Europe is a market in which goods, capital, and people circulate to the extent

that and where the market needs them, then the Union can probably continue to extend itself indefinitely. If the Union is a space for citizens, where mobility is a right, where the common border has entrance doors that provide access to those with a willingness to establish themselves and to citizenship, then political questions become more central. Can Europe avoid asking itself these questions? Can it avoid a true migration policy? Will it succeed in doing it or is it definitively condemned to powerlessness, even when immigration is destined to remain an important dimension in Europe and when the divide within Europe, between immigrants from countries now in the Union and immigrants from third countries, is growing?

The second generation of migrants, in particular, who have grown up in Europe with these currents, are frequently the subject of serious discrimination in the labor and housing markets. In France, more than 40% of young people of Maghreb immigrant origin said they were victims of job discrimination within the first three years of leaving school. They spent more time unemployed than other young people, despite equivalent diplomas, an upsurge in the labor market, and the fact that the democratization of the school system had enabled them to gain higher qualifications.⁷ Situations of this type are found throughout Europe, creating the possibility of a strong and lasting division.

But will it be possible to create an integrated European migration policy when current approaches are reduced simply to better border controls and thus portray immigrants as a danger? A European migration policy does not mean Europe should stop controlling its borders or fighting illegal immigration. It does mean that Europe cannot continue without a front door to migration.

Changing policy at the European level does not simply mean standing up to the reluctance of member states. It means moving from the prevailing economic concept toward one that is more political—that of a citizen of the European Space. From this point of view, the EU's founding principle linking openness of immigration to employability remains an obstacle to an immigration policy that accepts the immigrant as a future citizen from the outset. It is even an obstacle to a pol-

⁷ R. Silberman, I. Fournier, "Second generations on the labour market: an ethnic penalty which persists. Contribution to a discussion on segmented assimilation" (Forthcoming, 2005).

icy that aims at more qualified immigration, in the simple sense that immigrants move in a world market and cannot be offered short term positions unless they have broader prospects for life, as the failure of Germany's green card system for the information technology sector has shown.

As the level of unemployment remains stubbornly high across Europe, Europeans must face up to the fact that there is a rise in views hostile to immigration—as documented by Eurobarometer, the European Social Survey, and the rise of extreme right parties. In the United States, politicians seek the favor of minorities. In Europe, too many are catering to the extreme right. A start could perhaps be made through rapid, harmonized access to citizenship for third country immigrants—many of them Muslim—who are already living in the heart of Europe. If not, we run the risk that enlargement will come to mean nothing but Europe closing itself off from the rest of the world and racism anchoring itself in the heart of European societies and in the European Union.