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## Immigration and free movement in an unusual electoral race: what implications for the next political cycle?

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### BACKGROUND

For the first time, the President of the European Commission will be elected by the European Parliament (EP) on a proposal made by the European Council taking into account the outcome of the EP elections. In this context, European political parties chose to put forward 'top candidates' at EU level campaigning for this job, simultaneously with the candidates competing, at national level, for seats in the future European Parliament.

Throughout the campaigns at national and EU level, migration is among the main issues addressed and has some potential to determine the outcome of the elections. The economic, financial, social and identity crisis in addition to the rise of populism have provided a backdrop for migration to come to the foreground. This, together with concerns expressed in some Member States on issues like demography and labour force shortages, has laid the groundwork for thought-provoking and heated debates on migration. This policy brief seeks to analyse the content of the arguments brought forward at national and EU level and their potential to influence the Union's future political agenda.

Without any pretence of exhaustive analysis, this paper focuses on how EU immigration policy and free movement of EU citizens are discussed in the three biggest EU Member States where these issues have fuelled high tensions in recent years: France, Germany and the United Kingdom. It is worth highlighting, these topics are debated in different terms and from different perspectives in other EU Member States. Nevertheless, the choice of these three is motivated by their capacity to influence the evolution or involution of the EU's immigration and free movement policies in the next political cycle.

Regarding the EU level, the paper examines how these policies are debated between the four aspirants for the Commission's Presidency who have participated in several debates: Jean-Claude Juncker (EPP), Ska Keller (Greens), Martin Schulz (PES) and Guy Verhofstadt (ALDE).

This paper will focus on the following key issues: external border controls, legal migration, intra-EU solidarity in the field of immigration, the Schengen area and the so-called 'benefits tourism'. This will help identify the possible priorities and trends on the future European immigration and free movement agenda.

From the analysis, it is clear that two different campaigns are unfolding with respect to these two policies. The tense domestic debate in Germany, France and the United Kingdom is not uploaded to the EU level, where instead we are witnessing a rather serene 'confrontation'. Therefore, several questions deserve particular attention: What impact will this have on tomorrow's immigration and free movement agenda? How will this influence the development of these policies? What will the consequences be, if any, in institutional terms?

### STATE OF PLAY: the disconnection between two debates

#### **An unbalanced debate at national level: from an aggressive tone to muteness**

In the three abovementioned countries – but not exclusively – immigration and freedom of movement are intensely debated and create great anxiety. Although discussed together at domestic level, these two policies are fundamentally different. The freedom of movement is a fundamental right granted to EU citizens whereas the immigration policy defines rules regarding entry, residence and movement of third country nationals to and within the EU.

National parties have put forward different political programmes which can help us anticipate the trends among which debates in the future EP might take place in terms of immigration and free movement. These issues are likely to be 'hot topics' for the next European political cycle, therefore it is important to pay attention to how they are currently being approached at national level.

Some parties chose to play the 'aggressive card'. Ultranationalist parties such as UKIP (UK) and Front National (France) have put the generic 'migrant' – no distinction between mobile EU citizens and third country nationals – at the centre of their campaign, wrongly mixing up the two categories in doing so. In any case, their focal points are different. UKIP aims to end the 'social welfare tourism' of EU citizens moving to the UK. The Front National's goal is to stop "both legal and clandestine immigration" and to revise the Schengen agreement in order to "regain control" over French borders.

A milder tone can be found amongst some mainstream political parties which have decided to bet on the 'reduce immigration card'. Their agendas concentrate on different concrete issues, but have three more or less common elements. First, as the parties mentioned above, they mix issues of free movement and immigration. The Bavarian Christian Social Union (CSU), the British Conservatives and German Alternative für Deutschland (AfD) intend to reform the free movement rules in order to – as they put it – limit migrants' access to social benefits. Second, some envisage a revision of the Schengen rules. The French Union pour un Mouvement Populaire (UMP) wants sanctioning, suspending or even excluding a 'failing' Member State from the Schengen area to be possible. Moreover, the UMP wishes to suspend France's participation in the Schengen area within 12 months if "substantial progress" is not made. Third, in terms of immigration, UMP and AfD talk about controlling immigration by strengthening border controls.

The 'shy stance on immigration and/or free movement card' is played by the German Christian Democratic Union (CDU) and Sozialdemokratische Partei Deutschlands (SPD), the British Labour Party and Liberal Democrats (Lib Dems) and the French Socialists, although there are some differences worth mentioning. As for the freedom of movement, the French Socialists timidly invoke it only in relation to workers. Their objective is to fight social dumping which is also a priority on the SPD and Labour Party agendas. In this vein, the two parties want to press for stronger controls in Europe. The benefits of free movement are however pointed out in the Lib Dem agenda, together with the commitment to fight the abuse of the British social system. These parties are nevertheless a bit bolder on immigration. The French Socialists want to boost development aid and enhance intra-EU solidarity to assist Mediterranean countries. Development aid for origin and transit countries is also put forward by the German Christian Democratic Union (CDU). The same goes for Germany's SPD which also highlights the need for a system of legal migration.

Finally, the 'some things are better left unsaid card' has been put forward by the British Lib Dems and Labour Party in terms of immigration (not freedom of movement). The immigration policy is not mentioned in the Lib Dem manifesto. Although it has a chapter entitled "immigration that works for Britain" in its manifesto, a thorough analysis of the Labour Party's programme shows it is mainly – if not exclusively – composed of free movement policy proposals.

Three main conclusions can be drawn from this analysis. First, immigration and freedom of movement are – with some exceptions (ex: British Lib Dems, French Socialists, German SPD) – debated together. It cannot be stressed enough that blurred lines and forced overlapping of dossiers could lead to instilling the idea of EU citizens as immigrants and envisaging a restriction of the rights they enjoy. Considering that free movement is perceived by EU citizens as one of the biggest EU achievements, this distortion and its possible consequences are [particularly dangerous for the future of the European project](#).

Second, some mainstream parties have borrowed populist arguments creating an imbalance between, on the one side, arguments depicting migrants as a burden for the host society, speeches on revising the Schengen rules and strengthening external border controls and, on the other, a hesitation to highlight the benefits of migration. This is not very surprising. After all, politicians are elected by voters and migrants are not part of the electorate (for EP elections) with the exception of the UK for some specific third country nationals. In addition, mobile EU citizens, who do have a right to vote in EP elections, represent a very small share of people and, consequently, voters.

Finally, although competing in European elections, the political agendas of national parties are also characterised by fundamentally different objectives due to different social, economic and political situations that impact the way immigration and free movement is addressed.

### **At the EU level: a mild debate**

For the four 'top candidates' who have participated in several public debates – Jean-Claude Juncker, Ska Keller, Martin Schulz and Guy Verhofstadt – immigration and free movement are less controversial and have been less arduously and

extensively debated than subjects like: youth unemployment, austerity or the crisis in Ukraine and energy dependence on Russia. Furthermore, they bring forward other policy elements – sometimes different than the trends identified at national level – which might also be priorities on tomorrow's EU immigration and free movement agenda.

Immigration is not the item which distinguishes the four agendas although it receives different attention from candidate to candidate. Verhofstadt speaks of the need for "a legal common immigration policy" without detailing it. Keller mentions a switch from a "Europe which sees migrants as a security threat" to "an open Europe that cares for people in need". Juncker presented a five-point plan on immigration: implementing the Common European Asylum System, boosting the role of the European Asylum System Office, cooperating with third countries, encouraging legal migration and tightening the control of EU borders. Schulz talks about temporary protection, intra-EU solidarity, cooperation with transit and origin countries and a system of legal migration.

From the debates between the top candidates, two common elements can be identified. The first one is the need for more legal migration channels. Yet, the motivations of the four candidates vary. Verhofstadt portrays legal migration as a way to cope with irregular migration. Keller depicts it as a way of preventing people from resorting to dangerous journeys towards the EU. Although similar, these two positions differ because they emerge from opposite angles. If Verhofstadt approaches this issue from the point of view of the EU, Keller looks at it from the migrants' perspective. Schulz claims that migrants could contribute to fighting the consequences of an ageing European population. Juncker also stresses the fact that the EU law should be revised in order to favour legal migration.

The four candidates agree on one point: legal migration can be a growth factor for the EU by addressing the labour market shortages which cannot be fulfilled by the labour force inside the EU. However, no candidate brought up the 'need for innovation' argument even though the 'innovation union' is one of the Europe 2020 flagship initiatives and academics (Venturini and Sinha) have shown that migrants play a positive role in promoting innovation.

The second common element among the four candidates is the need to boost intra-EU solidarity in the field of immigration. However, once again, their views have different nuances. Juncker wants EU Member States to show more solidarity in supporting the costs of the return policy to reduce the burden that weighs on the EU Mediterranean countries, but he also specifies that Member States should no longer reduce their development aid budgets. Schulz envisages a temporary protection system, which should enable the EU to grant protection to people fleeing conflicts in their home countries. Keller points to EU's shameful performance in offering protection to Syrian refugees, so she wants EU Member States to engage more into resettlement programmes. Verhofstadt pleads for "burden sharing for the people in need".

A distinction can be noticed between those in favour of more protection (Keller, Schulz, Verhofstadt) and Juncker as a supporter of the return policy.

To sum up, legal migration and intra-EU solidarity are addressed at EU level while *quasi* absent from the national debate in France, Germany and UK.

Regarding the freedom of movement, the controversial issue of 'benefits tourism' is given little attention. However, although not in great detail, the four candidates do affirm the importance of free movement for the EU clearly distinguishing it from the immigration policy. Another point of consensus among candidates is the intention to allow Romania and Bulgaria to enter the Schengen area, although this is an issue for some political parties such as the French UMP. Furthermore, despite it being an important topic at national level, especially in France, the revision of the Schengen rules is not envisaged by any of the four candidates.

## **Two campaigns in one**

Clearly, at present the European citizens – to the extent to which they follow the debates at EU level and/or at national level – face two significantly different campaigns particularly regarding immigration and freedom of movement.

On the one hand, the tone is significantly different as there are no right-wing populists involved in the debate for Commission presidency, which allows a serene debate among the headline candidates.

On the other hand, national and EU campaigns differ in the message they send. At national level, citizens are invited to vote in order to choose representatives for the EP who, during the campaign, present purely national propositions in terms of immigration and free movement. At EU level, citizens are told that they can select the future President of the European Commission, but the plans the four candidates present in their campaigns related to these two policies have a more European wide angle. All in all, and although this might not be exclusively limited to immigration and free movement policies, this double discourse from politicians is very confusing for voters.

# PROSPECTS

It is difficult to define the consequences of such a scattered political landscape regarding the future agenda in the field of immigration and freedom of movement. Clearly the two different debates have not influenced each other throughout the campaign. It is therefore hard to determine which of the approaches will frame the next political agenda on immigration and free movement. This will mainly depend on the future Commission President – whether they are one of the top candidates put forward by the European parties or not – and the future composition of the EP. If extremist parties score high, they might influence the political agenda more strongly, especially in the fields of immigration and free movement as these policies are in the core of their political programmes.

In the medium run, what room for manoeuvre will the future Commission President have to ensure the implementation of the programme promoted during the campaign? Although there is no clear answer to this question, several factors will influence their capacity to stick to their 'promises':

- Heads of State and Government will at the June 2014 European Council, i.e. before the new Commission will have entered office, define the [strategic guidelines in the area of freedom, security and justice](#). Although none of the candidates mentioned these guidelines during the campaign, their duty is to define the orientations regarding the legislative and operational planning in these fields. As a consequence, the Commission's future agenda will be framed, or even limited.
- Decisions taken under the previous legislature may also have an impact on the future Commission President's commitment to their campaign agenda. The multiannual financial framework 2014-2020 already sets – through the allocated funds – certain priorities and actions to be taken by the next Commission. In addition, the Commission adopted two Communications in March 2014 – one by DG Justice and one by DG Home Affairs – which may also act as a '*fil rouge*' to follow and develop.
- Finally, the profile of the future Commissioner/Commissioners in charge of immigration and freedom of movement is another key element. A highly complex political game will, at the end of the day, decide who gets this/these job(s). As these fields are increasingly politicised, national governments are likely to attach great importance to these portfolios, and the nomination of the next Commissioner(s) will be strongly determined by EU governments. However, the European Parliament will also have a say as it did in 2004 when it rejected the nomination of Rocco Buttiglione for the Justice, Freedom and Security portfolio. All these factors will have an impact on the future priorities regarding immigration and freedom of movement.

## Scope for a DG Citizenship and Mobility?

Regardless of whose programme will prevail on the European agenda, who among the Commission Presidency candidates – if any – will become Commission President, this new political cycle should be an opportunity for the next head of the Commission to rethink the distribution of the immigration and free movement portfolios in the next college. While none of the programmes presented by the four candidates envisaged this institutional aspect, a fundamentally different Commission administrative structure is worth considering. Certainly, EU citizenship, freedom of movement and immigration are separate and autonomous dossiers, but they are also interlinked if one thinks of immigration and freedom of movement in terms of mobility of people to and within the EU. Hence, the idea of grouping them into one big portfolio '[Citizenship and Mobility](#)' (see Fabian Zuleeg, EPC Commentary, April 2014) – dealt with by a cluster of Commissioners under the supervision of one Commission Vice-President – could have several advantages.

The new structure could lead to a more comprehensive approach of the challenges mobile people (EU citizens and immigrants) face when entering and moving within the EU. Moreover, this new reorganisation would allow the EU legislator to envisage a change of paradigm for the EU immigration policy and eliminate the remnants of the former third pillar – placing the immigrant in the same basket as the drug dealer, the terrorist and other serious criminals. Now that the third pillar is history in the Treaty, the EU can take the opportunity to change policy perceptions and reinforce the protection pole of its immigration policy.

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