

International Economy

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**REGULATORY CONSIDERATIONS
OF MIGRATION FLOWS WITHIN
THE FRAMEWORK OF EU-15
AND COMMON MIGRATION POLICY
OF EUROPEAN UNION**

Abstract

The regulatory considerations of migration flows within the framework of EU-15 are considered. The institutional levels of migration management in the EU member states are analyzed and the division of national migration policy of EU member states within the framework of internal migration flows of EU member states and towards the migrants from the Third World countries is offered.

Key words:

Common migration policy of EU, migration legislation, labor migration, EU-15.

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Problem definition. Migration provides possibilities for satisfaction of market's needs concerning labor power, inasmuch as the migrants are specified by high mobility, unpretentiousness, and acquiescence in relation to the national labor power. European Union is one of the basic centers of gravity for migrants. Permanent changes in the political and economic situations of EU member-states show the necessity of active development of complex European migration policy.

Analysis of the latest researches and publications. Lots of scientists consider issues in the area of migration, in particular issues concerning state management of migrations. Among them such West scholars as G. Becker, R. Brubaker, V. Isaiiv, G. Krieger, W. Christaller, D. Massey, O. Starck [10], M. Todaro [12] and others. Ukrainian scientists have made a great contribution into the development of scientific researches concerning migration processes, studying the reasons and socio-economic consequences of international human migration. Among them: A. Haidutskyi [1], I. Hnybidenko [2], T. Drahunova [3], E. Libanova, Yu. Makohon, O. Malynovska, O. Ovchynnikova [5], T. Petrova, I. Prybytkova, S. Pyrozkhov, O. Pozniak [8], A. Poruchnyk, Yu. Rymarenko, M. Romaniuk, A. Rumiantsev, A. Filipenko, S. Chekhovych, M. Shulha, O. Khomra [9] etc.

Tasks and objectives. The objective of the scientific paper is to analyze regulation mechanisms of migration processes in EU-15 within the framework of EU common migration policy, and define the nature of national migration policies of the given countries.

Main part. Modern events in the world (war in Libya, Tunisia, Egypt, etc) force the governments of EU member states to tighten control over the migration flows. Inasmuch as there is a need in a general strategy of migration flows management, the European Commission appeals to the EU member states to combine their efforts in order to provide the further development and realization of common migration policy, based on the distinctly defined principles and backgrounds. Each EU member state has a right to determine its own migration policy. Nevertheless, there are such legislative acts which define the principals of the migration policy of the country and determine certain obligations before the Commonwealth.

Common migration policy of EU provides the flexible system of actions, which should guarantee the social and economic development of EU market, promote the intensification of partnership among countries – participants of migration process and realize the jointly set goals. Nowadays, the given policy should be implemented according to such main directions:

- 1) Encouragement of labor migration;
- 2) Policy of migrants' integration in the country of destination;

- 3) Combating with irregular migration, and trafficking in persons;
- 4) Common legal norms of visa policy realization and asylum policy;
- 5) Cooperation with the Third World countries in the sphere of control over the volumes of migration;
- 6) Common control over volumes of migration by all EU member states.

Migration policy of the countries should stipulate a range of measures. They are: demographic restrictions, regulation of market needs, social expectations, health trade obligations, safety provision, general development of the country, increase of the education level etc. The future choice of mechanisms of active migration policy should coincide with the abilities, education and qualification of potential migrants. Besides it, the governments of the countries should provide all necessary conditions for migrants. Even if the forecasts stipulate the qualitative and quantitative deficit of labor power, the governments will have to obtain stronger evidences in order to persuade the society in the necessity of involvement of foreign labor force. It means that at the time when the forecasts can serve as a basis for policy planning in the sphere of education, labor market, social protection, and social reforms, it is probable that migration policy will remain at the stage of short-term measures. In this context, the development of middle-term and long-term policy in the sphere of labor migration will provide possibilities to solve demographic and economic problems of Europe.

EU member states have to develop the mechanism of labor power encouragement, which stipulates such measures:

- 1) analysis of current, middle-term and long-term labor market needs of EU member states;
- 2) improvement of the migration climate in the countries, which belong to the less attractive clusters for the migrants, by means of the evaluation of present and future potential of the countries;
- 3) creation and development of European-wide system of national «profiles» of, which will contain information about the peculiarities of labor markets, system of provision of employment, characteristic features of migration processes and general information about the labor market;
- 4) improvement of the labor law and system of provision of employment;
- 5) development of programs of acquiring of new knowledge and skills, qualification improvement, likewise programs of training of migrants in the countries of destination;
- 6) encouragement of development in the countries of independent entrepreneurship among migrants by means of legislative support, alleviation of self-employment conditions and assignment of benefits.

Extension of Schengen zone and introduction of visas for the neighbors is the biggest obstacle for human capital international exchange. Very often, the introduction of visa regime is interpreted not only as a means of EU external boundaries' security enforcement, but also as a discrimination of the citizens from the Third World countries. To realize the principles of legal equality and partnership, it is necessary to alleviate the painful consequences of visa regime with the countries of Schengen zone, which stipulate the provision of easier access to the visas for usual citizens, which adhere to all legal standards and fulfill their obligations.

Migration legislation of EU member states is essentially different, especially if we analyze the migration policy of EU-15. Countries which first enter into EU faced the problems concerning non-regulated migration flows, trafficking in persons. Thus, within the framework of policy of combating with irregular migration, the government of Portugal carries out the massive legalization of migrants in order to solve partially the problem concerning illegal provision of employment. But the availability of independent market of labor market within the framework of EU forces the countries, which suffer from the inflow of migrants (for example, legalized in Italy or Spain), partially close their labor markets.

Migration policy within the framework of EU-15 is specified by such peculiar features:

1) Italy, Portugal, France, Germany, Spain, the Netherlands, Greece are the countries-donors of labor power, as a consequence, the migration legislation of the noted countries defines the backgrounds of rights' protection of migration abroad, measures concerning regulation of labor power arrival, access to the labor markets, etc;

2) Luxemburg, Ireland, Belgium, Germany, Austria, Latvia, Denmark, Sweden, Finland are the countries-recipients of labor power. Migration legislation of the given countries includes provisions concerning regulation of migrants' arrival and stay in the country, creation favorable adaptation climate, development of integration policy etc.

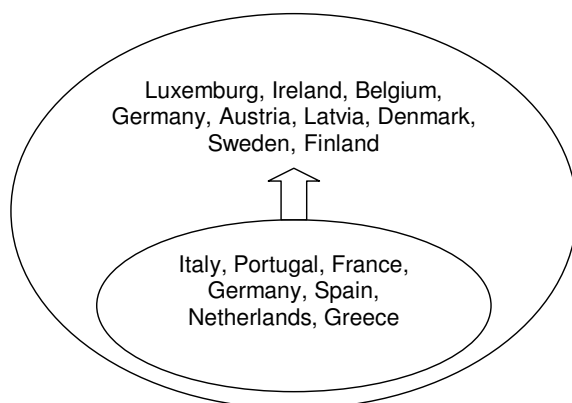
Common migration policy of EU defines the backgrounds of migration flows' regulation with the countries of the Third World at the same time when the right of movement of citizens from EU member states remains inviolable. Because of the lack of labor power in highly-qualified and un-skilled sectors, which are based in Europe, the companies more frequently pay attention to the labor markets of the developing countries, involving their citizens for work. If we consider the migration policy of EU-15 in more detail, we can see interesting tendencies. Thus, for example, countries-donors of labor power within the framework of EU internal migration flows use liberal actions concerning migration flows management in the corresponding country. From the other side, countries which suffer from the migration flows apply more severe methods of regulation. In such a

way, the structure of EU-15 migration policy by reference to migrants from the countries of the Third World is as follows:

- 1) Countries with the liberal type of migration policy (Italy, Spain, Portugal);
- 2) Countries with the moderate type of migration policy (Ireland, Sweden, Finland, Austria, Greece);
- 3) Countries with the conservative type of migration policy (France, Germany, Great Britain, Luxemburg, Belgium, Denmark, the Netherlands).

Figure 1

**Scheme of the labor power market of EU-15 member states
in accordance with internal migration flows**



Source: developed by the author

Within the framework of the given types of policies to provide the fair treatment to the citizens from the countries of the Third World, which live legally, European Union should realize such priority measures:

- 1) to improve the legislative basis concerning provision of asylums for the citizens from the countries of the Third World;
- 2) to provide mobility of the human capital and labor power exchange on the basis of the principles and equality and partnership, promoting the development of the effective potential in the countries-participants of the migration process;

3) to extend the programs of cooperation with countries, which activate the migration flows into EU, namely with African countries, countries of Latin America, and Caribbean Basin, Asia and develop the mutual approach concerning issues of migration;

4) to create conditions for circular migration, promoting the development of the countries of destination and the countries of origin by means of migrants' obtaining of new experience or financial capital and its application in the corresponding country;

5) to conclude agreements on social protection of migrants from the countries of the Third World;

6) to cooperate with the countries of the Third World, to provide the border control management in the corresponding countries of destination and transit.

Until recently, many countries aimed at involving of highly-qualified migrants, providing such incentives for them as permanent place of residence and reunification of families. Unskilled migrants are that category of citizens, which receive the lowest benefits. At the time of economic crisis lots of countries of destination tried to diminish the flow of labor migrants, often as a result of the public pressure or correcting the quantitative limits of migration, restricting the possibilities of migrants' status change or renewal of permissions, applying the supplementary conditions concerning uncontrolled flows of labor migrants, realizing the programs of migrants' return.

Lots of countries of destination such as Great Britain, Italy, Portugal, and Spain introduced lower quotas and more severe requirements of immigration. Those measures also concern highly-qualified and unskilled migrants. For example, in February 2009, Germany abolished the labor market test for provision of employment for highly-qualified migrants, if they were educated in the country or German educational establishments abroad, the requirement concerning the amount of investments for immigrants-investors was reduced from 500 to 250 thousand euros [4].

Spain has adopted a new law on immigration in December 2009 poky, which speaks about more severe provisions on reunification of families. Within the framework of the reform of migration legislation in July, Italy presented more severe requirements concerning income (fixed at the level of minimum social income (5,3 thousands euros) and plus 50% of this amount for each member of the family [4]) and medical insurance for reunification of families. Adult children and parents older than 65 can be allowed to enter the country, if they are maintained by the migrants.

For EU market the import of human potential on a temporary basis is of high priority. It is necessary to create favorable conditions for the legal temporary provision of employment. Governments of countries introduce short-term programs in order to limit the entry into the territory of the country and persuade or

even compel the migrants to return to their country of destination [11]. Lots of countries accept the temporary migration programs. Temporary migration programs are often criticized for the advancement to the permanent migration. Improvement of the temporary programs includes such important elements as compact cooperation with the countries of destination and stronger incentives for the migrants' return as for example, mobile pensions. World economic crisis 2008–2009 has demonstrated the necessity of such programs development, inasmuch as in conditions of economic regress programs help to improve the situation concerning provision of employment for citizens.

Regulation of migration flows holds a specific place among the EU member states. The peculiarity of the noted migration flows is high motivated side, deficiency of visas, and absence of restrictions, possibility of residence change without additional obstacles. Besides it, the specific feature of internal migration within EU is its temporary character in comparison with external migration. Migration policy of countries under conditions of UE enlargement is essentially different, inasmuch as the countries conduct the opened policy, but it stipulates the allocation of employees from the countries, which later on joined EU, or the policy of equality along with the migrants from the countries of the Third World. Nowadays the question, concerning regulation of migration flows from the countries which later on joined EU is opened. Situation at the labor market requires the system of control over migration flows even within the framework of EU member states.

EU enlargement in 2004 and 2007 influenced on the strand of migration policy. After the entry of new countries, the issues concerning migration flows accounting, problems of social protection, increase of competitiveness concerning working places etc became urgent. Many countries reconsider their national migration policies because of intensification of migration flows from the countries which recently join UE. Thus, after EU enlargement in 2004 Great Britain, Ireland, Sweden opened access to their labor markets. Depend of the term of stay in Great Britain and Ireland or the type of employment, the migrants gain the right to social transfers and access to the system of social welfare system. The majority of the member states partially simplified the existed national regimes of access. Sweden is the only country, which guarantees the free movement of employees, inasmuch as this country does not impose limitations on the quantity of the issued permits for stay.

Some countries (Belgium, Germany, Greece, France, Luxemburg, Spain, and Finland) conducted quite severe measures concerning migration. Thus, migrant from the country, which recently join EU, should apply for the work permit, the decision will be positive, if there are no volunteers among local population or citizens from the other EU member states. What about EU enlargement in 2007? Ten member states (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Poland, Slovenia, Finland, and Sweden) liberalized the access to their labor markets at the early stages for the citizens of Bulgaria and Romania. Taking into considera-

tion the complexity of questions, connected with the migration, the partial arrangements were defined by means of joining of EU enlargement agreements 2004 and 2007. They function according to the formula 2–3–2, for the first two years after joining, the access to the member states labor markets for migrants depends on the legislation in force and policy of the given countries. National measures concerning migration policy can be prolonged for another three years. If EU member state detects a violation of norms of labor market functioning, the national measures of migration processes regulation are applied for a period of two years [7].

At the modern stage after the enlargement, the process of realization of the backgrounds of EU common migration policy was considerably dynamicized. All EU member states work over their policies within the framework of realization of principles of free movement, inasmuch as it's not simply a conceptual basis of EU free labor market, but also a key precondition for the successful prosperity of countries, which derive benefits from migration processes and promote the intensification of the world competitiveness of EU market.

With EU enlargement, European Commission began to develop the neighborhood policy and in 2004 published the Strategic Plan aimed at extension of cooperation with the new neighbors of EU. Within the framework of this approach, new neighboring countries have formed the Plan of Actions, which was based on the already existed documents, such as agreements of cooperation and partnership. Those Plans of Actions are the background for cooperation with EU member states in the sphere of border control, management of processes of legal migration, counter-trafficking in persons and management of employees-migrants movement [6].

European Neighbourhood and Partnership Instrument (ENPI) will promote the realization of the neighborhood policy in 2007-2013 substituted the existed themed and regional programs for the countries of the Third World. Assistance within the framework of the noted policy will be channeled on the implementation of the common programs in order to develop of the relationships among the regions of EU member states and neighboring countries. The model of assistance within the framework of ENPI is based on the longstanding appropriation of funds, partnership and total financing. It is expected that European Fund of Regional Development will take part in the co-financing of cross-border cooperation within ENPI [6].

Therefore, the question, concerning common migration legislation within EU-15 and EU-27 is the matter of argument. From the one side, EU requires flows of migrants because of rundown of population and increase of the number of disabled persons in EU. The inflow of low-paid manpower will support the stable development of EU member states. But together with the mentioned above, migration causes the conflicts among the local population and migrants as well as cultural and religious confrontations, which require the selective nature of pol-

icy of countries sideways, the migration legislation. Besides it, the great cost loading for the economy of the member states is the deportation of ineligible foreigners, the costs of for which should be channeled by the country on the integration of migrants in the countries of their destination (integration language, cultural courses). Taxation system of the countries requires migrants' legalization.

To conclude the above mentioned, we may say that over the last years, EU and member states gradually forms the fundamentals of general legal base concerning issues of migration, provision of asylums and combating with irregular migration. Nowadays, the principal tasks of EU migration policy are: development of partnership relations with the countries of destination, transit, and origin; European-wide system of provision of asylums, which corresponds to the conditions of Geneva Convention likewise liabilities of the member states in accordance with the international agreements; fair treatment to the citizens from the countries of the Third World (equal rights and liberties); complex approach in the migration processes management.

Legislative basis of EU common migration policy requires permanent supplement in accordance with the new liabilities and modern conditions. Policy should consider the needs of the national markets at the same time when the national migration policies should correspond to the general structure of EU migration policy. Common migration policy should be based on such principles as preciseness, transparency, justice, and should be channeled on the encouragement to the legal migration. To realize these principles in practice, EU member states should define clear and transparent rights of entry and stay in EU; provide information for potential migrants about their rights and duties as EU; provide support and assistance in adhering of the conditions of entry and stay in the countries of destination and origin; guarantee flexible European-wide visa policy.

In such a way, the common migration policy is aimed at: firstly consideration of the issue connected with migration in a broader context, taking into account the propulsive forces of migration flows and consequences of international migration for the countries; secondly, consideration of the Commonwealth migration policy, influence of migration on the solving of the questions, connected with integration into the Commonwealth, thanks to the external programs of cooperation; thirdly, demonstration of the probable changes in policy, which could improve the contribution of community into the more effective management of migration flows, including termination of irregular migration and human trafficking, overcoming of xenophobic sentiments and discrimination, encouragement of legal migration.

Conclusion. Analysis of the political actions of countries should be considered from the point of view of long-term and short-term economic and demographic factors. Negative influence of the world economic crisis on the economy of countries induced the governments to assume immediate measures both in short-term and long-term perspective. The stickiness of the immigration control in some countries of destination on the territory of EU should be politically attractive

only in short-term perspective, but also it is important to consider the fact, that the demand on labor migrants in EU in the long-term perspective will not lose its actuality and European market will continue to attract migrants. To support the competitiveness of economy, overcome the demographic problems and further development of each country, EU member states should concentrate on advantages of migration. It is incorrectly to consider migration in the short-term perspective (problems connected with unemployment, level of unemployment, market pressure concerning local and foreign employees). World economic crisis has changed the economy of countries not only from the point of view of negative consequences but also caused considerable changes in the policy of countries, making allowances into the migration policy of countries.

Government of countries should develop the policy of employment, taking into consideration sectorial and occupational need of markets concerning labor power, taking into account not only the economic factors, but also concentrate on the human and social aspects of the evaluation of people's work, extensively deal with the irregular migration and promote the integration of migrants' families into the social; life. Migrants should be protected from discrimination and hate sideways the local population. Regular channels of migration flows should be opened, and information concerning possibilities and risks of migration should be acceptable to everyone in order to prevent the irregular migration and human trafficking.

Sudden restrictions of migration flows can cause the serious disorders of social and economic stability in the short-term period and slowdown of the indicators of economic growth in future, boosting expenditures for the searching of new labor power and expenditures for education after the national economy's surmounting the crisis. It can be especially dangerous in case of reduction of skilled migrants. Recovery of national economies in the majority of countries will cause their considerable restructurisation, with the further replenishment of labor resources by new professional skills and increase of innovations. Countries of origin can probably derive benefits from migration, if the systematic international relations among diasporas of academic communities and local scientists, including temporary exchanges among the countries ensured.

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