PALACKÝ UNIVERSITY IN OLOMOUC
(UNIVERZITA PALACKÉHO V OLOMOUCI)

FACULTY OF SCIENCE

DEPARTMENT OF DEVELOPMENT STUDIES

European Asylum and Immigration Policies as Pull Factors of Immigration

Evropské azylové a imigrační politiky jako pull faktory imigrace

(Bachelor thesis)

Author: Bc. Aneta Haimannová

Supervisor: Ing. Mgr. Jaromír Harmáček, Ph.D.

Olomouc, 2014

Declaration of authorship

I do solemnly declare that I have authored this bachelor thesis *European Asylum and Immigration Policies as Pull Factors of Immigration* independently and that I have correctly acknowledged all bibliographic references and quotations.

In Olomouc (date):   Signature:.........................

Acknowledgement

Abstract

The aim of this bachelor thesis is to analyse the differences between immigration and asylum policies in countries of the European Union and to consider their role as pull factors of legal international migration. The research will be focused on three main questions: First, what kind of asylum and immigration policies do the countries of the EU implement and how do they differ from each other? Second, what impact do the common policy adoption efforts have on the particular countries' strategies? Third, how do the policies affect the immigration flows and what role do they play in the decision-making process of immigrants?

Key works

European Union, immigration policies, asylum policies, integration, pull factors of immigration, determinants of immigration

Abstrakt

Cílem této bakalářské práce je analyzovat rozdíly mezi imigračními a azylovými politikami států Evropské unie a zvážit jejich roli v rámci pull faktorů legální mezinárodní migrace. Tato práce se bude soustředit na tři hlavní výzkumné otázky: Za prvé, jaké imigrační politiky implementovaly země Evropské Unie a jak se od sebe navzájem liší? Za druhé, jaký vliv má snaha o zavedení společné evropské imigrační politiky na strategie jednotlivých zemí? Za třetí, jak tyto politiky ovlivňují imigraci a jakou roli hrají v rozhodování imigrantů?

Klíčová slova

Evropská unie, imigrační politiky, azylové politiky, integrace, pull faktory migrace, determinanty migrace

UNIVERZITA PALACKÉHO V OLOMOUCI
Přírodovědecká fakulta
Akademický rok: 2012/2013

ZADÁNÍ BAKALÁŘSKÉ PRÁCE
(PROJEKTU, UMĚLECKÉHO DÍLA, UMĚLECKÉHO VÝKONU)

Jméno a příjmení: **Aneta HAIMANNOVÁ**
Osobní číslo: **R11361**
Studijní program: **B1301 Geografie**
Studijní obor: **Mezinárodní rozvojová studia**
Název tématu: **Azylové a imigrační politiky v zemích EU jako pull faktory imigrace**
Zadávající katedra: **Katedra rozvojových studií**

Z á s a d y   p r o   v y p r a c o v á n í :

The aim of this bachelor theses is to analyze the differences between immigration and azylum policies in countries of European Union and consider their role as the pull factors for international migration. The research will be focused on three main questions: First, what kind of azylum and immigration policies do the countries of EU implement and how do they differ from each other? Second, what impact do the common policy adoption efforts have on the particular countries strategies? Third, how do the policies affect the immigration flows and what role do they play in the decision-making process of immigrants?

Rozsah grafických prací:	**dle potřeby**
Rozsah pracovní zprávy:	**10 - 15 tisíc slov**
Forma zpracování bakalářské práce:	**tištěná/elektronická**

Seznam odborné literatury:

CASTLE, S. & MILLER, M.: The Age of Migration: International Population Movements in the Modern World (Fourth Edition), 2009, Palgrave Macmillan, New York, [317 p]. WHITTAKER, D. J.: Asylum-seekers and refugees in the Contemporary World, Routledge, Oxon, 2006 BAEUR, T., ZIMMERMANN, K.F.: Modeling international migration: economic and econometric issues. In: van der Erf R, Heering L (eds) Causes of International Migration. Proceedings of a Workshop, Luxembourg, 14.-16.December 1994. Eurostat, Luxembourg, 95-115 BADE, K. J. Evropa v pohybu : Evropské migrace dvou staletí. Praha: Nakladatelství Lidové noviny, 2005. ISBN 80-7106-559-5. HUYSMANS, J. The politics of insecurity : fear, migration, and asylum in the EU. London: Routledge. 2006. ISBN 978-0-415-36124-8. EU legislative documents Legislative documents of member states

Vedoucí bakalářské práce: **Ing. Jaromír Harmáček, Ph.D.**
Katedra rozvojových studií

| Datum zadání bakalářské práce: | **9. května 2013** |
| Termín odevzdání bakalářské práce: | **16. dubna 2014** |

L.S.

Prof. RNDr. Juraj Ševčík, Ph.D.
děkan

Doc. RNDr. Pavel Nováček, CSc.
vedoucí katedry

V Olomouci dne 9. května 2013

Content

List of Tables

List of Figures

List of Charts

List of Abbreviations

BCP	Border crossing point
CCI	Common Consular Instructions
EC	European Commission
EEC	European Economic Community
EU	European Union
EU-15	Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom
EU-27	EU-15 + Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia
EWB	Europe Without Borders
ICMPD	International Centre for Migration Policy Development
ISMP	Index of strictness of migration policy
JHA	Justice and Home Affairs
MIPEX	Migrant integration policy index
MPI Europe	Migration Policy Institute Europe
IOM	International Organization for Migration
OECD	Organisation for Economic Co-operation and Development
PBS	Point-based system
SEA	Single European Act
SIS	Schengen Information System
tFDB	the Fondazione Rodolfo Debenedetti
VIS	Visa Information System

1. Introduction

Immigration into the European Union (EU) became an important issue particularly since 1980s when the number of immigrants increased significantly. Migration is generally influenced by a combination of economic, political and social factors: either in the migrant's country of origin (push factors) or in the country of destination (pull factors). Historically, the relative economic prosperity and political stability of the EU are thought to have exerted a considerable pull effect on immigrants. (Eurostat, 2013a)

Western European countries traditionally deal with the large-scale immigration flows. In 2011, close to 10 per cent (48.9 million) of the population residing in the EU-27[1] was born in another country. One third (16.5 million) of these residents was born in Europe, while the remaining 32.4 million was born outside the EU. More than 75 per cent of the foreigners resided in Germany, Spain, Italy, the United Kingdom and France. In relative terms, the share of foreigners surpassed 10 per cent of resident population in Luxembourg, Cyprus, Latvia, Estonia, Spain, Austria and Belgium. (Vasileva, 2012)

In 2013, the need of a new policy platform implementation (2020 action plan) was pronounced by the Migration Policy Institute Europe (MPI Europe). According to MPI Europe, the EU faces fiscal uncertainty, public services cutbacks, youth unemployment, and therefore, the attention of governments should be given to a serious discussion about the immigration policies. MPI Europe appeals for formulating a smart 2020 action plan which would present redefined immigration, integration and asylum policies of the EU and secure maintaining of the European economic competitiveness and social standards in the decade ahead. (Collett, 2013: 1)

However, besides maintaining the economic competitiveness and social standards of the EU-27, many other important issues that speak against further restriction of the EU immigration policies have occured. Recent events from which the Lampedusa disaster attracted the international media the most, stressed the importance of the EU to implement highly sensitive immigration policies that would prevent resembling tragic incidents to occur again. This is also the reason why I consider the topic of international migration higly important and relevant for the development studies.

---

[1] Croatia, that joined the EU in July 2013, is not considered in this thesis.

Figure 1 Mediterranean migration routes

Source: BBC 2013

1. 1. Objectives of the Research

Better understanding of the role of immigration policies in legal immigrants' decision-making process where and whether to migrate is considered in this thesis as crucial for future reforms of immigration policies and evolution of the European common immigration policy. Proper research is necessary in this field in order to avoid the humanitarian disasters that occur regularly in the southern Member States of the EU-27.

The primary aim of this bachelor thesis is to provide a comparative study of immigration and asylum policies in selected Member States and to analyse their importance as the pull factors of immigration. The research will be focused on three main questions: First, what kind of asylum and immigration policies do countries of the EU implement and how do they differ from each other? Second, what impact do the common policy adoption efforts have on the particular countries' strategies? Third, how do the policies affect the immigration flows and what role do they play in the decision-making process of immigrants? The impact of policies on the number of residence permits and visa applications received by countries will be concluded.

1. 2. Structure of the Thesis

The text of the thesis will be divided into six chapters consistent with the objectives and the research questions mentioned above. Each chapter will be concluded with the summary of principal findings.

The first and the second chapter cover the theoretical part of the thesis. In the first one, the introduction provides a brief foreword to the EU immigration field, and the first sub-chapter contains a deeper description of overall objective and research questions of this thesis. Next, used methodology and critical analytical perception of the published bibliographic sources and available references on international migration that can be used for the purpose of this thesis will be provided. This sub-chapter will be included in the text mainly for the reason of inconsistent migration data between different sources. In this part, the limits of use of available and relevant bibliographic resources in this thesis and possibilities for improvements that could be done in the fields of international migration theory and statistics will be suggested.

In the second chapter, the theoretical framework of international migration will be presented. Attempts to explain the determinants of international migration have a long history and the theory that tries to accumulate the prior knowledge to the single model has recently been presented. Particular theories and a complex model are both important for understanding the EU immigration and will be explained and used in this thesis. Next, current features of migration and criteria of countries selected for the comparative study will be summarized. Importantly, a sub-chapter covering the problems of terminology in international migration field and a summary of principal findings will terminate this chapter.

The third, fourth and fifth chapter will focus on main analysis leading to answer the research questions mentioned above. Third, the comparative analysis of immigration policies in the EU-27 will be provided. The immigration policies of European countries have a long-term history of individual development and they still significantly differ from each other. The method used for this part will be explained later in this chapter. In the fourth chapter, the evolution of European common immigration policy will be documented with major focus on its impact on particular countries national strategies. The top down approach influences the national policies, but its implementation has not been fully accomplished, therefore this chapter follows the comparative study and it will

focus on the implementation achievement in the field of national policies of the EU-27. Then, the documentation of European common asylum policy will be analysed. The impact of strictness of selected countries' immigration policies will be considered in the fifth chapter. As in the first part, each chapter will contain a summary of the main explorations.

Sixth chapter will conclude the findings of the whole research and it will suggest recommendations for further development of European common immigration policy and national strategies. The limits of this thesis and the main problems that occurred during the research will be summarized.

1. 3. Methodology

The theoretical framework depicted in the theoretical part of this thesis will be used later for proving the hypothesis pronounced by institutional theorists and Jennissen (2007) who claim that immigration policies have, along with other determinants, impact on international migration flows. The second chapter will be based on the compilation of relevant theoretical approaches to migration and their development over the last several decades.

Method of analysis of legislative documents and relevant academic articles and a comparison of the results will be used in the second part of the thesis. Several attempts to operationalize immigration policy have been done in the international migration theory. Four main measures of the immigration policy's strictness will be applied in the present study. The migrant integration policy index will be compared with the number of short- and long-term residence permits issued and applied by Member States and with the number of asylum applications. Using this method, the hypothesis' of main scholars on relationship between immigration policy and immigration flows will be either confirmed or infirmed.

1. 3. 1. Migrant integration policy index (MIPEX)

Migrant integration policy index (MIPEX) consists of 148 policy indicators that have been constructed to measure integration policies in all European Union Member States plus Norway, Switzerland, Canada, and the USA up to May 2010.

A policy indicator is a question related to a specific policy component of one of the 7 policy areas (labour market mobility, education, family reunion for the third-

country nationals, political participation, long-term residence, access to nationality and anti-discrimination). For each answer, there are 3 options. The maximum of 3 points is awarded by the score 100 when policies meet the highest standards for equal treatment. Equally 2 points are awarded by the score 50 and 1 point by the score 0. (MIPEX, c2014a)

Later in this text, the overall MIPEX that has been counted for the years 2007 and 2010 will be used. Overall MIPEX is an average value for all policy areas mentioned above. [2] (MIPEX, c2014a)

1. 3. 2. Index of strictness of migration policies (ISMP)

Index of strictness of migration policies was constructed by The Fondazione Rodolfo Debenedetti (fRDB) which collected information about migration policy reforms in the EU-15 countries (except Belgium, Luxembourg and Sweden) over the period 1990-2005. The **restrictive reform** (that introduces a quota system for entry, increases requirements for entry and to obtain residence or work permits, raises the number of years to obtain a permanent residence permit or introduces residence constraints) and **permissive reform** (that lowers requirements for entry and to obtain residence or work permits, introduces one temporary permits for both residence and work, reduces the number of years to obtain permanent residence permit or helps the integration of migrants into the community) are distinguished in this concept. (fRDB 2009)

In order to construct the index, the Fondazione Rodolfo Debenedetti collected the information in twelve EU-15 countries (except Belgium, Luxembourg and Sweden) along six different dimensions from 1990 to 2005:

1. The number of certifications and procedures needed to be admitted as a foreigner, whatever the motivations may be
2. The number of certification or procedures required to legally reside in the territory. This differs from the requirements for entering the country as holding a valid document is typically not sufficient
3. The number of years required to obtain a permanent residence permit
4. The number of administrations involved
5. The number of years of stay required to obtain the first residence permit.
6. The existence of a quota system[3]

---

[2] All components of the index are explained here:
http://www.mipex.eu/sites/default/files/downloads/mipex_indicators_2010.pdf

The results for index of strictness of immigration policy of the selected countries will be shown and compared with MIPEX in the third chapter of this thesis.

1.3. 3. Clusters of consular practices for visa procedure

In 2012, the Europe Without Borders (EWB) experts decided to group EU consular establishments into four nominal baskets separating the "**friendly**", "**neutral**" and "**problematic**" consular practices. The "**contrasting**" consular practice is included in a separate category. This is the practice when certain features of the "friendly" approach towards visa issuance are levelled by "problematic" features in other components. (Visa-free Europe Coalition, 2012)

Consulates classified into the "friendly" category demonstrate the best overall result according to all important components of visa practice: quality of issued visas (validity and duration of stay); refusal rate; number of visas issued free of charge; duration of visa procedure; and number of documents required from the applicants. As "problematic", on the other hand, are considered those consulates which have the worst overall results according to all parameters mentioned above. "Contrasting" or ambivalent visa practices are registered if pluses in some elements are balanced by minuses in others. (Visa-free Europe Coalition, 2012)

1. 3. 4. Index of tightness of entry law

Ortega and Peri 2012 classified and analysed the dataset of 240 laws on migration and constructed an index that captures the direction of the change in entry tightness associated to any major immigration law. While constructing the index, the authors initialize each country at zero in the first year. "*If no relevant policy changes occur, the variable remains constant. In the year when an immigration law is passed that entails a tightening of entry conditions the variable increases its value by one. On*

---

[3]   The six dimensions were initially expressed either in different units or in an ordinal scale. To make those measures comparable, authors converted them to cardinal scores and normalized them to a **range from 0 to 6, with higher score representing stricter regulation**. The previous six criteria only apply to immigration for economic reasons. Authors excluded laws that strictly concern asylum policy or citizenship from their classification. However, in some tables, they also report an index of strictness of asylum legislation developed by Hatton (2004).

As a last step, authors computed an overall summary indicator for each country, averaging the values of the six sub-indexes plus the index of strictness of asylum legislation. (fRDB, 2009)

the contrary, relaxation of entry conditions reduces the degree of tightness by one."
(Ortega and Peri, 2012: 7)

According to the authors, a reform is considered as tightening an entry laws if:

1. it introduces or decreases quotas for entry, or

2. it increases the requirements, fees or documents for entry, or

3. it increases requirements or the waiting time to obtain residence or work permits.

There are several reforms that may indirectly affect the ease of entry but do not explicitly fit any of the categories above. In those cases, authors classified them as loosening or tightening, or no change, by scrutinizing the content of each regulation. (Ortega and Peri, 2012: 7)

The Ortega and Peri's index has a limited importance for the purpose of this thesis, because it was initially constructed for 15 OECD countries and therefore does not cover the dataset of the EU-27 countries used in this comparative analysis. However, the index will be mentioned later in a relevant context.

1. 4. Evaluation of Bibliography

There are many bibliographic resources available on the international migration theory, methodology and research. The evolution of these theories has a long history and different approaches dominated over time. Most recently, the system approach has been developed in order to accumulate prior research conclusions and knowledge. By incorporating causalities into the system approach, the advanced complex theory has been presented by Jennissen in 2007. This theory aims to explain all determinants that drive international migration flows. An important limit of Jennissen theory is the inability to explain the strenght of the relationships between particular components.

One of the objectives of this thesis is to analyse the relations between immigration flows and immigration policy in order to contribute to Jennissen's theory with new intermediate findings. Many different hypotheses on impact of immigration policies have been presented. The research of Eiko Thilemann (2004) and Czaika and de Haas (2004) will be presented as fundamental contribution to this issue. Eric Neumayer is the important scholar who focuses on determinants of asylum migration. His research will be also presented later.

The resources concerning national immigration and asylum policies are highly inconsistent. For instance, some of the data that are used for the EU-15 are unavailable for Belgium and Sweden and therefore are not taking part in the index of strickness of migration policy and other indicators provided by external sources. The Eurostat statistical database, used in the second part of the thesis, deals with a similar problem of the lack of data about certain variables.

I also consider the work with different national legislative documents to be particularly problematic due to the inconsistence in terminology used in the field of immigration. There is no common perception and terminology for migration in the European Union and therefore all theoretical and analytical sources face methodological problems with unifying national statistical data into the common EU statistics.

2. Theoretical Framework

2. 1. Theories of International Migration

Theories of international migration can be divided into two main categories: approaches explaining the initiation of migration and approaches explaining the continuation of migration. This classification is used by Douglas S. Massey in the study *Theories of international migration: A review and appraisal* (Massey et al., 1993) and also Jennissen (2007) and Schoorl (1995). Neoclassical economic theory, dual labour market theory, the new economics of labour migration, and world systems theory try to explain the initiation of migration. According to these approaches, the major determinant that causes international migration flow is the wage difference between countries. The institutional theory and the theory of migrant networks are then used for the explanation of migration flows over time.

Massey focuses his research mainly on the neoclassical theories of migration – macro and micro theory. As author claims, the determinants of international migration suggested by neoclassical theories stand behind most of the implemented immigration policies in the western countries (Massey et al., 1993: 440-441). This is considered to be an important argument for further research on immigration policies of the European Union. The neoclassical mechanism suggested by Massey (1993) is explained in Figure 2.

Figure 2 Neoclassical mechanism leading to equilibrium
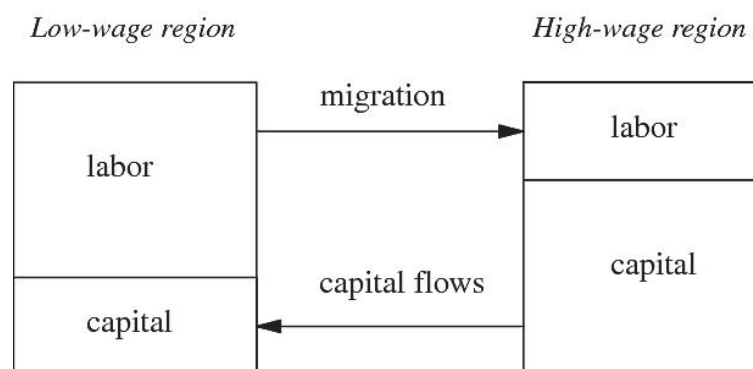
Source: Jennissen 2007

For the purpose of this thesis, I will not consider all existing theories of international migration, but mainly two of them will be used, taking traditional theories into account.

First, the dual market labour theory was presented by Piore in 1979. Piore argued that international migration is caused by a permanent demand of immigrant labour which is inherent to the economic structure of developed nations. *"According to Piore, immigration is not caused by push factors in sending countries (low wages or high unemployment), but by pull factors in receiving countries (a chronic and unavoidable need for foreign workers). This built-in demand for immigrant labor stems from four fundamental characteristic of advanced industrial societies and their economies."* (Massey et al., 1993: 440-441). This argument has an explanatory power in terms of implementation of high-skilled labour policies that were and still are part of immigration policies in some of the EU Member States. The presence of specific high-skilled labour policies is incorporated in the index of strictness of migration policy.

Second, the institutional theory will be used in this thesis. The institutional theory is based on the imbalance between the large number of people who seek entry into capital-rich countries and the limited number of immigrant visas and residence permits these countries typically offer. *"This imbalance, and the barriers that core countries erect to keep people out, create a lucrative economic niche for entrepreneurs and institutions dedicated to promoting international movement for profit, yielding and black market in migration."* (Massey et al. 1993, 450-451)

This theory also claims that governments have difficulty in controlling migration flows once they have begun because the process of institutionalization is difficult to regulate. (Massey et al., 1993) According to the institutional theory, a large inflow of international migrants induces profit and non-profit organizations, which can be legal or illegal, to provide for instance transport, labour contracts, legal documents, dwellings, or legal advice for migrants (Massey at al., 1993, 414).

The dual labour market theory and the institutional theory are the basic theoretical framework for research on immigration policies as determinants of immigration. However, the international migration theory nowadays provides more advanced explanations that will be overviewed below.

2. 2. International Migration System Approach

The system approach was firstly presented by Kritz and Zlotnik (1992) who tried to integrate the key aspects of different migration theories into one overall theory. Authors argued that countries in a migration system are not only connected by people

but also by other types of linkages (Jennissen 2007) and distinguish them into historical, cultural, colonial, and technological linkages. Even though the system approach is, according to Jennissen, applicable to all migration types and takes feedback effects into account, Kritz and Zlotnik did not distinguished any causalities. (Jennissen 2007, 411 – 414). Causalities are described by Jennissen (2007) as origins of relations between particular linkages.

Figure 3 Two countries in a system framework of international migration
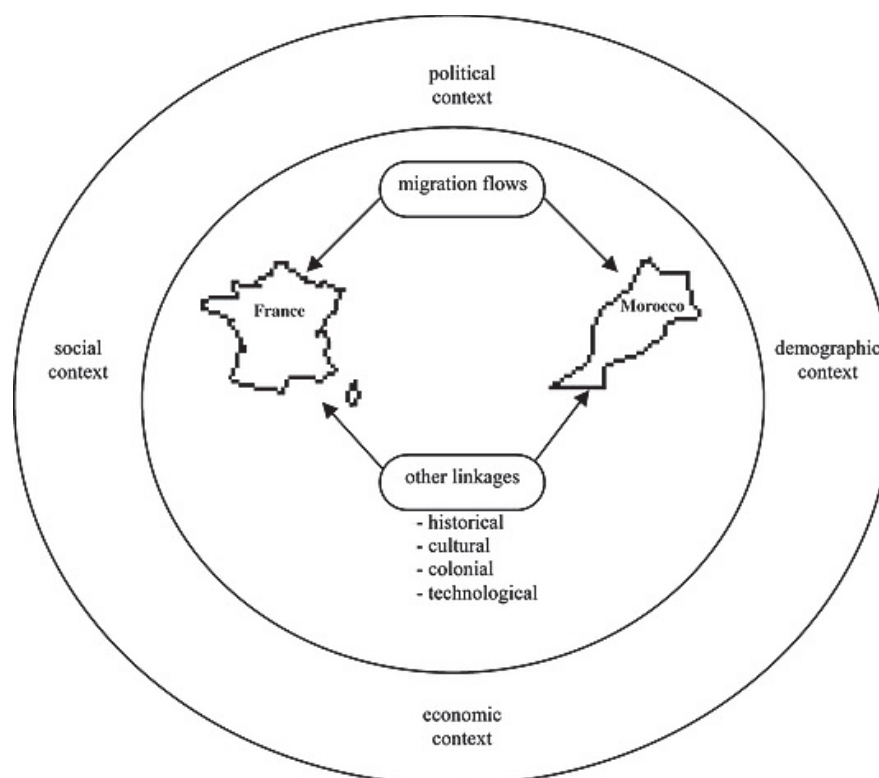
Source: Jennissen 2007

2. 3. Causality Chains in the System Approach

Commonly accepted theoretical framework which would facilitate the accumulation of knowledge did not exist until 2007 when Roel Jennissen presented his study *Causality Chains in the International Migration System Approach*. He attempted to incorporate causalities into the international migration system approach and presented a theoretical framework in which four groups of factors acting on international migration are distinguished: economic, social, political, and "linkages".

In Jennissen's theoretical framework depicted in Figure 4, the causalities are located between international migration and its determinants. The causalities in this

approach are derived from different international migration theories that have been already mentioned above. Various positions of the theories within his framework are shown as causality chains. (Jennissen 2007)

Figure 4 Model of causality chains in international migration system approach
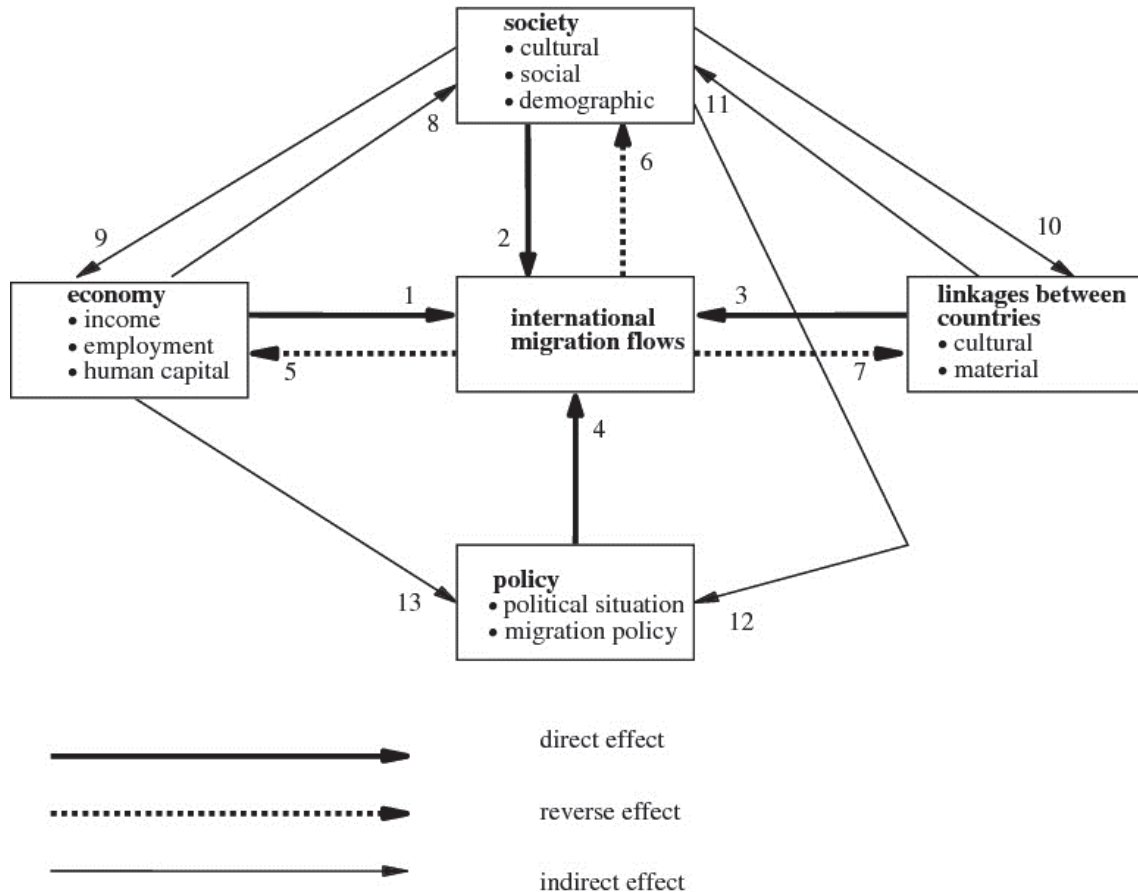
In this thesis, the relation between migration policy and international migration flows is examined (see the causality number 4 in Figure 4). The immigration policy as a determinant of migration was analysed by International Centre for Migration Policy Development (ICMPD) in 1994 and also by Martin in 1994 who concluded that more restrictive immigration policies, such as tightening of border checks, cause a decline in immigration flows, at least temporarily. (Jennissen, 2007: 422)

Jennissen's approach is considered to be the most advanced and complex model of international migration available nowadays. I will use the presented theory as a background for the analytical research on immigration policies of selected countries of the EU-27 and the impact on the immigration flows. The strength of the relation that is represented by the causality 4 in Figure 4 aims to be concluded.

2. 4. Features of Migration

After the Second World War the world was divided into three main parts that differ significantly in terms of labour supply and demand. High labour costs in 'first' world countries have promoted fast technological development. "*In effect, production in these sectors (computers, satellites, public and private transports etc.) is highly specialized, requiring a small elite of highly educated, highly organized and creative developers, engineers and managers (**Type A**), and highly disciplined, well-educated production work force (**Type B**).*" (Triandafyllidou, 2007: 4).

This two types of workforce are mainly situated in Western Europe, North America and Japan, but since 1990s, they are growing also in other industrialized regions Triandafyllidou (2007) argues that the technology sector is highly productive and generates taxes for state services and welfare benefits. "*Employment within the state sector requires certain degree of language capacities and country-specific knowledge and therefore offers opportunities for native citizens of high- and low-skilled educational backgrounds (**Type C** and **Type D**).*" (Triandafillidou, 2007: 4-5) As the author further claims, some non-tradable goods and services also require either high skills (**Type E**, for example, doctors, construction engineers) or low skills (**Type F**, for example cleaning, gardening, kitchen work). Type F workers often work for low wages and have to face unfavourable working conditions. These works are likely to be taken by immigrants, particularly undocumented immigrant workers. (Triandafillidou, 2007)

Generally, immigration barriers for Type A are low. "*European states increasingly allow or consider allowing highly educated professionals in the production of non-tradables, for instance in the health services. However, absolute numbers are still low in the highly educated labour market segments.*" (Triandafillidou, 2007: 4-5) As it has been mentioned above, professionals in the state sector are still mainly recruited from the native population and the middle class of production workers in high-tech fields is protected from international labour competition. (Triandafillidou 2007)

According to Triandafillidou (2007), the EU-27 can be divided into five categories in terms of immigration: a) old host countries; b) recent host countries; c) countries in transition, d) small island countries, and c) non-immigration countries. (Triandafillidou 2007, 13) In this thesis, mainly old host countries (France, Germany, Belgium, the Netherlands, the UK, Denmark and Sweden) and recent host countries

(Italy, Greece, Spain and Portugal) will be considered. In certain characteristics, there will be an exception for Belgium and Sweden due to the lack of data available for these countries. (Tryandafillidou, 2007)

2. 5. Terminology

Europaen Union lacks a common legal definition of term the **immigration** or **immigrant** as same as common means of measurement. "*Immigration is framed in quite different ways in each Member State, and statistical accounting follows national prerogatives rather than international standards*." (Triandafillidou, 2007: 7) Grieco (2002) argues that every Member State of EU has different models of **naturalization and integration** and the difference in the policies is apparent in the migration statistics. "*Some countries monitor all the foreign-born, others monitor non-citizens; but as soon as migrants naturalize, they automatically disappear from migration statistics (for example, Germany or the UK) and still others keep more 'complete' records of native-born citizens, citizens of immigrant origin and non-citizens (for example, France or the Netherlands)*." (Triandafillidou, 2007: 7)

There are also many definitions of **immigration policy**. Generally, the two types of immigration policy can be distinguished. First, regulation of immigration flows and control of aliens that implies foreign citizens remaining under some kind of aliens control until they become naturalized. Second, immigrant policy that refers to conditions provided to resident immigrants. (Hammar, 1985: 7-10)

In this thesis, two measures of immigration policy are used and each of them refers to one of these immigration policy categories. Index of strictness of immigration policy measures the regulations of immigration flows, and migrant integration policy index measures what is defined as immigrant policy and legal conditions of immigrant in EU Member States.

As Triandafillidou (2007) claims, the differentiation between foreign nationals and own nationals is still the most widespread criterion to measure foreign migration. "*As policies regarding citizenship acquisition differ largely between EU Member States, the citizenship criterion measures completely different aspects with regard to migration*." (Triandafillidou, 2007: 8) People acquire their citizenship depending on their country of birth (**civil citizenship**) or genealogical origin (**ethnic citizenship**). (Triandafillidou, 2007)

Triandafillidou (2007) suggests to define immigrants as **foreign-born people** and their immediate offspring as **first and second generation immigrants**. I do not agree with this definition. In this thesis, just foreign-born population will be considered as immigrant population. The immigration policies do not have a direct impact on the naturalized population of the second generation immigrants which was born in the receiving country. Despite of this perception, for instance the Netherlands is taking into account the country of birth of the parent since the 1980s for statistical purposes and all states define the categories differently. For this reason, if using the national data, the type of terminology will be specified.

2. 6. Summary of the Chapter

An overview of the main theoretical concepts of international migration is important for understanding the principal findings that have been done in this field during the history. In the first and the second chapter, evolution of the most advanced and complex model (Jennissen's causality chains in system approach) was explained and its limits were defined. In order to overcome the limits, this thesis aims to characterize the strength of immigration policies as pull factors of immigration. However, immigration policy is just one of the sections of Jennissen's model and a further research needs to be done in order to enhance the concept.

The inconsistence of terminology in legal documents among countries of the EU was outlined and defined as particularly problematic for this research. As a solution, the type of terminology will be specified whenever it is necessary.

3. National Immigration Policies

3. 1. Migration Patterns in Post-war Europe

This chapter also aims to mention briefly the immigration patterns in Europe since the Second World War. This period was characterized by large south-to-north flows originating from the northern Mediterranean countries (Greece, Italy, Portugal, and Spain). Western and Northern European countries received migration from the south of Europe and Mediterranean, but also experienced incoming flows from African, Carribean and Asian countries (Triandafyllidou 2007)

A systematic classification of immigration and integration policies was offered by S. Castles and M. J. Miller. Their structural model distinguishes three categories of countries around the world: **exclusive model** (for the countries that accepted immigrants and their offspring exceptionally, because the process of naturalisation was based on the ethnic citizenship); **assimilative model** (for countries that perceived the naturalisation as an identification with the culture and values of the receiving country and tried to avoid the possibilities of multicultural or ethnical society); and **multicultural model** (that includes non-European countries, such as Australia, Canada and United States). (Bade, 2005: 313-314)

In the early 1970s the oil price shocks changed the migration dynamics. Migration flows between Southern and Northern Europe gradually declined as the European Communities pursued policies of economic integration. By the time when Greece, Portugal and Spain joined European Economic Community (EEC), there were few migrants from these countries travelling for work to the northern member states. (Triandafyllidou 2007) *"At the same time, a certain level of industrial development accompanied by a wide expansion of the services sector in Southern Europe created employment opportunities, thereby restricting the "push" factors to emigration. On the "pull" side, Western and Northern European countries had put a stop to labor migration from the early 1970s onwards aiming at "zero immigration"*. (Triandafyllidou, 2007: 2)

"Restrictive immigration policies were characteristic of many countries, including Britain and France, as a prerequisite for the successful integration of those already admitted. In other cases, such as Belgium, Denmark or Germany, admissions

were restricted in line with domestic labour market needs, while integration remained a non-issue until the 1980s." (Triandafyllidou, 2007: 2) In the 1980s, the connection of outside defence and inside integration became more apparent in immigration strategies of European Countries. The strict protectionism in the 1990s later led to the formation of migration policy of so called "Fortress Europe". (Bade, 2005: 330) These policies reduced the immigration from Asian and African countries to many European countries.

Table 1 Immigration patterns in post-war Europe[4]

	Country of origin	**Type of workforce[5]**	**Share of foreign population in 1995**	**Model of receiving country**
Italy	Africa (220 000), Morocco, Tunisia, Philiphines, Yugoslavia, Algeria, Eritrea, Somalia	F	1,7%*	-
Spain	Morocco, Latin America (Peru, Argentina), Carribean, Philiphines Portugal	B, F	1,3%*	-
Portugal	Guinea Bissau, Angola, Mosambique, Cape Verde,	B, F	1,7%*	-
Greece	Greece reemmigration (600 000), Albania, Poland, Egypt, Philiphines	B, F	no data available	-
Germany	Italy, Greece, Spain, Portugal, Yugoslavia, Central and Eastern Europe, later Turkey	F	10,5%	Exclusive model (until 1990)
France	Italy, Spain, Portugal, Maghreb, former colonies, Turkey	B, F	6,5%	Exclusive model (for former colonies)
UK	Ireland, Carribean, India, Pakistan, Bangladesh, Eastern Africa	B, F	5,5%	Exclusive model (for former colonies)
Netherlands	Turkey, Morroco, Surinam	B, F	5%	Assimilative model

Source: Author's classification based on Bade (2005, 282 – 313)

After the creation of the EU, the efforts to liberalize movement appeared. At the same time, controls of the outside-borders of EU Member States were tightened in order to restrain undesirable immigration from developing countries. From the 1990s, the migration forms can be classified in several categories of the reasons for applying for a residence permit that will be explained below.

---

[4] * OECD data (OECD, 2007)
[5] Types of worforce are characterized in sub-chapter 2.4 of this thesis.

Although the emphasis has been different in various Member States, the public debate on the cultural and political rights of immigrants was also triggered. (Triandafyllidou, 2007)

3. 2. Contemporary Visa Policies

Visas are tied to the States' sovereignty and countries regulate conditions of entry and stay in their territories on the national level. "*A 'visa' can broadly be defined as the legal title delivered by a State to a foreigner permitting entry, stay, or transit through the State.*" (IOM, 2009: 33) The short-term visa rules are embodied in the EU legislation, concretely in the Council Regulation 2001/539/EC of 15 March 2001. According to the Council Regulation, short-term visas are granted for a period no longer than three months in total and conversely, long term visas for a period longer than three months. (EC, 2001: Art. 2).

The competence of granting visas has been partially removed from the States with the implementation of Schengen Agreements Implementing Convention in 1995 and their legislation will be therefore arranged mainly into the following chapter.

Various types of Schengen visas are defined in the Common Consular Instructions (CCI), published in Official Journal C 326 of 22 December 2005. In this thesis, just the first two types of visas will be considered, because they are relevant in terms of entry for the immigration purpose.

1) **Long-stay visa – Type "D"** is issued by the Member States for a period longer than three months. The long-stay visas are embodied in the national legislations in of Member States.

2) **Short-stay visa - Type "C"** (Schengen visa) is issued for one, two or several visits and it allows stays which do not exceed three months over a six-month period.

3) **Transit visa - Type "B"** is issued to persons who must transit through the territory of one or more Schengen States before continuing their journey to a third country.

4) **Airport transit visa - Type "A"** visa is required for third-country nationals who are flying to another third country but making a stopover or a transfer in an airport of a Schengen State. (EC, 2013b)

Non-Schengen EU Member States use the same three main visa categories.

Figure 5 EU and Schengen Area
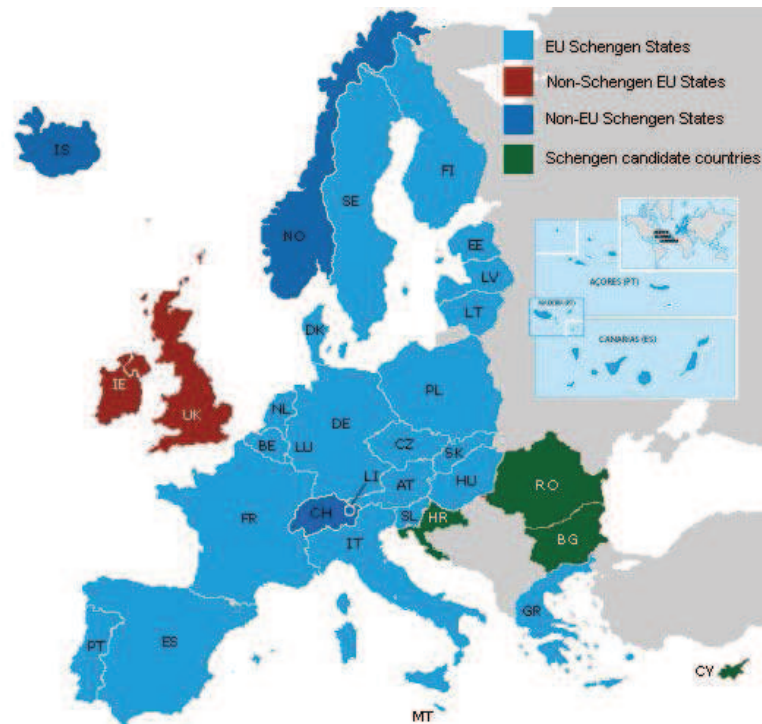
Source: EC 2013a

3. 2. 1. Short-stay Schengen visas (C visas)

Schengen acquis on short-term visas include the following rules: determination of the EU Member State responsible for granting a visa; conditions of delivery of a visa; creation of Common Consular Instructions in order to facilitate consular cooperation and to bring different national administrative practices closer; institution of a database and the Schengen Information System (SIS). (IOM, 2009: 34) The short-term visas are also embodied in the Treaty of Amsterdam.

The number of applications for uniform short stay C Schengen visas increases from year to year. In 2009, 10,216,091 C visas were applied for. In 2010, the number increased of 15.6%. In 2011, 13,483,497 C visa applications were recorded, which means an increase of 14.1% in comparison with the previous year. And in 2012, 15,116,973 applications were lodged, with an increase of 12.1% compared to 2011. The increase between 2009 and 2012 was 48%. (EC, 2011a)

Chart 1 Refusal rate for C visas, by Schengen State, 2012
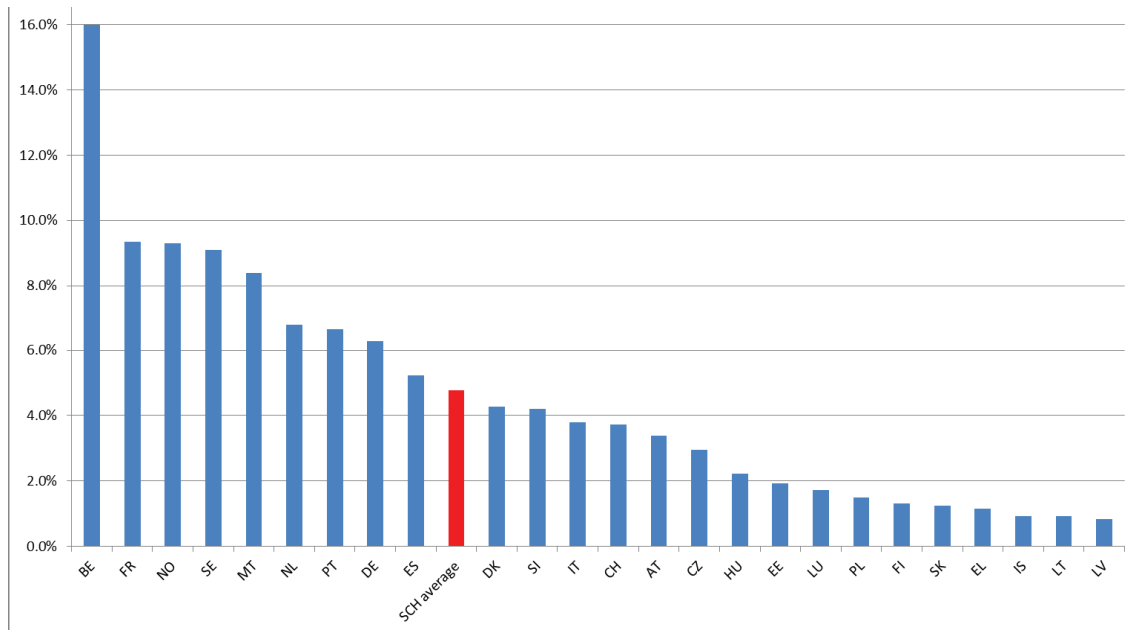
Source: EC, 2011a: 28

In 2012, five countries with most C visa applications were Russia (6 million, 40% of total), Ukraine, China, Belarus, and Turkey. Between 2009 and 2012 visa applications increased of 108% in China, 87% in Russia, 89% in Belarus and 86% in Saudi Arabia. Visa applications lodged in the top-10 countries represented 66.3% of all applications lodged worldwide in 2009. The percentage increased to 77.5% in 2012. (EC, 2011a)

On average, 4.8% of C visa applications were refused in 2012 (a decline in comparison with 2011). There are, however, important differences between Member States (Belgium refuses 16% of applications, while Lithuania and Latvia refuse around 1% of them) and between third countries (while in Algeria 27% and in Iran 18% of applications are refused, in Russia, Belarus and South Africa the refusal rate is below 1%). (EC, 2011a)

"In 2012, the Schengen states registering most C visa applications were France (2.3 million worldwide), Germany (1.85 million), Spain (1.8 million), Italy (1.7 million) and Finland (1.4 million, mainly in Russia). These 5 Member States received 60% of all C visa applications." (EC, 2011a: 4) In total, 138,144 C Schengen visas were issued at border crossing points (BCPs) in 2012. The BCPs where most visas were issued were the seaports of Rotterdam, Barcelona and Antwerp. (EC, 2011a)

3. 2. 2. Long-stay D visas

Only Belgium, the Czech Republic, France, Germany, Greece, Italy, Portugal, Romania and Slovenia) grant long-stay visas. *"These countries consider long-term visas as a condition in order to present an in-country residence permit application. Hence the reason why these visas are sometimes called immigration visas."* (IOM, 2009: 34)

The policies on long-stay visas differ significantly among the EU Member States. D visas are either granted by Ministry of Foreign Affairs or by the Ministery in charge of the stay and residence of foreigners. There is a need for distinction between the countries that grant permits in the country of origin and those that grant permits in the their territory, in order to understand the difference between visas and residence permits issued by the States. (IOM, 2009: 35-36)

If a residence permit is issued in the country of origin, there is no need to obtain a visa in order to enter the country of destination in most of the EU countries, e.g. Finland and Latvia. Spanish visa system incorporates the stay authorization and by contrast, Germany and Slovenia require a permit application in the country of origin as well as the delivery of a visa. Generally, the majority of countries which grant the residence permit in the country require a long-term visa as a preliminary condition for obtaining a residence permit. (IOM, 2009: 35-36)

All States require valid travel documents and proof of residence purpose in order to grant the long-stay visa. Furthermore, some States add the obligation to give a proof of sufficient means and accommodation (e.g. the Czech Republic, Italy, Portugal, Romania) and some do not allow the entry for applicants with a criminal record or without medical insurance (e.g. the Czech Republic, Greece, Portugal). (IOM, 2009: 32-35)

Regardless the existing common EU legislative framework on visa procedures connected to the Schengen Convention, experts pointed that some Member States introduce stricter or, on the contrary, facilitated norms and requirements for visa applications in 2012. Most countries of Central and Eastern Europe (Poland, Hungary, Slovakia, Baltic countries) according to Europe without Barriers (EWB) demonstrated a relatively loyal visa practice. Visa requirements of Western European countries are traditionally stricter. (Visa-free Europe Coalition, 2012)

In the EU, Hungary is leader in issuing long-stay multiple entry visas. Also Hungary, Estonia and Germany, are according to the experts, loaders in terms of the longest visa category (365 days and more). The survey of EWB resulted the lowest number of multiple entry visas (12,5%) in Italy. Long term visas valid for more than 6 months are most rarely issued by the Consulates of Denmark, Greece, Finland, Spain and Slovenia. (Visa-free Europe Coalition, 2012)

According to EWB monitoring, the average refusal rate is 2.05% while the latest official EU statistics (for 2011) states it at 3.3%. "*These indicators show that Ukraine has reached the unofficial «safe» visa refusal rate (usually considered at 3%). The Consulates of such countries as Italy, Czech Republic and the Netherlands show a relatively high refusal rate (more than 5). Low refusal rates has been fixed (up to 2.5%) for Poland, Hungary, France, Slovenia, Slovakia, Austria, Denmark, Greece and Lithuania (the best group according to this indicator).*" (Visa-free Europe Coalition, 2012: n.p.)

Table 2 Classification according to visa practice

Cluster	Visa practice
"Friendly"	Hungary, Poland, Slovakia, Estonia
"Neutral"	Latvia, Lithuania, Spain, Sweden, Austria, Denmark
"Contrasting"	Germany, France, Belgium, Finland, Greece, Slovenia, Portugal, the Netherlands
"Problematic"	Italy, Czech Republic, United Kingdom

Source: Author's table based on Visa-free Europe Coalition 2012

The survey of EWB 2012 points out that "*the Consulate of Italy is the subject to the largest number of complaints among Schengen countries. The total time and efforts necessary to obtain an Italian visa are the greatest.*" (Visa-free Europe Coalition, 2012: n.p.) Furthermore, according to the research, the Czech Republic have an unusually low share of visas with long-term validity and a relatively high visa refusal rate, and United Kingdom applies the most closed and non-transparent visa policy among the EU Member States. (Visa-free Europe Coalition, 2012)

3. 3. Temporary Residence Permit by Reason

The dataset used for the analysis of temporary residence permits structured by the reason of migration is summarized in Table 3.

A comparison of scores of migrant integration policy index (MIPEX) for years 2007[6] and 2010 with the index of strictness of migration policy (ISMP) for years 1994-2005 counted for the EU-12 is provided there.

Table 3 MIPEX and strictness of the immigration policy in the EU

	2010	2007	2010	2007	2010	2007	2010	2007	2010	1994-2005
	MIPEX Family reunification	MIPEX Labour market mobility		MIPEX Long term residence		MIPEX Education		MIPEX Overall Index		Index of strictness of migration policy
Austria	41	44	56	54	58	45	44	40	41	2.8
Belgium	68	53	53	64	79	66	66	66	67	
Cyprus	39	21	21	41	37	35	33	34	35	
Czech Republic	66	55	55	65	65	42	44	45	46	
Denmark	37	64	73	64	66	52	51	51	53	3.2
Estonia	65	65	65	68	67	50	50	46	46	
Finland	70	71	71	58	58	65	63	69	69	2.8
France	52	49	46	46	46	31	29	50	51	1.5
Germany	60	77	77	50	50	43	43	58	57	2.6
Greece	49	45	50	56	56	43	42	46	49	2.7
Hungary	61	36	41	54	60	9	12	43	45	
Ireland	34	42	39	43	43	27	25	45	49	2.9
Italy	74	69	69	69	66	41	41	60	60	3.1
Latvia	46	27	36	51	59	16	17	30	31	
Lithuania	59	46	46	57	57	17	17	40	40	
Luxambourg	67	45	48	57	56	54	52	58	60	
Malta	48	48	43	64	64	18	16	37	37	
Netherland	58	85	85	68	68	55	51	68	68	3.0
Norway	68	76	73	61	61	61	63	66	66	
Poland	67	45	48	65	65	30	29	42	42	
Portugal	91	80	94	55	69	66	63	78	79	3.1
Slovakia	53	21	21	50	50	25	24	35	36	
Slovenia	75	44	44	69	69	25	24	48	48	
Spain	85	79	84	72	78	49	48	62	62	3.2
Sweden	84	100	100	78	78	75	77	81	83	
Switzerland	40	53	53	41	41	42	46	42	43	
UK	54	55	55	74	31	66	58	54	57	2.9

Author's table based on tFDB and MIPEX c2014[7]

3. 3. 1. Family reunification

In the EU, the family reunification is an immigration legislation generally defined as "*the entry into and residence in a Member State by a family member of a*

---

[6] Raw data for the year 2007 on MIPEX family reunification are not available.
[7] The countries that were not members of the EU in 2007 were excluded from this comparison.

third-country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry" (EC, 2003a: n.p.). The French *Termes Juridiques* defines the objective of family reunification as: "*to live a normal family life (according to Article 8 of the European Convention on Human Rights)*". (Council of Europe, 2010: 10)

Each Member State adopted specific immigration legislation in family reunification. The conditions to fulfil the requirements for obtaining residence permits for family members can be, among the states of the EU, summarized as: sufficient financial means, available housing and income, and integration requirements. However, when looking at family reunification in the EU, the Family Reunification Directive and its impact on harmonization of the national legislation has to be considered. In this thesis this consideration will take place in the following chapter.

The national legislation in the Netherlands distinguishes between family reunification (where the family ties already existed abroad) and family formation (where the family is only formed through the immigration process and did not exit abroad beforehand). (IOM, 2009) For the purpose of this study, the term family reunification is used to describe both of these forms of reunion, because majority of the publications (e. g. IOM 2009) work with both of these types.

National immigration legislations in the EU Member States reflect differences in relation to eligible sponsors and family members, as well as other conditions imposed. Groenendijk notes that through the introduction of minimum standards, "*several Member States, for the first time, have a clear and detailed set of rules on the right to family reunification in their national legislation*" (Groenendijk et al., 2007: 65).

The conditions concerning immigration for family reunifications are all incorporated in the MIPEX for family reunion (see Table 3). According to MIPEX, the best conditions to obtain a residence permit for a reason of family reunification in 2010 took place Portugal (out of 31 countries examined), where according the index description:

> "*Families who are successfully reunited together have the socio-cultural stability to participate in society. The procedure of immigration is free and short. Authorities have no reason to reject her application if it's not fraudulent and poses no security threat. The state facilitates the family's integration by helping them access schools, jobs and social programmes.*" (MIPEX, c2014b: n.p.)

On the contrary, Ireland obtained the worst score in 2010, because it provides unfavourable conditions for immigrants in order to grant the residence permit for the reason of family reunification:

> *"Migrant has to wait years to become a long-term resident. Even then, the law only recognises the traditional nuclear family. Sponsors must pass difficult conditions without government support. Only those with high incomes, stable jobs and high scores on language/integration tests can live with their family. Procedures are long, expensive and discretionary. The law forces reunited family members to be dependent on him since they cannot work or use public benefits. They are not entitled to an autonomous residence permit, even if he dies, divorces, or abuses them." (*MIPEX, c2014b: n.p.)

According to the final scores of MIPEX, the procedures of family reunification became more favourable in 4 and less favourable in 11 countries out of 31 that were examined between 2007 and 2010. Countries with favourable policies (Portugal, Belgium, Sweden) try to set income or housing requirements based on what all residents are expected to meet in society. But increasingly, established countries of immigration ask immigrants to fulfil conditions that many nationals could not: higher marriage ages (United Kingdom), higher incomes (Austria), more tests (Netherlands), also for spouses abroad (Netherlands, Germany, France, Denmark), mostly with higher fees but little support. (MIPEX, c2014b)

3. 3. 2. Education

Student is defined by the EU legislation (Council Directive 2004/114/EC of 13 December 2004) as "*a third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of stury leading to a higher education qualification recognized by a Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation*" (EC, 2004: n.p.). This definition generally contains the admission of third country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service. (IOM, 2009: 100)

The length of procedure for obtaining a residence permit for education reason ranges from seven days (in Bulgaria) to six months (Austria, Lithuania, the Netherlands). The validity of the permit is one year in most of the EU Member States and only three States grant the permit for the duration of the studies (Denmark, Sweden,

UK). Most Member States also allow the renewal of the residence permit for students. (IOM, 2009: 100)

Specific conditions related to the education residence permit can be generally summarized as: sufficient funds, health insurance, admission to an institution of higher education, intention to return to the country of origin and the student's qualifications and language skills.

There is not a common perception of other types of education (e. g. training) in the EU. Only some countries have specific conditions for these types, while in most of the States, the training conditions are not specified in the national legislations. (IOM, 2009: 107)

According to MIPEX, Sweden, Belgium, Norway, Finland and Portugal have the best score in access to the education system for children of immigrants in the receiving country. The real conditions in these countries are described as:

> *"Any child living in the country can go from kindergarten to university. All students benefits from the same general measures as classmates with the same socio-economic background. If the child has different needs because of its family immigration experience, it benefits from additional support. The teachers are trained to recognise those needs and set equally high expectations. The pupil is entitled to extra courses and teaching to catch up and master their language. The schools generally use an intercultural approach in its curriculum, textbooks, schedule, and hiring practices."* (MIPEX, c2014c)

By contrast, the worst score in the immigrant's children access to the country's education system was given to Hungary, where:

> *"Many children living in the country do not even have the right to a full education. Only a few schools or ad hoc projects deal with integration. Language support is poor or absent."* (MIPEX, c2014c)

The adaptation to immigration flows is not apparent in most Member States. The most engaged are the Nordics and the Benelux. The UK leads Europe's major countries of immigration; Portugal is the best among the new countries of immigration; The Czech Republic in Central Europe; and Estonia among Baltics. The rest falls below the 50% mark, some of them even critically below (France, Malta, Latvia, Lithuania, Hungary). (MIPEX, c2014c)

3. 3. 3. Work

In terms of work reason for immigration, three main categories are distinguished: employment, self-employment and seasonal work. In contrast to the family reunification and education purposes, there is no common EU legislation about the labour migration, therefore it will be examined solely in this chapter of the thesis.

For employment related immigration, Member States can require three different permits (work permit, residence permit and employer authorization). Most of the States apply the residence permits for employment (one-permit system). Only some countries (e.g. the Czech Republic) require all three permits in order to grant the residence for the purpose of work. This strategy is perceived as an obstacle to labour migration. (IOM, 2009: 74-75)

The length of the procedure ranges between three days (e. g. Bulgaria) and two months (e. g. Lithuania). Conditions concerning immigration for employment can be 1) labour market test; or 2) quota for migration (Greece, Italy, Portugal, Romania, Slovenia, Spain). *"Member states usually adopt one of two options: a labour market test or a quota system. Only rarely are both applied, for example, in Estonia."*[8] (IOM, 2009: 77-78) Another specific policy is applied in Hungary, where: *"Work permit will be granted if no qualified worker can be found on the local labour market (labour market test)"* (IOM, 2009: 79)

Sweden, Portugal, Netherlands and Spain obtained the best score according to MIPEX in terms of immigrants' access to the national labour market. In this countries, the conditions for labour migrants are favourable:

> *"In these countries a migrant with the right to work and live in the country has the same chances as everyone else in the labour market. From day one migrant can start applying for any job in the private or public sector. The qualifications from abroad are recognised and migrant can improve the skills through training and study grants. The state encourages people by targeting specific needs - for example language courses focused on profession. Job mentors and trained staff help to assess skills and use public employment services. Once employed, immigrant has the same rights as all workers in the country."* (MIPEX, c2014d)

---

[8] However Estonia does not distinguish between the purpose of immigration and uses one general quota for any type of immigration. *"The quota for foreigners immigrating to Estonia which shall not exceed 0,05 per cent of the permanent population of Estonia annually"* (IOM, 2009: 78)

Ireland, Latvia, Cyprus and Slovakia obtained in 2010 the worst score from all Member States. The real situation in these countries is described as:

> *"A migrant cannot fully contribute to the country's economic life, but must wait 5 years to have the same right as nationals to work, study or start his own business. Even then is barred from working in many sectors and professions. In the meantime, he has to look for work on his own, without any general or targeted support. Because foreign qualifications are not recognised, migrant may have to give up his career to take whatever job he finds. Employers do not have to provide with the same working conditions or social security as his co-workers."* (MIPEX, c2014d)

From 2007 to 2010, the index improved for labour immigration policies in 10 countries. More legal residents will have equal access to jobs and training in several new countries of immigration (Geece, Spain, Portugal) and in Central Europe (Hungary, Poland, Latvia). (MIPEX, c2014d)

3. 3. 4. Other reasons

The immigration policies differ significantly on the national levels in terms of other legal types than those mentioned above. Each Member State adopts its own specific legislation over other types of immigrants that could obtain a residence permit.[9]

3. 4. Permanent Residence Permit

Immigrants can stay in the country permanently without acquiring the citizenship with the permanent residence permit. The status of a permanent resident gives to the immigrants the rights, however, not always the same rights as the particular country nationals have. All Member States, except for the UK, Denmark and Ireland, are bound by the Long-Term Residents Directive that provides permanent residents with rights equal to those of citizens. (EC, 2003c)

In the EU, two types of permanent residence permits exist: 1) a national permanent residence permit; 2) EC long-term residence permit. Nine of the Member States have just one type of permanent residence permit (Bulgaria, France, Italy, Lithuania, the Netherlands, Romania, Slovakia, Slovenia and Spain) and thirteen of them have two types (Austria, Belgium, Cyprus, Czech Republic, Finland, Germany, Greece, Hungary, Latvia, Malta, Poland, Portugal and Sweden). Denmark, Ireland and the UK have only national permanent residence permit. (IOM, 2009)

---

[9] For summary of the other immigration types in each country of EU-27 see IOM, 2009: 532-534

**Table 4 Integration related conditions, quota and ISMP
comparison in selected countries**

	Integration related condition	Quota or PBS System	ISMP 2011
Austria	Ability to read and write Knowledge of German language Ability to participate in the social, cultural and economic life in Austria	No[10]	4,3
Belgium	None	No	no data
Cyprus	None	Quota	no data
Denmark	Danish language test passed Integration programme completed Integration contract signed (specific for each third-country), willingness to integrate, participate in social activities, being in touch with Danish society	No	no data
Finland	None	No	2,6
France	Reception and integration contract signed (obligation to take language courses, respect for the guiding principles of the Republic) Sufficient French language knowledge	No	0,7
Germany	B1 level of German language knowledge Attendance in integration course Knowledge of legal and social order of Germany	No	1
Greece	Knowledge of Greek language, history and civilization	Quota	3,5
Ireland	Reasonable proficiency of Irish or English language, reasonable efforts to integrate were made	Quota	3,8
Italy	None	Quota	2,5
Netherlands	Civic integration examination, language test, knowledge of Dutch society	No	3
Portugal	Basic Portuguese language	Quota	3,7
Spain	None	Quota	3,9
Sweden	None		no data
United Kingdom	English language (with exception for children and elderly, former workers of armed forces and others)	PBS[11]+quota	3,2

Autor's table based on IOM (2009) and fRBD

The duration of residence requiered to obtain permanent residence permit is a main comparable characteristic. "*A permanent residence permit is typically granted after the immigrant has been residing on the territory of the State on the basis of temporary permits for a certain length of time.*" (IOM, 2009: 53) Furthermore, compared to temporary residence, permanent residence is usually not connected with the immigration purpose. (IOM 2009)

---

[10] Index of strictness of migration policy was presented in 2011. Later that year, Austria replaced the quota-based system with the criteria-based system.

[11] The United Kingdom's points-based 5 tier visa system is the main immigration route for migrants from outside the European Economic Area (EEA) to come to the UK to work, study, invest or train. The system separates applicants into five 'tiers'. In order to be eligible for a visa in any of the five tiers the immigrants must pass a points-based assessment. In work visa applications, points are generally awarded according to the applicant's ability, experience and age. The immigrants must reach a points score above a minimum threshold if their application is to be successful. The minimum number of points required varies for each tier. (WorkPermit, 2013)

Six of the Member States (Belgium, the Czech Republic, Estonia, Germany, Latvia and Ireland) require the immigrant to reside legally in the country for at least five years. In other countries of the EU, the number ranges from three (Hungary) to fifteen years (Cyprus). "*In certain cases, some countries do not require previous residence, for example, for certain family members (e.g. Hungary). For Malta no requirement related to previous residence was reported. In the UK, the immigration purpose is not a condition for obtaining a permanent residence permit.*" (IOM, 2009: 53-54)

Besides the length of residence in the country, in some cases, the immigration category matters for the permanent residence permit as well. In several Member States, the family reunification (Sweden, Hungary) and the participation in the Highly Skilled Workers Programme (the Czech Republic) reason for immigration can shorten the length of obligatory residence for obtaining the residence permit.

Many countries also require knowledge of the local language and the applicant must pass an obligatory course. Sometimes, however, the beginner's level is sufficient (Germany, UK). Other integration related requirements for obtaining a permanent residence permit are summarized in the Table 4.

3. 5. Summary of the Chapter

The aim of this chapter was to provide an overview and a comparison of different types of immigration policies among the EU Member States. The patterns of migration in post-war Europe were briefly summarized, while the types of labour migration presented in the theoretical part were applied in the Table 1. Different types of visa, temporary and permanent residence permits were explained and compared, using migrant integration policy index in each part of the comparison.

In this thesis, MIPEX is perceived as the most useful tool for the comparison of migration policies, because the index incorporates all possibly restrictive migration policies in terms of entry law and also integration policies in the receiving country. Researched information from this chapter will be used in the fifth chapter in order to answer the third research question, concerning the impact of immigration policies on the decision where and whether to migrate.

According to the results of this chapter, the Nordic countries (Sweden, Norway, Finland), Benelux (Belgium, the Netherlands) and new immigration countries (Spain,

Portugal, Italy) obtained the best average score in terms of entry laws and integration policies in 2010. On the contrary, critically unfavourable conditions for immigrants were found in Lithuania, Latvia, Cyprus, Slovakia and Malta. (see Figure 6)

Figure 6 Overall Score MIPEX 2010
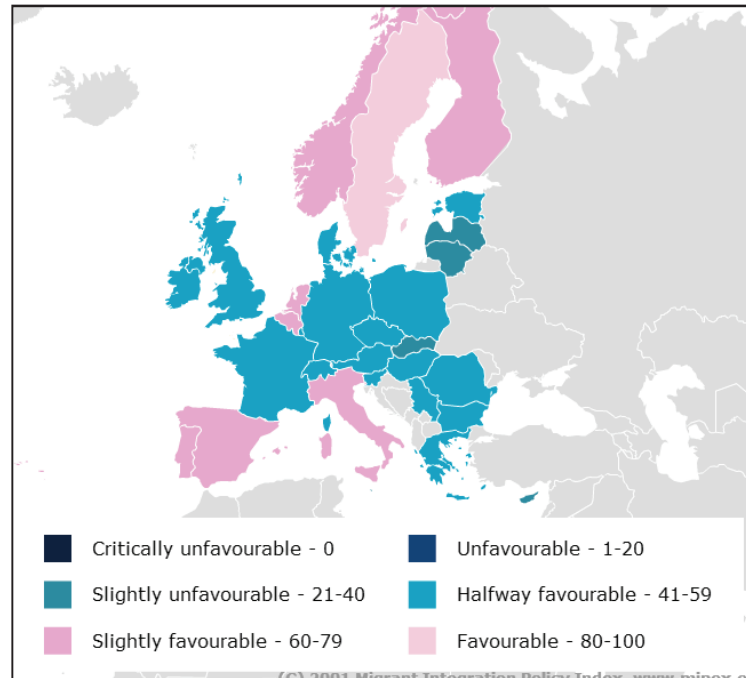
Source: MIPEX, c2014a

4. Common Immigration Policy

4. 1. The Evolution of the EU Law on Immigration Policy

The free movement of workers forms a part of four freedoms[12] upon which the European Community was founded in 1957 by the Treaties of Rome. These freedoms gained legal validity with the implementation of the Single European Act (SEA) of 1987. This right, although broadly interpreted by the European Court of Justice, has primarily focused on those who are nationals of the European Community and who are economically active, with special rules applying to their families. (Steiner et al., 2006)

"Today, these rights apply to all EU citizens (EC Treaty,4 Art. 18) and there is no need to show any economic activity on the part of the individual seeking to move from one Member State to another. Third-country nationals in their own right did not fall under these initial regulations, nor do they fall under the regulations as regards free movement of EU citizens." (IOM, 2009: 19) Immigration and asylum issues were handled by the Member States under the Justice and Home Affairs (JHA) pillar, which had been created by the Treaty of the European Union and operated on the intergovernmental basis. The intention of the Member States was to coordinate their policies and to adopt common positions. Any such decisions were to be decided on a unanimous basis between the Member States, with the EC institutions occupying only a peripheral role (Steiner et al., 2006).

The commencement in cooperation in the immigration policy took place in 1970s as a consequence of several security problems around Europe (e. g. the terroristic attack at the Olympic Games in Munich in 1972) (Fiala and Pitrová, 2009). On 29 June 1976, the intergovernmental group **TREVI**[13] was established. TREVI worked on three levels: ministers of interior, higher bureaucracies and lower bureaucratic working groups composed of police, security forces, immigration and customs officers. (Bunyan, 1993) The need of the common immigration policy for the EU Member States was pronounced in 1989 where the European Community faced increasing immigration flows from the countries of the former Soviet Union.

---

[12] free movement of goods, persons, services and capital
[13] Name of the group is the acronym composed of french words: terrorisme, radicalisme, extremisme a violence internationale

Later in 1989, TREVI 92, which focused mainly on the free movement of citizens and third countries nationals, was established. The TREVI 92 group was founded as a consequence of the creation of common labour market and the commencement of asylum and refugee policies harmonization. (Fiala and Pitrová, 2009).

With the **Treaty of Amsterdam** in 1999, the visas, asylum, immigration and other policies related to the free movement of all persons, including third-country nationals, were moved from the intergovernmental approach to policy-making to the common approach. (Europa, c2013)

The **Tampere European Council** of 15 and 16 October 1999 created a five-year programme for Justice and Home Affairs, including a common immigration and asylum policy to facilitate the realization of the goal of the Treaty of Amsterdam to create an area of freedom, security and justice. The Tampere Conclusions organized immigration, borders and asylum into four policy categories:

a) partnerships with countries of origin;

b) a common European asylum system;

c) fair treatment of third-country nationals; and

d) management of migration flows (European Parliament, 1999).

The main legislative achievements during the period of implementation of the Tampere programme with regard to legal immigration of third-country nationals have been in the areas of family reunification and EU long-term resident status. (IOM, 2009: 20). In consequence of the Tampere Conclusions, the European Parliament and Council adopted a Regulation establishing a programme for financial and technical assistance to the third countries in the area of migration and asylum (so called AENEAS programme).

In assessing the developments with regard to immigration and the EU, a strong trend towards the development of a common policy can be noted. Although a common immigration policy for certain third-country nationals was already in place under the Tampere Programme, Member States have been reluctant to give up competencies in the field of labour migration for a long time. With the Legal Migration Plan 2005, two proposed Directives and further measures to come, this position seems to change. The recent communication from the Commission called "*Towards a Common Immigration Policy*" amounts to a strong call for action for a common policy It is also worth to

remind that the external dimension of migration (cooperation with the third countries) has become an increasingly important item on the EU agenda in recent years. (IOM, 2009: 19-28)

The Hague Programme, created by the European Council in November 2004, set up the immigration policy agenda for the years 2005 to 2010. The Programme was designed to follow the Tampere Conclusions and emphasizes the need for a comprehensive approach to all stages of immigration. The European Council emphasizes that the requierements for the admission of labour migrants are in competence of the Member States (The Hague Programme, 2005: 10).

Because the integration of third country nationals is viewed as important to social stability and cohesion, the programme envisages the establishment of common basic principles (The Hague Programme 2004). Under The Hague Programme, the Directive for the facilitation of the admission of students and researchers into the EU was adopted. It is also worth mentioning that following a request in the Hague Programme, the Commission put forward a Communication on the Evaluation of EU Policies on Freedom, Security and Justice. (IOM, 2009: 20-21)

In October 2008 in Brussels, the **European pact on immigration and asylum** was approved by the Europan Council for all Member States. The Council adopted five commitments:

1. commits to organize legal immigration according to the priorities, needs and reception capacities of each Member State and to encourage integration with taking into account the needs of the labour markets of member countries, focus on temporary or circular migration, facilitate the admission of students, researchers and highly skilled workers;

2. commits to fight against illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a transit country; strengthening cooperation with countries of origin, the conclusion of agreements on readmission;

3. aims to enhance the effectiveness of border control (the granting biometric visas, keeping electronic records of persons crossing the borders of the EU since the beginning of 2012;

4. commits to construct the common European asylum system (introduction of a single asylum procedure in 2012 and the establishment of a European support office in

2009 to facilitate the exchange of information and the establishment of cooperation between the authorities which decide on applications for asylum;

5. commits to create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development (improving opportunities for legal migration, strengthening development projects, etc.) (European Council, 2008)

The Treaty of Lisbon was adopted on December 2009 and it restructured the previous three-pillar system. "*The Treaty of Lisbon was a leap forward in the history of the development of a "common" immigration policy. It introduced a profound reform in the sphere of illegal immigration. The Treaty of Lisbon confirmed a shared competence of the EU and the member states over immigration issues. This situation did not designate full legislative initiative to the European Commission. However, the Treaty of Lisbon shifted from unanimity to qualified majority voting in the European Council of Ministers and co-decision in the European Parliament.*" (Drozdz, 2011: 61-62) As Drozdz (2011) argues, the adoption of Treaty of Lisbon is a strong progress towards the EU Common Immigration Policy, however, "*Treaty did not remove "the tension between common objectives on the one hand and the protection of national competences on the other as this is exemplified by the maintenance of national control of values of admission under the new common migration policy.*" (Drozdz, 2011: 62)

The last legislation on migration and asylum policy which has been adopted by the EU is the **Stockholm Program**. The document aims to support civil rights and basic rights, strengthen the access to justice for everyone, improve the security system and prevent crimes (including illegal immigration), take steps towards the common immigration policy, and strengthen the role of Europe in the globalized world.

4. 2. Common European Asylum System

There are approximately 1.5 million recognised refugees living in the twenty seven Member States of the European Union plus Norway and Switzerland. This compares to a global figure of approximately 16 million. (UNHCR, 2009)

The status and legal definition of a refugee was set up in the 1951 Geneva Convention Relating to the Status of Refugees that has been signed and ratified by all EU Member States. The provisions of the Geneva Convention are implemented through the national legislation of each country. (ECRE, 2009)

On July 15 1990, the **Dublin Convention** was signed. The Convention was based on the Geneva Convention from June 28 1951 and extended by the New York Protocol and guaranteed the *principle of non-refoulement* (the agreement not to return a person who is in danger of being persecuted back to the country of origin). The sense of the Dublin Convention is to guarantee to every asylum applicant that only one Member State will assess and decide the application (*one-chance-only principle*). The Convention also limited phenomena such as *asylum shopping* (submitting an asylum application in another Member State in case of refusal in the previous state) and *refugees in orbit* (shifting the obligation to process an asylum application between Member States). (EC, 1997)

All EU Member States make a distinction between asylum seekers and refugees. An asylum seeker is a person submitting a request for the refugee status. The asylum seeker is not granted the refugee status unless the Member State decides they qualify, following a defined legal procedure. Article 18 of the EU Charter of Fundamental Rights states: "*The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union*". (European Parliament, 2000: n.p.).

„*EU Member States retain a high degree of sovereignty over the way asylum seekers and refugees are treated. This means that the conditions and benefits asylum seekers and refugees receive in each EU Member State can vary significantly.*" (ECRE, 2009, n. p.) The EU Member States have taken the first steps in trying to harmonise the asylum policies.

The Common European Asylum System is the force behind this harmonisation and contains a number of legal instruments covering issues such as „*which Member State is responsible for hearing an asylum claim, the procedures to be used in reviewing the asylum claim and the living conditions pending a decision.*" (ECRE, 2009: n. p.) However, The Common European Asylum System has not eliminated differences in the ways Member States treat asylum seekers and refugees. (ECRE, 2009)

4. 3. Schengen Area

The Schengen Agreements were signed in June 1985 by five countries of the European Community (Belgium, France, Germany, Luxembourg, the Netherlands). The

United Kingdom and Ireland refused to join the harmonization in immigration issues. In 1990, the Member States signed the Schengen Convention which adds the agreement on internal border elimination and free movement within the Schengen Area. In 1995, the border control was ultimately officially abolished.

In 1995, the Schengen Information System (SIS I) became operational. "*Schengen became a precursor to internal and mutual cooperation based on the Single Market. The initial aim of the Schengen Agreements was to make a speedier progress in dismantling internal frontiers, originated as a reaction to roadblocks set up by trucks at internal borders.*" (Drozdz, 2011: 38) Besides, the Schengen Area imposed a strict control over the external borders.

The short-term Schengen policies consist of e.g. only sight control of personal vehicles, strengthening cooperation in fighting illegal entry and residence of third country nationals or other criminal activities. In the long-term, the internal border control was planned to be entirely eliminated until 1990.

The Schengen Convention defines the basic terms (e.g. third country, foreign, asylum, external border) and describes the police and security forces cooperation. The Convention also imposes the common short-stay visas valid for the territory of all Member States, including conditions of their issue. (EC, 2013a)

The Schengen Area is currently composed of twenty-five European countries which are mainly the Member States of the European Union. States of the European Union and the Schengen Area are visualized on the Figure 5.

The Schengen Convention defines the basic terms (e. g. third country, foreign, asylum, external border) and describes the police and security forces cooperation. The Convention also imposes the common short-stay visas valid for the territory of all Member States, including conditions of their issue. (EC, 2013a)

4. 4. Summary of the Chapter

This sub-chapter aims to provide an overview of the main findings on the evolution of the Common European Immigration and Asylum System. Despite many measures that were taken to harmonize the EU immigration policies, the Member States still keep great sovereignty over the immigration strategies.

From the EU legislative documents mentioned above, the Lisbon Treaty takes the biggest step towards the Common Immigration Policy. The main harmonization has been done on the external border control, asylum policy and illegal immigration restriction. Nevertheless, until now, Member States have the exclusive control over their immigration inflows and requirements for the residence permits.

The impact of the EU legislations on the national countries strategies are presented in the Table 10. By now, the trend has taken the opposite direction – the European Union Member States with the largest immigration inflows have a significant impact on the creation of the EU legislation towards the Common Immigration Policy, particularly in terms of the expulsion of illegal immigrants and the border control financed by the European Commission (e.g. FRONTEX, RABIT).

A summary of the main findings of this chapter is collected in the Annex 5.

5. Immigration Policies as Pull Factors

In this chapter, the arguments of Eiko Thielemann (2004) and Czaika and de Haas (2011) will be used and their confirming or infirming analyses will be presented. In order to examine the role and the impact of immigration policies as pull factors of international migration, it is worth, according to Czaika and de Haas (2011), to distinguish between their effectiveness and effects. While effectiveness relates to objectives of the policy, effects relate to the actual impact.

5. 1. Effectiveness and Effects of Immigration Policies

As Czaika and Haas pointed, theories about the effects of immigration policies differ significantly among various authors. "*While many migration scholars argue that efforts of policy makers to regulate and, particularly, restrict immigration have largely failed (Bhagwati 2003; Düvell 2005; Castles and Miller 2009), this is contested by others (cf. Brochmann and Hammar 1999). At the same time, the scarce quantitative empirical literature (Beine et al. 2010; Mayda 2010; Hatton 2005) finds rather unambiguous evidence that restrictive immigration policy measures do have significant effects on the magnitude and composition of immigration flows targeted by such policies.*" (Czaika and de Haas, 2011: 4) Generally, it can be summarized that the effectiveness of immigration policies is significant according to all authors, while the arguments about their effects depend largely on the research methods.

Ortega and Peri (2009) concluded that overall immigration is reduced due to restrictive immigration policies in the OECD countries; however, it is unclear to what extent. According to the authors, an average immigration policy reform affects average immigration flows by 5 to 9 per cent. Ortega and Peri also confirmed the Beine at al.'s theory about the effects of the Schengen Agreement on the immigration flows by arguing that the Agreement is only associated with a higher share of high-skilled migration, whereas total flows are not significantly affected. Instead, they found a strong and significant migration-accelerating effect for those countries and years in which the Maastricht Treaty was in place. (Ortega and Peri, 2009)

Thielemann (2004) argues that more restrictive asylum laws implemented by many Western countries in the 1980s and 1990s have had an inflow-reducing effect. Hatton (2009) estimates that tightening of asylum policies between 2001 and 2006 in 19

Western destination countries reduced the number of asylum applications on average by 14 per cent, while the tougher regulations on asylum processing account for a reduction of about 17 per cent. According to Hatton's conclusion, general immigration policy restriction does not induce a substitution towards the asylum category, but instead, both policy variables are rather complementary in their deterrence effect and work in the same direction by reducing the number of asylum applications. (Hatton, 2009)

According to Czaika and de Haas (2011), lack of research has been done on the effects of selective immigration policies on the immigration flows. Selective policies categorized by the immigration purpose were summarized in previous chapter and their impact on immigration flows will be researched later in this part of the thesis. *"The available evidence also suggests that although policies do have some effects, the effect of policies may be relatively small compared to other, economic and political determinants of migration."* (Czaika and de Haas, 2011: 17)

Figure 7 presents the most advanced conceptual framework on the effects and effectiveness of immigration policies which has been composed. Czaika and de Haas (2011) distinguish between three types of gaps that are worth to consider.

First, the **discoursive gap** is described as a gap between discourses and actual, concrete migration policies in the forms of laws, measures and regulations. As authors pointed, the existence of the discoursive gap may provide further evidence for Massey et al.'s (1998: 288) observation claiming that 'elected leaders and bureaucrats increasingly have turned to symbolic policy instruments to create an appearance of control'. (Czaika and de Haas, 2011)

Second, the **implementation gap** occurs between the policies on paper and their actual implementation. (Czaika and de Haas, 2011) The existence of this phenomenon can be proved by the large amount of the documents aiming to harmonize national immigration policies in the European Union and to create a common European immigration policy. As concluded in the previous chapter, besides the Treaty of Lisbon, the earlier legislation faced the implementation gap to a large extent.

Third, the **efficiency gap** is described by Czaika and Haas (2001). According to the authors, the efficiency gap *"stands for the extent to which a change in an effectively implemented policy has the capacity to produce an effect. This pertains to the actual effect of the implemented laws, measures and regulations on the volume, timing,*

direction and composition of migration flows in the intended direction." (Czaika and de Haas, 2011: 22)

Figure 7 Conceptual framework of migration policy effects and effectiveness
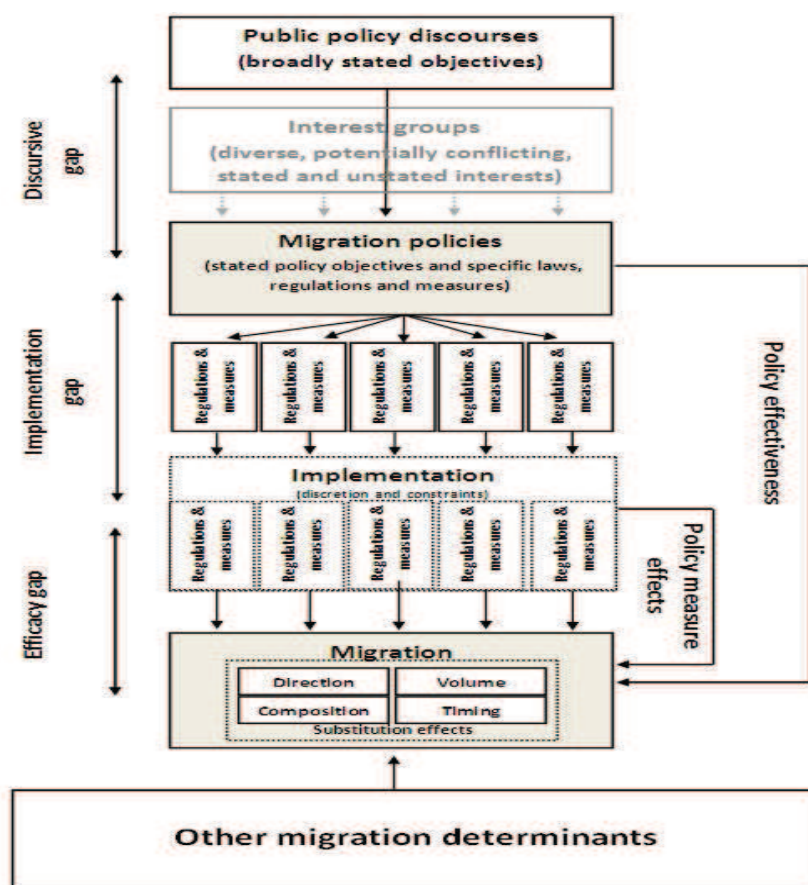
Source: Czaika and de Haas 2011: 20

5. 2. Reasons for Policy Ineffectiveness

One of the most referenced scholars who focused on the effectiveness of international migration policies is Eiko Thielemann. In his paper *Does Policy Matter? On Governments' Attempts to Control Unwanted Migration* published in 2004, Thielemann argues that "*the effectiveness of unilateral policy measures will be further undermined by multilateral attempts to harmonise restrictive policies and that current efforts such as those by the European Union consolidate, rather than effectively address, existing disparities in the distribution of asylum burdens.*" (Thielemann, 2004:1)

Thielmann aimed to explain why some states receive a much larger number of asylum seekers than others even when the differences in size are controlled. He

examined 20 OECD countries' immigration and asylum policies between the years 1985 and 1999.

The author concluded four reasons for the ineffectiveness of immigration policies. Firstly, policy making sometimes appears to exaggerate the degree of choice and the level of information that asylum seekers and their agents are assumed to have. "*The evidence presented here suggests that asylum seekers who are in a position to choose between a number of alternative host countries do so in a rational manner on the basis of some knowledge about the real or perceived differences between these states. However, we found little evidence for the claim that there is widespread and systematic 'asylum shopping' to exploit differences in host countries' welfare.*" (Thielmann, 2004: 28)

Secondly, the empirical analysis has shown, according to Thielmann, that the asylum seekers do not base their choice of a host country on a short-term welfare maximisation but on legacies of migrant networks, employment opportunities and asylum seekers' perceptions of the relative 'liberalness' of a particular host country, i.e. more 'structural' factors that, at least in the short and medium term, are beyond the reach of asylum policy makers. (Thielmann, 2004: 28)

Eric Neumayer focuses his research mainly on determinants of asylum migration and supports mentioned Thielmann's arguments. According to Neumayer, migrant network theory has the biggest explanatory power in asylum type of immigration. (Neumayer, 2004)

Furthermore, the impact of the attempts to make state's asylum policy more restrictive than other potential host countries is limited because of a very short-term first entry advantage. "*The rapid spread of 'safe third country' provisions across Europe in the 1990s (...), is perhaps the most prominent recent example of such processes of cross-country policy transfer which have become very common in this area.*" (Thielmann, 2004: 29)

Lastly, the effectiveness of unilateral policy measures will therefore be further undermined by multilateral efforts of the international policy harmonisation. (Thielmann, 2004: 29)

5. 3. Empirical Evidence

The migrant integration policy index (MIPEX) is considered in this thesis as a crucial variable for examining the impact of immigration policies on immigration flows. MIPEX incorporates more indicators than other indexes constructed for the operationalization of immigration and asylum policies. MIPEX includes the conditions of immigrants which may have an impact on the their decision-making proces where or whether to migrate. In this sub-chapter, the answer to the third research question is going to be provided.

Figure 8 Correlation analysis of MIPEX and immigration flows

	MIPEX	VISA	RESIDE~E	ASYLUM
MIPEX	1.0000			
	27			
VISA	0.1386	1.0000		
	0.5182			
	24	24		
RESIDENCE	0.2244	0.7192*	1.0000	
	0.2604	0.0001		
	27	24	27	
ASYLUM	0.3145	0.6600*	0.4620*	1.0000
	0.1101	0.0004	0.0153	
	27	24	27	27

Four variables have been used in the correlation analysis. MIPEX variable represents an average migrant integration policy index for the years 2007 and 2010 for all 27 Member States of the European Union. VISA variable has been counted as an average number of short-term visa applications (C Visas) to the Schengen Area between the years 2009 and 2012. RESIDENCE variable refers to an average number of total residence permits issued by the EU Member States between the years 2009 and 2012. ASYLUM variable refers to an average number of asylum applications to the EU Member States between the years 2009 and 2012.

According to the results, there is a correlation between MIPEX and ASYLUM variables (with correlation coeficient 0.3145), but only weak correlation between MIPEX and RESIDENCE and VISA (with correlation coeficients 0.2244 and 0.1386). All results are not statistically significant on the 5 per cent confidence level which can

be caused by only 27 countries in the dataset. The statistical significance is apparent in the 15 per cent confidence level.

The MIPEX indexes for particular immigration types were also analysed (family reunification as variable M_FAMILY, labour market mobility as variable M_WORK, and education as variable M_EDUCATION) and they also did not correlate significantly with the inflows in this specific immigration types (see Figure 10). As is shown in the matrix, the correlation coeficient varies betwen 0.2178 for labour migration to 0.3069 for migration for reason of family reunification. All results are statistically insignificant on 5 per cent confidence level. This analysis partially fills the gap in the quantitative research on determinants of immigration flows according to specific immigration types which was announced by Czaika and de Haas (2011).

Figure 9 Correlation of MIPEX on immigration policies according to reason for migration and immigration flows

	M_WORK	M_EDUC~N	M_FAMILY
WORK	0.2178	0.1206	0.2793
	0.2751	0.5491	0.1584
	27	27	27
EDUCATION	0.0565	0.2181	−0.0542
	0.7797	0.2744	0.7882
	27	27	27
FAMILY	0.3779	0.2608	0.3069
	0.0519	0.1888	0.1194
	27	27	27

Similar results appeared for the relation between the index of strictness of migration policy and immigration flows into the EU-15 between the years 2009 and 2012. However, this interpretation can be misleading due to the small number of countries in the dataset and the statistical insignificance of the correlation.

The empirical analysis of the effects of immigration policies on immigration flows can be used as a theory confirming evidence for Thielemann's research and speaks in favour of its poor impact on the real immigration flows and number of applications for residence permits.

5. 4. Summary of the Chapter

This chapter referred to the effectiveness and the effect of immigration policies of the EU-27 on real immigration flows and the number of applications for visa and

residence permits submitted to the Member States. Various approaches to the topic and various research results were presented by using the work of scholars who contributed theoretically to the immigration policies effectiveness theory.

Later in this chapter, the impact of immigration policies[14] on real immigration flows into the EU Member States was analysed. The results of the correlation analysis show just a weak correlation between an immigration policy and immigration flows or applications. It can be concluded that the immigration policies do not have a significant impact on the immigrants' choices and are not the important determinants of international migration. This result confirms Thielemann's theory of poor effects of policies on immigration flows that has been presented earlier in this chapter.

---

[14] Immigration policies were operationalized as the migrant integration policy index and the index of tightness of migration policy

6. Conclusion

This bachelor thesis aimed to analyse the immigration and asylum policies of the EU Member States and their role as pull factors of migration. The text was structured into six chapters consistent with following three research questions: First, what kind of asylum and immigration policies do countries of the EU implement and how do they differ from each other? Second, what impact do the common policy adoption efforts have on the particular countries' strategies? Third, how do the policies affect the immigration flows and what role do they play in the decision-making process of immigrants? Each chapter was concluded by a summary of principal findings.

In the first two chapters of the thesis, a brief compilation of relevant academic sources related to the topic was presented. This part is considered necessary for a better understanding of the theoretical framework of international migration, terminology and historical patterns of the European immigration. It also outlined a relevant background for the further analysis of national immigration strategies and the EU legislation on immigration and asylum. In order to comprehend the evolution of international migration theory, concepts that try to accumulate prior knowledge into the modern approaches were primarily chosen as worth using in this thesis. Furthermore, the theories that consider immigration policies as important determinants of international migration were briefly presented. Importantly, measures of immigration policies were explained in this part.

Following three chapters were designed to be consistent with the research questions mentioned above. In the third chapter, a comparison of national immigration strategies concerning different types of legal immigration was pursued. In order to fulfil the objective of this chapter within a text of this extent, particularly deviant or extreme cases of different types of immigration policies were emphasized. For this purpose, the migrant integration policy index (MIPEX) was used because it also provides a qualitative view on the situation of immigrants in the countries with extreme results. The national immigration policies have a long history of independent development that reflects specific national migration issues. Therefore this chapter was classified prior to the chapter covering harmonization of European immigration policies, which represents the recent top-down approach on national legislations.

As mentioned above, the fourth chapter covers the evolution of a common European immigration policy. This trend has changed with adopting the Treaty of Lisbon, but Member States still maintain their sovereignty and they are able to find methods to adapt the EU recommendations in order to fulfil national interests. The immigration policies of the EU Member States therefore still significantly differ from one another in strictness of entry law, number of issued residence permits or in consular practices for visa procedure. The relative harmonisation has been done on the asylum policy that is nowadays considered common for the entire EU-27.

The fifth chapter refers to the relationship between immigration policies and immigration flows or number of applications for entry and a residence permit. This chapter aimed to analyse what is the impact of the EU immigration policies on the decision-making process of immigrants which country to choose. The final results confirm the argument of Eiko Thielmann (2004) for the poor effect of immigration policies. It can be concluded that compared to other determinants, immigration policies play a less important role as pull factor.

A further research in this topic is necessary. However, presented result generates new questions related to the consequences of poor impact of immigration policies on immigration flows. According to the research, a higher strictness of an immigration policy does not guarantee a lower number of immigrants who arrive or would like to arrive to the country. This fact may imply that a further restriction of legal immigration can lead to a higher share of illegal immigration.

Finally, it is also worth to address the limits of the thesis. Three types of problems occured during the research. Firstly, the terminology and statistical data on immigration are inconsistent within the EU-27. For this reason, the data on the specific immigration types defined by sole Member States were eliminated and for the research were used exclusively the available data which are predominantly comparable.

Secondly, the designed topic of this thesis is very broad in relation to the desirable extent of the text. Therefore, some of the relevant topics related to this thesis could not be analysed in depth. This problem was attempted to resolve by concentrating on one line of the research and emphasizing the extreme and deviant cases while comparing the immigration and asylum practices.

Furthermore, the sample used for the correlation analysis was derived from the migration and asylum data of the EU-27. Due to the small number of countries in the considered region, the results of the correlation can be moderately misleading.

In conclusion, although the aforesaid limits of this thesis, the designed objectives have been fulfiled and the research questions have been answered.

Bibliographic References

Bade, J. K. 2005. *Evropa v pohybu. Evropské migrace dvou staletí.* Praha. Nakladatelství Lidové noviny. 497 pp. IBSN 80-7106-559-5.

BBC News: Europe. 2013. *Mapping Mediterranean migration.* URL: <http://www.bbc.com/news/world-europe-24521614>

Bunyan, T. 1993. Trevi, Europol and the European state. In *Statewatching the new Europe*, 1993/1. URL: <http://www.statewatch.org/news/handbook-trevi.pdf>

Castles, S. 2004. Why migration policies fail. In: *Ethnic and Racial Studies.* Vol. 27 No. 2 March 2004. URL: <http://meme.phpwebhosting.com/~migracion/rimd/documentos_miembros/16245SC_Why_Mig_Policies_Fail_ERS.pdf<

Castles, S. and Miller M. J. 1993. *The Age of Migration: International Population Movements in the Modern World.* New York: The Guilford Press. IBSN 978-0230517851.

Collet E. 2013. European economic competitiveness and social standards in the decade ahead. In *Migration Policy Institute.* URL: <http://www.migrationpolicy.org/research/facing-2020-developing-new-european-agenda-immigration-and-asylum-policy>

Council of Europe. 2010. *European Convention on Human Rights.* Article 8. URL: <http://www.echr.coe.int/Documents/Convention_ENG.pdf>

Czaika, M. and de Haas, H. 2011. *The effectiveness of immigration policies: A conceptual review of empirical evidence.* DEMIG project paper 3. International Migration Institute. URL: <http://www.imi.ox.ac.uk/pdfs/wp/wp-33-11>

Drozdz, J. 2011. *Spanish leadership in developing a 'common' European immigration policy: Intergovernmentalist supranationalization approach.* DePaul University. College of Liberal Arts & Social Sciences. Paper 92. URL: <http://via.library.depaul.edu/etd/92>

EC. 1997. CONVENTION determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities. (Dublin Convention) In *Official Journal of the European Communities* No C 254/1 URL: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819(01)&from=EN>

EC. 2001. COUNCIL REGULATION No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. In *Official Journal of the European Communities* URL: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R0539&rid=2>

EC. 2003a. COUNCIL DIRECTIVE 2003/86/EC of 22 September 2003 on the right to family reunification In *Official Journal.* L 251. URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:EN:HTML>

EC. 2003b. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Towards more accessible, equitable and managed asylum systems. Brussels. URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0315:FIN:EN:PDF>

EC. 2003c. COUNCIL DIRECTIVE 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. In *Official Journa.l* L 016 , 23/01/2004 URL: < http://eur-lex.europa.eu/legal-content/EN/ALL/;jsessionid=QGLMT4YTqHYnvMJ8L3lFjFVh6BJtsZcHGJfbKNNgQ JgwnD1nSps5!795116835?uri=CELEX:32003L0109>

EC. 2004. COUNCIL DIRECTIVE 2004/114/EC of 13 december 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. In *Official Journal of the European Union*. L 375/12. URL: < http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:375:0012:0018:En:PDF>

EC. 2009. REGULATION No 810/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 July 2009 establishing a Community Code on Visas (Visa Code). In *Official Journal of the European Union* URL: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF

EC. 2011a. *Overview of Schengen visa statistics 2009 – 2012*. URL: <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/docs/overview_of_schengen_visa_statistics_en.pdf>

EC. 2013a. *Schengen Area.* Schengen Area as of 1/7/2013. URL: <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm>

EC. 2013b. *Explanation of references to types of visa used in the statistics.* Visa Policy. URL: < http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/explanation_of_types_of_visa_en.doc>

EC. 2013c. *The Amsterdam treaty: a comprehensive guide*. URL: <http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/ a11000_en.htm>

European Council. 2008. *European Pact on Immigration and Asylum*. URL: <http://register.consilium.europa.eu/doc/srv?l=EN&t=PDF&gc=true&sc=false&f=ST% 2013440%202008%20INIT>

European Parliament. 1999. *Tampere European Council 15 and 16 October 1999 Presidency Conclusions*. URL: <http://www.europarl.europa.eu/summits/tam_en.htm>

European Parliament. 2000. EU Charter of Fundamental Rights 2000. In *Official Journal of the European Communities*. C364/1. URL: <http://www.europarl.europa.eu/charter/pdf/text_en.pdf>

Eurostat. 2013a. *Migration and migrant population statistics*. URL: <http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant _population_statistics>.

Eurostat. 2013b. *International Migration and Asylum*. Database. Population. URL: <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>

Fiala, P., Pitrová, M. *Evropská unie*. 2. vyd. Brno: Centrum pro studium kultury a demokracie, 2009. ISBN 978-80-7325-180-2.

Fondazione Roberto Debenetti. 2009. *Inventory of migration policies (1990-2005)*. URL:<http://www.frdb.org/language/eng/topic/immigration/year/2009/doc_pk/1 1028>

Groenendijk K. et al. 2007. *The Family Reunification Directive in EU Member States, the First Year of Implementation*. Centre for Migration Law. Nijmegen. ISBN: 978-90-5850-290-2. URL: < http://cmr.jur.ru.nl/cmr/docs/family.rd.eu.pdf>

Haagský program: posílení svobody, bezpečnosti a práva v EU. 2005 In. *Úřední věstník Evropské unie,* C 53/1, URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:CS:PDF>.

Hammar, T. 1985. *European Immigration Policy: A Comparative Study*. Cambridge University Press, Social Science. 319 pp. ISBN 978-0-521-26326-9.

Hatton T. J. 2004. Seeking Asylum in Europe. In: Economic Policy, 38, pp. 5-62. URL: <http://www.jstor.org/discover/10.2307/1344715?uid=40066&uid=3737856&uid=2134

&uid=2&uid=70&uid=14247536&uid=3&uid=67&uid=40062&uid=5910200&uid=62
&uid=5910232&sid=21103850768753>

Hatton, T. J. 2009. *The Rise and Fall of Asylum: What Happened and Why?* Centre for Economic Policy Research. The Australian National University. URL: <http://cbe.anu.edu.au/research/papers/ceprdpapers/DP577.pdf>

IOM (International Organization for Migration). 2009. Laws for legal immigration in 27 EU Member States. In *International Migration Law. No. 16.* ISSN 1813-2278. URL: < http://publications.iom.int/bookstore/free/IML_16.pdf>

Jennissen R. 2007. Causality Chains in the International Migration Systems Approach. In: *Population Research and Policy Review.* vol. 26, no. 4. pp. 411–436. ISSN 0167-5923.

Kritz, M., and H. Zlotnik. 1992. *International migration systems: a global approach.* Oxford: Clarendon Press. 345 pp. ISBN: 0 198 88356 3.

Massey, S. D. et al. 1993. Theories of International Migration: A Review and Appraisal. In: *Population and Development Review,* Vol. 19, No. 3 (Sep., 1993), pp. 431-466. URL: <http://cis.uchicago.edu/outreach/summerinstitute/2011/documents/sti2011-parks-theories_of_international_migration.pdf>

Massey, S. D. et al. 1998. Worlds in Motion: Understanding International Migration at the End of Millennium. Clarendon Press. Oxford. Uk

Migrant Integration Policy Index. c2014a. *MIPEX Methodology.* URL: <http://www.mipex.eu/methodology>

Migrant Integration Policy Index. c2014b. *Family reunion.* URL: <http://www.mipex.eu/family-reunion>

Migrant Integration Policy Index. c2014c. *Education.* URL: <http://www.mipex.eu/education>

Migrant Integration Policy Index. c2014d. *Labour Market Mobility.* URL: <http://www.mipex.eu/labour-market-mobility>

Neumayer, E. 2004. Asylum Destination Choice: What Makes Some West European Countries more Attractive than Others? In *European Union Politics,* 5, pp. 155-180. URL: <http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article%20in%20European%20Union%20Politics.pdf>

OECD (Organisation for Economic Co-operation and Development). 2007. Immigrant Population. In: *OECD Factbook 2007*. ISBN 978-92-64-02946-0 URL: <http://www.oecd.org/publications/factbook/38336539.pdf>

Ortega, F. a Perri G. 2012. *The Effect of Income and Immigration Policies on International Migration*. UC Davis: Department of Economics. URL: <http://economics.ucdavis.edu/people/gperi/site/papers/the-effect-of-income-and-immigration-policies-on-international-migration>

Piore, M. J. 1979. *Birds of Passage: Migrant Labor in Industrial Societies*. Cambridge: Cambridge University Press.

Schoorl, J. 1995. Determinants of International Migration: Theoretical Approaches and Implications for Survey Research, *van der Erf & Heering (Eds.) Causes of International Migration. NIDI.*

Steiner, J. et al. 2006. *EU Law.* Oxford, 9th edition. ISBN: 9780199279593

Thielemann, E. 2004. *Does Policy Matter? On Governments' Attempts to Control Unwanted Migration*. The Center for Comparative Immigration Studies CCIS. University of California. URL: <http://personal.lse.ac.uk/thielema/Papers-PDF/CCIS-WP-112-2004.pdf>

Triandafyllidou, A and Gropas, R. 2007. *European Immigration: A Sourcebook*. Ashgate Publishing, Ltd., Social Science, 379 pp. ISBN 978-0-7546-4894-9.

UNHCR. 2009. *Global Trends. Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*. Division of Programme Support and Management 15 June 2010 URL: <http://www.unhcr.org/4c11f0be9.html>

Vasileva K. 2012 . Nearly two-thirds of the foreigners living in EU Member States are citizens of countries outside the 27. *Population and social conditions, Statistics in focus*. Eurostat: Luxembourg. URL: <http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-12-031/EN/KS-SF-12-031-EN.PDF>

Visa-free Europe Coalition. 2012. *The EU VISA practices in 2012: Are there any changes?* URL: <http://visa-free-europe.eu/2012/09/the-eu-visa-practices-in-2012-are-there-any-changes/>

WorkPermit. 2013. *The Five Tier Points-Based Immigration System*. URL: <http://www.workpermit.com/uk/uk-immigration-tier-system.htm>

Annexes

Annex 1

Table 5 Number of short stay C visas applied for between 2009-2012

	2009	2010	2011	2012
	Number of short stay C visas applied for			
Austria	300,210	280,328	283,540	304,798
Belgium	194,029	215,978	242,857	233,490
Cyprus				
Czech Republic	456,503	546,410	581,931	603,484
Denmark	82,064	85,646	94,310	100,402
Estonia	95,837	120,135	144,567	175,360
Finland	795,554	1,020,825	1,259,643	1,392,048
France	1,592,527	1,965,777	2,130,471	2,321,534
Germany	1,615,792	1,730,875	1,707,197	1,844,704
Greece	616,051	620,270	768,246	1,001,341
Hungary	273,325	253,321	288,415	322,646
Ireland				
Italy	1,087,521	1,327,086	1,516,237	1,796,536
Latvia	120,379	137,432	163,309	182,496
Lithuania	208,029	266,048	345,765	416,851
Luxembourg	5,493	7,822	9,051	1,055
Malta	31,730	41,745	33,858	54,777
Netherland	333,965	386,759	428,206	440,056
Norway	103,251	130,837	151,071	130,933
Poland	586,115	695,990	912,988	1,091,395
Portugal	117,189	125,832	142,754	148,489
Slovakia	64,953	58,607	71,313	75,720
Slovenia	101,435	52,508	39,735	42,127
Spain	854,496	1,143,753	1,518,641	1,836,868
Sweden	195,943	206,077	220,567	215,763
Switzerland	383,207	391,720	428,189	464,512
UK				

Source: Eurostat 2013b

Annex 2

Table 6 Family reunification residence permit issued between 2008-2012

	2008	2009	2010	2011	2012
Family reunification residence permit issued*					
Austria	14,400	14,572	14,559	13,729	13,134
Belgium	20,320	28,523	28,667	25,509	26,193
Cyprus	183	640	1,850	1,740	1,440
Czech Republic	10,699	9,283	14,851	10,013	9,630
Denmark	4,231	4,680	8,098	6,061	6,436
Estonia	1,402	1,148	972	1,289	1,150
Finland	7,170	6,643	6,706	7,397	7,180
France	85,475	87,786	85,593	80,284	84,335
Germany	49,642	54,139	52,172	46,782	75,928
Greece	21,855	22,637	16,547	12,724	11,835
Hungary	8,405	1,753	3,376	4,165	2,883
Ireland	3,409	2,608	2,030	1,994	1,894
Italy	76,764	75,153	180,391	141,403	119,745
Latvia	2,464	759	776	1,761	2,091
Lithuania	659	788	717	764	883
Luxembourg		2,065	1,786	1,681	2,387
Malta	954	391	389	348	360
Netherland	24,092	23,077	21,560	22,327	21,160
Norway	11,578	12,060	9,672	11,058	10,839
Poland	8,921	8,699	2567	2,662	3,062
Portugal	27,270	19,964	17,478	18,229	14,654
Slovakia	1,224	1,156	1,162	1,042	1,138
Slovenia	3,962	3,116	3,169	4,022	3,377
Spain	150,101	125,288	132,082	139,256	118,568
Sweden	36,626	37,890	33,552	35,934	43,999
Switzerland					19,661
UK	117,041	121,268	125,360	118,698	90,879
*12 months and over					

Source: Eurostat 2013b

Annex 3

Table 7 Education residence permit issued between 2008-2012

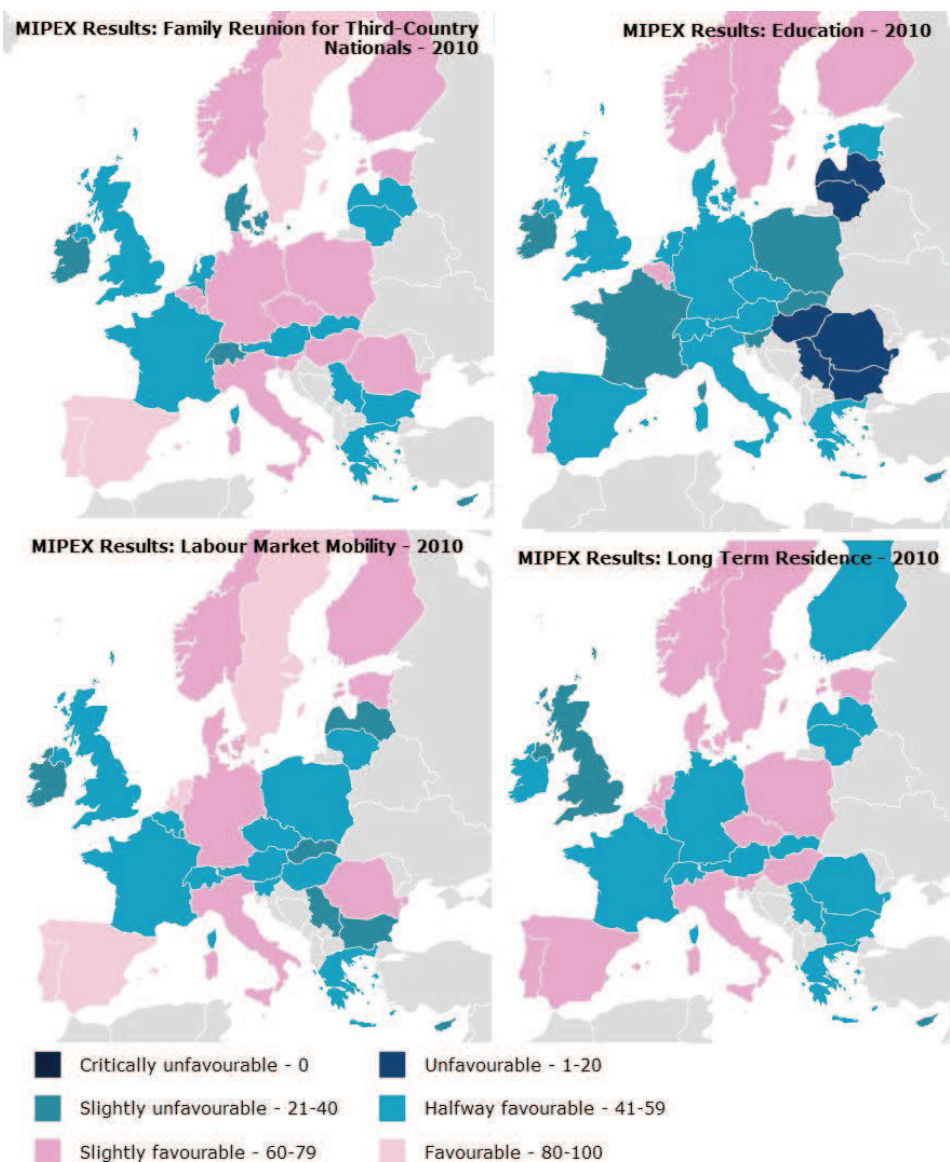|	2008	2009	2010	2011	2012
Education residence permit issued					
Austria	2,853	3,233	3,735	5,031	6,298
Belgium	6,743	7,222	5,695	4,035	6,060
Cyprus	4,023	5,407	2,698	1,907	1,433
Czech Republic	4,220	4,142	5,153	4,988	6,381
Denmark	19,279	6,406	6,068	6,115	6,535
Estonia	339	383	399	395	424
Finland	4,441	3,949	4,433	5,370	5,405
France	52,226	58,738	65,538	65,145	58,633
Germany	29,985	31,345	30,035	27,568	40,479
Greece	1,449	1,489	1,323	1,297	842
Hungary	7,760	4,234	3,995	4,067	4,411
Ireland	12,538	12,263	13,653	15,131	16,828
Italy	28,609	32,634	25,676	30,260	30,631
Latvia	346	212	296	459	674
Lithuania	447	422	422	297	385
Luxambourg		96	150	291	410
Malta	202	191	157	136	195
Netherland	8,850	9,944	10,510	10,701	10,747
Norway	2,767	3,037	3,293	3,864	4,529
Poland	6,145	7,066	9,098	7,876	12,254
Portugal	4,344	4,302	5,414	6,478	8,410
Slovakia	449	334	353	403	562
Slovenia	246	666	628	1,038	1,073
Spain	21,665	22,068	24,864	35,037	27,114
Sweden	11,695	13,968	13,972	6,766	6,985
Switzerland					10,239
UK	222,711	268,506	271,273	247,044	198,780

Source: Eurostat 2013b

Annex 4

Table 8 Remunerated activities residence permit issued between 2008-2012

	2008	2009	2010	2011	2012
Remunerated activities reason permit issued					
Austria	3,096	2,692	2,923	3,244	3,721
Belgium	7,097	5,391	4,134	4,544	4,825
Cyprus	13,884	13,762	11,917	9,897	6,889
Czech Republic	43,282	11,312	11,606	3,315	17,888
Denmark	7,420	11,113	12,153	10,203	9,132
Estonia	967	1,135	769	1,258	608
Finland	5,722	2,754	2,936	5,024	4,649
France	21,784	20,635	18,799	18,335	16,434
Germany	20,297	16,667	16,540	18,659	27,338
Greece	15,609	16,383	9,692	5,568	1,037
Hungary	17,759	5,326	4,229	3,785	3,687
Ireland	5,808	4,827	3,208	3,425	3,720
Italy	272,791	235,966	359,051	119,342	66,742
Latvia	1,823	464	397	519	767
Lithuania	4,140	1,358	589	1,189	2,163
Luxambourg		353	278	530	629
Malta	797	534	463	760	877
Netherland	11,613	10,433	10,448	10,961	10,921
Norway	7,119	6,624	6,210	7,518	7,627
Poland	18,664	11,123	86,839		103,720
Portugal	25,286	18,275	10,869	7,276	5,917
Slovakia	3,984	2,302	1,776	1,321	1,719
Slovenia	24,954	11,910	3,659	4,659	4,532
Spain	96,319	102,736	85,154	90,095	64,634
Sweden	14,259	18,978	15,273	16,455	18,520
Switzerland					11,275
UK	139,733	116,668	121,386	10,8190	106,290

Source: Eurostat 2013b

Annex 5

Figure 10 MIPEX Results Comparison

Author's arrangement of data from MIPEX c2014a

Annex 6

Table 9 Number of asylum applications between 2008 - 2012

	2008	2009	2010	2011	2012
Number of asylum applications between 2009 – 2012					
Austria	12,750	15,815	11,060	14,455	17,450
Belgium	15,940	22,955	26,560	32,270	28,285
Cyprus	3,920	3,200	2,875	1,770	1,635
Czech Republic	1,650	1,245	790	755	755
Denmark	2,375	3,775	5,100	3,985	6,075
Estonia	15	40	35	65	75
Finland	3,770	5,700	3,675	2,975	3,115
France	41,845	47,625	52,725	57,335	61,455
Germany	26,945	33,035	48,590	53,345	77,650
Greece	19,885	15,925	10,275	9,310	9,575
Hungary	3,175	4,670	2,105	1,695	2,155
Ireland	75	35	45	75	120
Italy	30,145	17,670	10,050	40,355	17,350
Latvia	55	60	65	340	205
Lithuania	520	450	495	525	645
Luxambourg	455	485	785	2,155	2,055
Malta	2605	2385	175	1,890	2,080
Netherland	15,255	16,140	15,100	14,600	13,100
Norway	14,430	17,225	10,065	9,055	9,785
Poland	8,515	10,595	6,540	6,890	10,755
Portugal	160	140	160	275	295
Slovakia	905	820	540	490	730
Slovenia	260	200	245	360	305
Spain	4,515	3,005	2,745	3,420	2,565
Sweden	24,875	24,260	31,940	29,710	43,945
Switzerland	16,605	16,005	15,565	23,880	28,640
UK		31,695	24,365	26,940	28,895

Source: Eurostat 2013b

[67]

Annex 7

Table 10 Impact of EU legislation on national immigration policies

Year	Legislation	Immigration Policy
1985	The Schengen Agreements	• Internal border elimination and free movement • Common short-stay visa system • Strenthening external border control
1985	SEA	• Confirming four freedoms of Treaties of Rome • Only applicable to EC nationals and their families
1993	Treaty of European Union	• TEU formalized cooperation of immigration policies, but it did notharmonize them due to sound opposition from some member states against giving up competencies to the EU institutions (Drozdz 2011, pp. 46)
1997-1999	Treaty of Amsterdam	• Transition of visa, asylum and immigration policies, as well as judicial cooperation in civil matters, to the Community pillar (Title IV *Visas, Asylum,Immigration and Other Policies Related to Free Movement of Persons*) • anti-discriminatory provisions
1999	Tampere Summit	• strengthening external border control and policies agains illegal immigration
2001	Treaty of Nice	• any innovative changes in the field of immigration policy
2001	Leaken Summit	• aimed at the development of a common system for exchanging information on asylum, migration and countries of origin, and the establishment of specific programs to fight discrimination and racism[i]
2002	Seville Summit	• increased security at external borders with joint perations at ports and airports; • creation of a special unit of heads of border control from the member states; • new rules encouraging increased penalties for people smuggling; • a policy of speeded up repatriations for those who do not qualify
2004	Hague Program	• Tackling illegal immigration and Terrorism (reaction on the negative outcomes of post-"9/11" and Madrid terrorist attacks of 2004)
2004	FRONTEX	• Establishment of independent body for strengthening external borders control[ii]
2008	European Pact on Immigration and Asylum	• Aims to create common European Immigration and Asylum policy • Heavily criticized, because of reflecting French domestic interests (e. g. strong stance on expulsion of illegal immigrants) • more political than legal approach
2007-2009	Treaty of Lisbon	• profound reform in the sphere of illegal immigration • progress towards Common Immigration Policy[iii]
2010-2014	Stockholm Program	• citizens' interests and needs and the added value that the European Union has brought to its citizens • fighting illegal immigration • active partnership with the countries of origin and of transit

Source: Author's table based on EU legislation and Drozdz 2011

---

[i] But according to Drozdz 2011 "*similarly to Tampere, Laeken outlined non-binding rhetorical goal, thus producing theoretical, rather than practical results, aftereffect in the field of a "common" immigration policy.*" (Drozdz 2011, pp. 54-55)

[ii] According to Drozdz 2011 "*it is crucial to mention that the independent FRONTEX does not constitute a supranational institution per se. The responsibility for control and surveillance of external border lies within the sovereignty of the member states*" (Drozdz 2011: 57 - 58)

[iii] "*Treaty did not remove "the tension between common objectives on the one hand and the protection of national competences on the other as this is exemplified by the maintenance of national control of values of admission under the new common migration policy.*" (Drozdz, 2011: 62)