

The European Council's strategic guidelines and immigration: can the EU be bold and innovative?

Yves Pascouau

The agenda of the June 2014 EU Summit will be particularly heavy. Alongside issues related to the conclusion of the European Semester, the climate and energy framework, possible debates about Ukraine, Iraq and Syria, EU leaders will have to decide on two key dossiers: the nomination of the next Commission President and the future of the area of freedom, security and justice.

Two key and interlinked dossiers

The discussions and possible future decisions about the next President of the European Commission will undoubtedly receive strong media coverage, already gaining major attention from EU leaders themselves. Interestingly enough, the 'Spitzenkandidaten process' has pushed members of the European Council to be very active not 'only' on the identity of the next President – likely to be Jean-Claude Juncker – but also on the Union's priorities for the upcoming years. The European Council will agree on a "strategic agenda" defining key priorities, to which EU institutions will be "invited" to follow. Migration related issues are among the five priority areas defined in the draft document prepared by the President of the European Council.

The strategic guidelines for the area of freedom, security and justice included in the draft European Council Conclusions are more specific. Aimed at replacing the "Stockholm Programme", these guidelines should set political orientations regarding a series of policies which include immigration and asylum.

It may appear from the outset that the nomination of the President of the Commission and the adoption of strategic guidelines are two unrelated dossiers, but they are in reality interlinked. More specifically on immigration related issues, the European Council has shown willingness to keep control over future EU developments. This is expressed in the strategic agenda, where immigration is a priority, and more explicitly in the strategic guidelines. Concerning the latter, by deciding their adoption in the middle of a political 'no man's land' – where the Commission is in an 'outgoing mode' and the European Parliament has just been elected – the President of the European Council has decided to set the agenda without the contribution of the institutions, which will take part later in the EU legislative process. By doing so, the margins of manoeuvre of the next Commission have been limited.

Are future challenges addressed?

With the strategic guidelines the European Council needs to define orientations enabling the Union to further develop policies and address future challenges. In that sense, the guidelines need to provide orientations with respect to four key challenges:

First, the EU needs to reflect external parameters which are going to impact migration-related policies in the short and long run. The draft strategic guidelines mentions instability in some parts of the world and European demographic trends as main challenges regarding immigration, asylum and borders policy. While correct, it would nevertheless have been more relevant to extend the list of challenges. Hence, current and lasting effects of the economic crisis, Europe's ageing societies, the emergence of a new middle class in the world, the urbanisation of societies as well and the increasing digitalised society are factors which are going to have an impact on mobility worldwide and on the EU's immigration policy.

Second, the Union needs to overcome the current 'silo approach' where each EU policy field is addressed without taking into consideration its effects on other EU policies. Future developments in the area of freedom, security and justice should take into account the interactions between asylum, legal migration and irregular migration policies. The continuation of a policy where legal migration aspects are 'secondary' is no longer possible. This entails the development of admission schemes as well as solutions to enhance intra-EU mobility rights for third country nationals already residing in the EU. While the draft strategic guidelines and the strategic agenda identify legal migration as a priority, it is mainly geared towards talented and skilled people rather than embracing the policy as a whole.

Third, addressing future immigration policy requires taking into account the potential impact of other EU policies on migration. More precisely, whether development, trade, agriculture and other EU policies have an impact on the willingness or need for third country nationals to migrate. Regarding this point, the draft strategic guidelines move in the right direction by stating that “success or failure in one field depends on performance in other fields as well as on synergies with related policy areas”.

Finally, the external dimension of immigration and asylum policies should be key, and consider in particular the most appropriate formula to provide for true mobility between third countries and the EU, the relevance of defining best ways to grant protection outside of EU’s borders and the definition of the key role the European External Action Service should play in this policy field. In this domain, the draft strategic guidelines do not provide for major enthusiasm as the external dimension is mainly located in the paragraph dealing with irregular migration flows.

The final version of the strategic guidelines will of course deserve a more thorough analysis regarding its strengths and weaknesses. However, some general comments about the draft document can already be presented. It moves away from previous lengthy programmes. It tries to be comprehensive and balanced, especially regarding solidarity, without always being able to define clear political orientations. It proposes some further concrete actions some of which are new and interesting like the establishment of a dialogue with the business community and social partners regarding legal migration or discussions about mutual recognition of asylum decisions.

Will the Commission be confined?

The future strategic guidelines will frame the next Commission’s programme. But what are the Commission’s margins of manoeuvre?

In terms of content, the strategic guidelines identify priorities and actions the next Commission will have to implement thus limiting its leeway. However, the strategic guidelines do not block the Commission’s capacity to remain a key player and policy leader in the field of immigration, asylum and integration.

First, nothing prevents the future Commission to think broader than the European Council and to better connect the dots between policies. Hence, the Commission may decide on its own to identify which EU policies may have an impact on migration related issues and to develop a comprehensive and coherent approach to better address those issues.

Second, the next President of the Commission remains free to organise their own administration to better tackle future challenges. Hence, they may decide to prioritise key issues and to organise the Commission’s structure accordingly. In the field of migration related issues, the next President of the Commission could be innovative, not to say revolutionary, in two respects. The decision may be taken to de-link immigration from security issues. Since immigration is principally work and family related this policy is then not security-related but more linked with labour and social policies. Hence, the migration dossier could be shifted from Home Affairs to another Directorate General.

Furthermore, the next Commission could choose to address migration related issues under a bigger theme which could be mobility to and within the Union. In structural terms this would lead to the creation of a “mobility” cluster putting together issues such as immigration and asylum, intra-EU mobility, employment and social policies as well as issues related to skills and qualification recognition. In organisational terms, a Commission’s Vice-President would coordinate the cluster and the work of Commissioners dealing with specific issues.

With the adoption of strategic guidelines and a strategic agenda, the European Council demonstrates its willingness to keep its footprint on sensitive issues related to immigration and asylum. While this will frame the next Commission’s action, the latter will still have enough room for manoeuvre to develop new and innovative solutions, provided that the next Commission’s President dares to do so to remain a key player in policy making.

Yves Pascouau is Director of Migration and Mobility Policies and Head of the European Migration and Diversity Programme, at the European Policy Centre (EPC).