

SECURITISATION OF MIGRATION IN THE EU AND LABOUR  
MOBILITY

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AB'DE GÖÇÜN GÜVENLİĞE TEHDİT OLARAK ALGILANMASI VE  
İŞGÜCÜNÜN SERBEST DOLAŞIMI

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- 1) MIGRATION
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EUROPEAN COUNTRIES
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## ABSTRACT

Focusing on the ‘securitisation of migration’, the first chapter explores in depth how the securitisation of migration in the EU and its member states has developed along the lines of internal security, cultural security and the crisis of the welfare state. Starting with the 1980s, the gradual incorporation of migration policy into the constitutional structure of the EU is tracked with special emphasis on the Single European Act (1986), the Schengen Convention (1990) and the Treaty on European Union (1992). Also, it pays particular attention to policy framework introduced with the Amsterdam Treaty (1997) and examines developments in the post-Amsterdam Europe.

The second chapter presents the current situation in the enlarged Union of 25 members with respect to free movement of workers in the light of transitional arrangements imposed upon the eight Central and Eastern European Countries (CEECs). Articulating the experiences of the CEECs with respect to east-west migration, it is shown that fears in the West of an “influx” of eastern workers have not materialised. On the contrary, Britain, Ireland and Sweden, which have not excluded CEEC workers subject to the 2+3+2 scheme, have drawn economic benefit from their decision. Therefore, it is argued that in the face of statistical and factual evidence, transitional arrangements seem to be put in place for domestic political consumption in the context of slow-moving economies, continuing high unemployment and anti-immigration sentiment in the EU-15.

In the final chapter, drawing from the experiences of the CEECs, yet paying due attention to the particularities of the Turkish case, the possible migration scenarios for Turkey are analysed with a view to formulate projections concerning the future of Turkey and EU relations with respect to labour mobility.

## ÖZET

İlk bölümde göçün güvenliğe tehdit olarak algılanmaya başlanması üzerinde durularak, sözkonusu olgunun AB ve üye ülkelerinde iç güvenlik, kültürel güvenlik ve refah devletinin karşı karşıya bulunduğu krize bağlı olarak gelişmesi ayrıntılı bir şekilde incelenmektedir. 1980'lerden itibaren, AB'nin anayasal yapısında göç politikasına yer verilmeye başlanması, özellikle Tek Avrupa Senedi (1986), Schengen Sözleşmesi (1990) ve Avrupa Birliğini kuran Antlaşma (1992) üzerinde durularak ele alınmaktadır. Ayrıca, 1997 tarihinde imzalanan Amsterdam Antlaşması ile şekillenen Birliğin göç politikaları ile Amsterdam Antlaşması sonrasında bu alanda yaşanan gelişmelere de dikkat çekilmektedir.

İkinci bölümde, 25 üye ülkeye genişleyen AB'de Merkezi ve Doğu Avrupa Ülkelerine yönelik halihazırda uygulanmakta olan geçiş dönemi düzenlemelerine ilişkin mevcut durum ele alınmaktadır. Üyelik sonrası dönem incelendiğinde, Merkezi ve Doğu Avrupa Ülkelerinden batıya korkulan göç "akını"nın gerçekleşmediği görülmektedir. Aksine, 2+3+2 formülü uyarınca kısıtlamalara tabi tutulan üye ülke işçilerine işgücü piyasalarını açık tutan İngiltere, İsveç ve İrlanda'nın bu kararlarından ekonomik fayda sağladıklarına yer verilmektedir. Bu nedenle, mevcut istatistiki veriler ışığında, geçiş döneminin AB-15 üye ülkelerindeki durgun ekonomi, süregelen işsizlik ve Avrupa'da hakim olan göç karşıtı söylemler çerçevesinde politik kaygılarla uygulamaya koyulduğunu öne sürmek mümkündür.

Son bölümde ise, Merkezi ve Doğu Avrupa Ülkelerinin tecrübelerinden yola çıkılarak ve Türkiye'nin kendine özgü özelliklerini de göz önünde bulundurularak, işgücünün serbest dolaşımına ilişkin Türkiye-AB ilişkilerinin geleceğine yönelik öngörülerde bulunmak üzere Türkiye'den AB'ye gerçekleşmesi beklenen olası göç senaryoları incelenmektedir.

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## INTRODUCTION

Since the late 1980s, international migration has moved beyond raising solely humanitarian, labour market and societal integration concerns, and began to be viewed as a security issue at the national and international level alike (Lohrman, 2000:5). With the demise of the bipolar system after 1989, there was a shift towards non-military sources of global and regional security. During Cold War, international security focused mainly on military issues such as the balance of power, the risk of nuclear and conventional war and the need for arms reduction. The passing of the bipolar world gave rise to increasing concern by the international community for non-military sources of instability- environmental degradation, rapid population growth, growing un- and under-employment and poverty, ethnic tensions, human rights violations, transnational terrorism and large-scale international migration (ibid).

Accompanying the changes at the international level, it has been argued that security cannot be confined to a state-centric perspective anymore- the defence of national territory from external or internal aggression- but those new values that need to be protected in terms of security were added to the traditional ones. Not only are states supposed to defend their territorial integrity and political independence, but also they should protect such values as economic independence, cultural identity, and social stability (Aniol, 1992:13 c.f. Kicing, 2004:1). International migration has been identified as a non-traditional security threat among many others.

Growing perceptions of international migration as a security issue are closely related to the quantitative and qualitative evolution of international migration. In 2000, there were 175 million international migrants in the world, that is, one out of every 35 persons in the world was an international migrant. This total represented more than a twofold increase from 76 million in 1960. By comparison, the world population only doubled from 3 billion in 1960 to 6 billion in 2000. As a result, international migrants represented 2.5 and 2.9 per cent of the world population respectively. In early 2005 the estimated number of migrants worldwide was between 185 million and 192 million (IOM, 2005).

Concerning the migratory flows to Europe, from the post-war period of unprecedented economic growth until today, three distinct structural cycles of migration into the European Union can be discerned (Lindstrom, 2005: 588). The first phase of European migration was

characterized by massive foreign labour recruitment of low-skilled workers from the southern periphery to benefit the war-torn economies of the north, and the second phase reunited the families. The third phase has been characterised by a significant increase in asylum migration, the east to west movement of people following the 1989 collapse of the East European planned economies, as well as by an increasing conflation of immigration and asylum issues. As a result, in 2003, there were an estimated 17 million forced migrants (asylum seekers and refugees) worldwide; of these 4.1 million were being hosted in Europe (UNHCR Statistical Yearbook, 2003 c.f. Sasse & Thielemann, 2005:657). It is further estimated that the annual net inflow of migrants into the EU-15 was about 1.7 million in 2002 (Sasse & Thielemann, 2005:657), with just under 50 per cent coming from other European countries.

Furthermore, with the voting down of the Constitution in France and the Netherlands, the project for greater European integration faced a major crisis. Parallel to this, the threat of trans-national terrorism, changing labour markets induced by global economic forces and the social and economic implications of demographic shifts- intensified with the accession of 10 new member states- point to the fact that migration has become one of the most salient issues in European politics today and will remain a key topic in public and political debates across Europe. Despite the long-standing preoccupation with asylum issues, the focus has recently shifted to economic immigration and the integration of third-country nationals. How these developments will interact and influence changes at the EU level is a challenge for scholars and policy makers examining immigration policy both within member states and for the EU as a whole.

The focus of the present study is to explore and attempt to explain how migration is rendered problematic in the security field looking at the development of securitisation of migration in the EU and its Member States. The case of the Netherlands is illustrative in this respect. The change in public and political discourse with respect to migration is manifest since the turn of the century in a country known for its deep-rooted multiculturalism and praised for its integration policies. Domestic events like the rise of Pim Fortuyn and the murder of film maker Theo van Gogh and international events like September 11 and Madrid and London bombings have contributed further to securitisation of migration.

In order to examine how the European integration process is implicated in securitising migration, I will look into the evolution of common institutions and policies on immigration

while also discussing important constraints, interests, intergovernmental action and EU-level institutional decisions. I will then analyse the current situation in the EU-25 with respect to the application of transitional measures on the eight Central and East European Countries guided by respective research and reports. Furthermore, I will look into the experiences of old member states with no restrictions on the access to the labour market, namely the United Kingdom, Ireland and Sweden, based on available reports, which provide reliable data on labour market trends and key findings on the post-enlargement period. Finally, I will analyse the possible migration scenarios for Turkey in the light of factual and statistical evidence with a view to formulate projections concerning the future of Turkey and EU relations with respect to labour mobility.

## CHAPTER I

### SECURITISATION OF MIGRATION AND EU MIGRATION POLICIES

#### 1.1 Securitisation of Migration Discourse

Securitisation is the practice whereby an issue becomes a security one, not necessarily because of the nature or the objective importance of the threat, but because the issue is presented as such. Immigration is not a threat in itself but it becomes a threat for the way it is perceived by Western societies (invasion of national/ European identity, competition over jobs etc.)(Buonfino, 2004:42) Thus, instead of pinpointing immigration as one of the greatest security concerns of the 21<sup>st</sup> century, it is vital to acknowledge the mechanism and dynamics that produce immigration as a security concern. Buonfino (2004) argues that the discourse type of securitisation of migration has emerged in the Member States of the European Union, produced by the interplay of publics, media and governments with the aim of preserving existing power structures and socio-political boundaries.

The mass media is a powerful actor, in this sense, for not only it reflects public fears about immigration through extensive coverage, portraying immigrants in negative terms, but the media messages *channel* and *strengthen* them and transform them into a powerful message/discourse for authorities. The securitisation discourse will then become *hegemonic* if and only if political authorities transform it into the dominant policy discourse and into actual political action (Buonfino, 2004:30), i.e. discursive securitisation of migration will preponderate over other contending discourses once public discourse transforms into policy discourse. As Bigo suggests, the securitisation discourse, however produces a “security dilemma”. The process of securitisation of migration, despite having been established with the perceived purpose of “reassuring” the public, will provoke and re-create fear within society. As a result, immigration will always be perceived as a threat (Buonfino, 2004:48).

In terms of reflecting and at times manipulating public fears and insecurities, migration has become a meta-issue, that is, a phenomenon that can be referred to as the cause of many problems (Faist 1994 c.f. Huysmans 2000:762), which seems to offer an ‘explanation’ and a

'justification' for the experienced negative feelings towards the Other, namely immigrants. In support of this view, Greg Austin and Kate Parker (2005) lend evidence against the belief that anti-immigrant sentiment is based on rational concerns, such as fear about jobs. Rather the sentiment is more likely explained by 'factors which have little to do with immigration as such' and that the feeling is linked to other sorts of social, political or economic change'. This implies that these other concerns are 'being displaced, or projected, onto the issue of migration'. The study suggested that 'immigration appears to offer a particularly well-suited set of issues for articulating diverse problems linked to unemployment, social security, criminality and shared norms (Austin & Parker, 2005:29).

Therefore, it is crucial to desegregate the concept of security into its economic, "societal" and political aspects and explore in depth what categories of security problems they pose, for whom and in what kind of cultural, socioeconomic and political contexts these perceptions arise and flourish. It is worth noting that we are dealing with *perceptions* here, in other words what we have is not tangible facts that we can measure quantitatively, but rather set of values and beliefs, which give rise to securitisation of migration discourse. Following Huysmans (2000:758), I argue that the securitisation of migration in the EU and its member states has developed on the basis of three relating themes: internal security, cultural security and the crisis of the welfare state.

## **1.2 Internal Security, Societal Security and the Crisis of the Welfare State**

The interplay of different actors such as mass media, government and public opinion presents immigrants as a threat to public order and internal security is further reinforced through alleged involvements of migrants in crime such as drug trafficking, trafficking in persons, thefts etc. Furthermore, public debates on this issue revolve around the prejudiced portrayals of immigrants as prone to crime and displaying deviant behaviour which serve to justify strict measures towards immigration control. However, as a research study concludes, "bias, disparities and disparate impact policy dilemmas are not uniquely the characteristics and problems of any particular minority groups or countries but are endemic to heterogeneous developed countries in which some groups are substantially less successfully economically and socially than the majority population" (Tonry, 1997 c.f. Lohrman, 2000:8).

A second strand of securitisation discourse treats immigrants as a threat to “societal security”. The concept “societal security” was developed to identify “situations when societies perceive a threat in identity terms”, such as the influx of immigrants or asylum seekers: “Societal security concerns the ability of a society to persist in its essential character under changing conditions and possible or actual threats. More specifically, it is about the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture, association, and religious and national identity and custom” (Weaver, 1993 c.f. Lohrman, 2000:8). Central to this fear of being “swamped” by waves of immigrants with different cultural lifestyles lies the perceived threat to cultural homogeneity of the receiving state, which is an indispensable part of the nation-state heritage. By presenting the cultural and/or religious differences of the migrant communities as the reason of their failure of integration to the society at large, both in social and political terms, constitutes an important source for mobilizing security rhetoric. The different life-style and the culture of the (non-integrated) migrants are displayed as potentially destabilizing the social formation (Huysmans, 2000:765).

The perceived threat that the immigrants seem to form for the existing social order, is often connected with socio-economic concerns. Hence, migration also features prominently in the contemporary struggle for the welfare state. Following economic recessions and the rise in unemployment since 1970s, the struggle over the distribution of social goods such as housing, health care, unemployment benefits, jobs and other social services has become more competitive, which has resulted in welfare chauvinism, or the privileging of national citizens in the distribution of social goods (Huysmans, 2000:767). More specifically, immigrants, asylum seekers and refugees are increasingly seen as having no legitimate right to social assistance and welfare provisions. Furthermore, migration is regarded by some to pose a threat to social security system and the welfare state philosophy. They argue that people might not be willing to pay taxes if they do not feel that the others do the same and share the same values, which is true in case of economically inactive immigrants and asylum seekers living on social benefits (Kicinger, 2004:2).

Andrew Geddes (2003:152) argues that it would be totally wrong to argue that migration in some ways *drives* changes in European welfare states. In fact, it is the organisational and ideological changes within European welfare states and the effects that these in turn have on understandings of migration. Moreover, when migration is the issue, the public and political

discourse clearly distinguishes between ‘wanted’ and ‘unwanted’ migrants. What makes a migrant wanted in the Community or by the same token unwanted? The answer lies in the *perceived* contribution of a particular migrant or group of migrants to the economy or conversely potential adverse effects it is likely to have on the welfare state in question. Closely related to this is the ‘gap hypothesis’ formulated by Cornelius, Martin and Hollifield (c.f. Geddes, 2003:155), which points to the disparity between the rhetoric of control and the reality of continued immigration. Although there have been welfare-state-related arguments behind restrictive policies, there are also those who hold the opinion that some welfare-related openness is necessary concerning some forms of migration that contribute to these welfare states filling gaps in certain sectors and protecting against ageing Europe from longer-term demographic pressures.

Geddes (2003:158) provides the example of England, where for the first time in more than thirty years the UK has even allowed labour migrants to enter the UK without a job and has vastly expanded the reach of the mechanism which allows employers to attract skilled migrants to fill vacancies in sectors such as IT and engineering on renewable permits with permanent residence possible after four years. Conversely, Tomas Hammar (c.f. Geddes, 2003:160) has detected a strong welfare component in the drive to tighten controls on immigration in Scandinavian countries, as these states see to close the migration door to their welfare states. In Denmark, for example, a seven – year qualification period has been introduced for the immigrant newcomers before full access to welfare state entitlements can be gained.

### **1.3 Post 9/11**

Increasing global interconnectedness combined with post-9/11 security concerns have rendered the phenomenon of movement of people an even more politically sensitive and challenging issue for national governments to manage. Since 9/11, the growing suspicion towards migrants has increased, rising public fears of immigration have been exploited by the media and politicians who claim to voice public concerns coupled with increasingly restrictive policies employed by nation-states. The case of the Netherlands is illustrative in that respect.

The rise of Pim Fortuyn associated with right-wing populism and viewed as to belong to the same political family as Jean-Marie Le Pen, Jörg Haider, Silvio Berlusconi et. al. was a phenomenon that caught everyone by surprise in the Netherlands and in all of Europe.<sup>1</sup> He argued that the Netherlands was a “full country” and Islam a “backward culture” and it would be better to abolish “that weird article of the constitution: thou shalt not discriminate” (Prins, 2002:376). Furthermore, he insisted on the preservation of national sovereignty against the ever increasing influence of the European Union and he warned about “Islamization” of Dutch society. And his warnings became not so controversial after September 11 attacks. There was more support for Pim Fortuyn in the Netherlands due to fear of political Islam and Muslim fundamentalism.

Though the Netherlands has been welcoming immigrants hospitably for centuries, there was growing resistance among the Dutch public since the turn of the century. And whereas before mutual acceptance and respect for different cultures was encouraged and affirmed and political correctness was the norm, the boundaries of multicultural society began to be publicly discussed. In such an environment where “immigrant bashing” was rising, it is no surprise that Pim Fortuyn’s harsh rhetoric “The borders must be closed, we are fiddling whilst Rome burns” and pro-assimilationist standpoint “adapt or leave” was embraced. It is interesting to note that political parties in the Netherlands had until 2002 refrained from interpolating the ‘foreigners’ issue into electoral politics. That is, until Pim Fortuyn arrived on the scene and spoke the things that were in people’s minds but were not outspoken (Van Holsteyn & Irwin, 203:62). Some people truly welcomed him as the “real leader”. The LPF (List Pim Fortuyn) came out of the 15 May 2002 elections as the second largest party going straight into government, which displayed how successful Pim Fortuyn had been in appealing to the electorate who cast their vote on “foreigners should adapt”. However, his assassination by an environmentalist just before the elections shook his party deeply and soon after the party was caught in internal strife and thus the coalition collapsed only after 87 days in office.

Nevertheless, the political environment seemed to have changed for the worst. The current developments employed by the government signal the most restrictive decisions taken so far concerning both the newcomers and legal migrant residents. People migrating voluntarily to

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<sup>1</sup> Pim Fortuyn was a controversial politician in the Netherlands due to his views on Islam and his anti-immigration stance, who formed his own party List Pim Fortuyn (or LPF). LPF became the second largest party in the general election results of 15 May 2002 going straight into government with CDA (Christian Democrats) and VVD (Conservative Liberals).

the Netherlands have to learn minimum 500 words of Dutch before arrival and pass exams geared towards testing their integration before being granted a residence permit. Furthermore, the scope of this scheme has been extended as to apply to legal migrant residents who have settled in the Netherlands before 1998 and who are under 57,5 of age.

## **2. Immigration Policies of the EU**

Individual national migration policies of the member states of the Union, i.e. speaking of EU-15, vary considerably as the history of those countries suggests. Furthermore, formulation of migration policy is highly politically sensitive owing to the fact that not only it goes to the heart of their history, but also mingles with their economic development, and notions of national identity, sovereignty and autonomy inducing profound implications for the country in question. Nonetheless, a gradual but steady process of EU cooperation has taken place since the 1980s starting first on freedom of movement of EU citizens within the EU borders and then in relation to non-EU citizens on issues of immigration and asylum.

I will set out to outline the historical development of EU cooperation with respect to migration policies driven by different incentives, concerns, tradeoffs between member states and the EU that had policy implications for common policy-making.

### **2.1 The First Phase of EU Migration Policy (1985-1991)**

Demarcating the lines of development of a European immigration policy: The first phase (1985-91) corresponds to ad-hoc and informal cooperation of the national governments in immigration matters, where sovereign power rested solely with member states.

#### **2.1.1 Schengen Agreement**

Period of intergovernmental activity within Europe began with secretive meetings of interior ministers and senior civil servants in the early 1980s, where discussions of justice and home affairs matters took place in the ‘**Trevi Group**’. In 1985 France, Germany, Belgium, the Netherlands and Luxembourg signed the Schengen Agreement to remove controls at their

internal borders, which necessitated tightening security measures at the common external border. As such started took off the process of formulating common policies on asylum, visas and police cooperation. Signing of Schengen Convention in 1990, their commitment was implemented. However, it was not until 1995 Schengen Treaty, when internal controls were finally abolished between the five Schengen participants and Portugal and Spain.

### **2.1.2 Single European Act (SEA)**

The 1986 Single European Act (SEA) marked a deepening of the existing “common market” created in 1968 through the creation of the single market defined by Article 8 A of the Treaty as an area without internal frontiers within which the free movement of people, services, goods and capital will be assured. Important to note that this not only deepened negative integration i.e. removal of barriers to trade, but also raised the issue of “positive” integration, new structures to deal with immigration issues. However, the envisaged free movement of persons who are nationals of an EU member state does not necessarily bring with it common immigration policies as some kind of inevitable spill-over effect (Geddes, 2001:24). While member states are willing to give up some sovereignty to pursue economic integration, they are not so eager when it comes to politically charged sensitive issues such as migration. Political sensitivity of Justice and Home Affairs (JHA from here on) and member states’ reluctance to relax their firm grip on national issues in delegating power to the EU have further complicated the EU decision-making process and constituted a major obstacle in the way of devising common immigration policies.

## **2.2 The Second Phase of EU Migration Policy (1992-1998)**

The second phase (1992-1998) introduced by the Maastricht Treaty is characterized by a form of ‘diluted’ intergovernmentalism; although migration-related issues were regarded as common interest and institutional links with the other Community institutions were established, it gave leading actor status to national governments (Kostakopoulou, 2000:498). During this period, failing to address the challenge of immigration by formulating a comprehensive policy, national executives tended to rely on past domestic experiences and national restrictive laws and problematizing immigration was to their benefit for electoral success.

### 2.2.1 Maastricht Treaty

With the 1992 **Maastricht Treaty**, the EU created its structure of three pillars<sup>2</sup>. JHA was given its own third pillar within a securitized policy frame under “Police and Judicial Cooperation” alongside with the common foreign and security policy as the second pillar while the first pillar sought to consolidate the European Economic Area via supranational cooperation. The JHA pillar brought aspects of immigration policy under the EU’s roof, but as matters of common interest and not as subjects for a “common policy” (Geddes, 2001:25). Seeking to address the weaknesses of informality predominant in the 1980s, Maastricht Treaty placed the Council as the focus for decision-making with intergovernmentalism as the rule at the expense of the Commission, European Parliament and European Court of Justice. Apart from intergovernmental cooperation and use of non-binding instruments, post-Maastricht policies are criticized for the emphasis placed on the “lowest common denominator” (Geddes, 2000 c.f. Lindstrom, 2005:589), which fall far from generating efficient solutions to problems while security-oriented way of understanding migration developed and was sustained.

In security discourse, an issue is dramatized and presented as of supreme priority. An agent claims the need and right to treat such an issue by extraordinary means (Weiner, 1995 c.f. Lindstrom, 2005:591). “Employing a security discourse fails to deal with asylum and immigration as a matter of normal politics by moving the issue into the realm of discretionary *high* politics” (ibid) and profoundly restricts policy options. Furthermore, this poses challenges of implementation: welfare and internal security concerns remain nationalized, whereas migration issues increasingly call for action at the EU-level. Furthermore, as Moraes (2003:120) points out controversial packaging of migration issues with the other JHA issues of cross-border crime and policing contribute to securitisation of migration since this has the political effect of associating migration with negative security issues, while excluding discussion of its positive economic and cultural benefits.

Accompanying the changes in political and economic landscape of the EU, as the European post-war economic boom came to an end and the four freedoms of movement stipulated in

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<sup>2</sup> From here on, *pillarization* in the context of the evolution of EU immigration policies refers to the EU structure of three pillars established by the Maastricht Treaty (1992). The Maastricht Treaty sought to resolve some of the weaknesses of informality by placing immigration within an intergovernmental pillar dealing with Justice and Home Affairs (JHA). This pillar was also known as the third pillar. The central pillar was the Community and the second pillar Common Foreign and Security Policy.

Rome Treaty –goods, services, capital and persons- began to be realized, immigrants came to be perceived as a threat to the national economy, the welfare state and the social order of the host country. Consequently, Lindstrom (2005: 589) argues a fundamentally exclusive and defensive approach to European security has been prominent since the mid-1980s, as embodied in partly overlapping intergovernmental cooperative frameworks (Trevi, Schengen, Maastricht’s third pillar on Police and Judicial Cooperation). Such frameworks constituted a “very peculiar, homogenous and cohesive ‘internal security regime’” (ibid).

The 1998 **Vienna Action Plan** further reveals the securitized line of thinking on matters of asylum and immigration (Lindstrom, 2005:590). The Austrian Presidency, then, envisaged an EU migration regime based on a model of concentric circles according to which the EU represents the inner circle; neighbours more or less in line with the EU’s migration standards represent the second circle. Third circle, where Turkey is located along with Commonwealth of Independent States and North Africa would be treated as buffer zones and encouraged to cooperate with the Union regarding transit checks and such measures having the same effect of diverting population flows before entering the EU territory. Finally, the fourth circle (Middle East, China, sub-Saharan Africa and Horn of Africa) involves countries that would receive financial assistance to eradicate the push factors for migration.

As Lindstrom (2005) argues strategies of control and diversion predominate both in EU migration and internal security regimes, namely the objective of reducing threats to security and stability have been sought through preventing and diverting population movement into the EU. Put differently, the metaphor “Fortress Europe” that is often associated with EU migration policy and literally meaning external exclusion based on tight border controls and internal exclusion based on the social marginalization of immigrant newcomers was replaced by a model of “concentric circles”. Both derive their power from the *fear* of large-scale uncontrolled migration and the negative impact of migration on European people successfully framed in security discourse.

### **2.3 The Third Phase of EU Migration Policy**

This phase is characterized by a shift from “pillarization” established by Maastricht Treaty to “communitarization” by Amsterdam Treaty. The Amsterdam Treaty marked an important step

in the development of immigration and asylum policy, which implies both a greater role for EU institutions in decision-making and the use of traditional EC legal instruments, such as directives and regulations. Immigration and asylum now reside with free movement in Title IV of the EU.

### 2.3.1 Amsterdam Treaty

The entry into force of the **Amsterdam Treaty** in 1999 provided for the establishment of an “Area of Freedom, Security and Justice”. As agreed, most of JHA, including visa, asylum, immigration and other policies related to the free movement of persons, were moved into the Title IV of the first pillar while judicial cooperation in criminal matters and policing remained in the third. The Schengen *acquis* was also incorporated into the EU law some parts placed in the Title IV and some in the JHA pillar.

Kostakopolou (2000) draws attention to two parallel trends in pre-Amsterdam Europe and point to an inconsistency in EU migration policy, i.e. liberalization ethos versus securitisation ethos. In this view, policy towards intra-EU migration has been increasingly liberal and expansionist, whereas the extra-EU migration policy has become increasingly controlled and restrictive. The resulting paradox is that despite considerable steps undertaken at the EU level to facilitate the free movement of workers and tighter immigration policies towards third countries since the middle of the 1970s, there is a surprisingly low level of intra-EU level mobility for employment purposes by EU citizens, while mobility of non-EU nationals into and within the EU labour market are on the rise (Carrera & Formisano, 2005:5).

Intergovernmentalism as a form of cooperation was criticized heavily for failing to correct inconsistencies in the EU migration policy. In this respect, the Amsterdam Treaty’s “communitarization” of immigration is important because it meant that aspects of immigration policy were moved closer to normal EU decision-making processes, thus providing a role for the Commission, European Parliament and European Court of Justice. However, this was a “cautious communitarization” (Geddes, 2001:25). Despite JHA issues were placed at the centre of EU decision-making, member states consolidated the intergovernmental element in the process. The Council would decide on the basis of unanimity until at least 2004, the Commission would share its powers of proposal with the

member states, while the European Court of Justice would only be able to act on the basis of a referral from the highest courts in the member states.

Furthermore, the instances of differentiated integration found in the new Title- the opt-out protocols negotiated by Britain, Ireland and Denmark and the Schengen Protocol- lend further evidence in support of intergovernmentalism (Kostakopoulou, 2000:501). With respect to the incorporation of the Schengen acquis into EC law, the acquis is not binding on the UK and Ireland, but these states may decide to take part in the provisions which make up the acquis (ibid). The UK and Ireland do participate in some aspects of Schengen, including the Schengen Information System. Apart from rules on visas, similar provisions apply to Denmark which has resisted any possibility of opting in during or after decision- making in the Council. And although neither Norway nor Iceland is a member of the EU, both joined the Schengen area in 1996 and signed an agreement with EU in 1999 to continue their participation in the Schengen area. Moreover, immigration policy and measures concerning the rights of long-term resident third country nationals do not fall within the Community's exclusive competence, member states are allowed to maintain or introduce national provisions.

Some argue (e.g. Lindstrom, 2005:591), the decision-making processes set up by the Amsterdam Treaty continued to allow for the "worst practices" of individual states to be transposed into both EU legislation and framework decisions, in a way allowing for their *export* to other EU member states with the effect of *rescuing* the European nation states. Yet, some others like Geddes (2001) see the EU as a potential corrective to lowest-common-denominator intergovernmental decision-making and refutes the view that regards EU as an external venue to which member states escape, but considers the extent to which EU competencies feeds back into domestic contexts in a deeper and increasingly wider EU.

In an attempt to explain the shift from informal and intergovernmentally-based cooperation to a more Community-based form of integration, Geddes (2001) contrasts two schools of thought: "Losing control" thesis links the development of EU immigration policy to economic integration and the creation of single market, which have consolidated forms of free movement and mobility that fundamentally challenge the state-centric logic relating to the movement of people. Differently, "escape to Europe" thesis focuses on the ways in which states have sought new venues that allow them to attain their domestic policy objectives

without facing the kinds of legal and political constraints that they encountered at national level (Geddes, 2001:28). This form of cooperation is likely to be intergovernmental with some tendencies towards “lowest common denominator” restrictive policies.

Geddes contends that the shift from “pillarization” to “communitarization” does not necessarily mean that states have “lost control”, rather they are seeking to reassert control over forms of migration that their policies define as unwanted. Following the same line of reasoning, Kostakopoulou (2000) argues that with the structural shift in pillars, the Member States could also use the new institutional and procedural framework to extend the forms of social control, strengthen their regulatory capacities, and reinforce the culturally constructed representation of immigration as both a ‘problem’ and a ‘law and order’ issue. She points out that still more worrying is permeation of the securitisation ethos which characterized the framework of intergovernmental co-operation into the Community concept of an ‘area of freedom, security and justice’ (Kostakopoulou, 2000:505). Put bluntly, the EU offers its member states a manoeuvre ground, where they are able to implement their state-centric objectives while they can also claim to remain committed to universal rights.

Kostakopoulou (2000:57) also underlines that the concept of security underpinning the notion of an area of freedom, security and justice refers to measures designed to ensure that the citizens of Europe are free from risk or danger and from anxiety or fear. Here it is neither the order of the state nor “societal security” that is at stake, rather the Community worries about Union citizens who are seen as vulnerable to threats and thus in need of security. Adopting Member States’ own discourse on the ‘securitisation’ of migration, the Community inherits from the Member States the tendency to treat security threats and vulnerability as independent realities which are not subject to verification and to critical inquiry (ibid) and overlooks the societal and political dynamics that generate such discourses.

Consequently, the structural shift from the intergovernmental pattern of cooperation to the Community framework has not been accompanied by a cognitive shift which challenges the securitisation of migration, rather it has opened the way for installation of the logic of exclusion and the security paradigm which characterized the Third Pillar within the system of Community law (Kostakopoulou, 2000:499).

### 2.3.2 Tampere Summit

As EU cooperation in the field of migration became formalized, calls began to be heard for a more comprehensive immigration policy taking into account the root causes of migration into the EU as well as the immigration needs of the EU itself. The milestone in this respect was the **Tampere** European Council meeting in October 1999, where it was agreed that ‘the separate but closely related issues of asylum and migration call for a common EU policy’. Tampere is important because it was the first time the Council has been explicit both in calling for the EU to work formally towards a binding common EU policy and in setting out a blueprint for a common policy which could be described as comprehensive (Moraes, 2003:120).

The agenda of the Tampere Council meeting consisted of critical issues like the management of immigration policy, along with the integration of third country nationals and the need to address the causes and push factors of migration, leading to partnerships with source countries. In its Conclusions, the European Commission stated expressly that “from an analysis of the economic and demographic context of the Union and of the countries of origin ... zero immigration policies of the last thirty years are no longer appropriate.” The Commission emphasized that Europe stood at a crossroads concerning its immigration policy: Either it could continue to resist migratory pressures or accept that immigration will continue and work towards maximizing its positive effects on the Union of the migrant themselves and for the countries of origin (Moraes, 2003:125). At Tampere, it seemed consensus was established between institutions of the Union- the Commission, Council and the Parliament- to take action towards balanced and comprehensive immigration policy. The Tampere Commitment was reaffirmed at the Laeken Council in December 2002, however this could not be sustained for there was a shift in emphasis of the agenda in favour of ‘illegal immigration’ at Seville Council Meeting 2002.

### 2.3.3 Hague Programme

The second multi-annual programme dealing with freedom, security and justice, the **Hague Programme**, sets out the objective for the development of an AFSJ for the next five years, is less pioneering and innovative than its predecessor agreed at Tampere. The Council now

emphasises that the actual determination of volumes for the admission of labour migrants remains an exclusive competence of the member states, and calls on the Commission “to present a policy plan on legal migration including admission procedures capable of responding promptly to fluctuating demands for migrant labour in the labour market before the end of 2005” (Carrera & Formisano, 2005:4). The authors argue that if the Council had adopted a more ambitious programme concerning the field of regular migration, it would have represented a real push towards the strengthening of freedom and justice in an enlarging EU.

In order to establish an area of freedom, security and justice in its true meaning and to tackle European social fears and insecurities with respect to migration fuelled by political and media discourses, EU needs to advocate a “security and equality approach” (Carrera & Formisano, 2005:10) and should place main emphasis on securing rights rather than security.

## CHAPTER II

### FIFTH WAVE OF ENLARGEMENT- FEARS FULFILLED?

The fifth wave of enlargement resulting in the accession of 10 new member states- Poland, Hungary, Czech Republic, Estonia, Slovenia, Slovakia, Lithuania, Latvia, Malta, Cyprus- into the Union has raised many questions with respect to the future of the EU integration process. Specifically, the spotlight has been on migration and the debates have mostly centred on the question of the much feared large-scale East-West migration. Aware of the economic and opportunity differences between new and old Member States and sensing their electorates' anti-immigration attitude, governments of the EU-15 have opted to impose measures to protect their labour markets and welfare systems from Central and Eastern European Countries' citizens.

#### 2.1 Transitional Arrangements

Based on concerns in the old Member States, the European Commission, in its accession agreements with eight of the ten new Member States -with the exception of Malta and Cyprus<sup>3</sup> where the general rules of free movement apply- established a transitional mobility regime potentially restricting access to EU-15 labour markets (van Selm & Tsolakis, 2004). This implies that the access to employment and welfare benefits for the citizens of eight of the ten new member states (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, the Slovak Republic and Slovenia) will be restricted by the EU-15 countries. Only the UK, Ireland and Sweden chose not to impose any restrictions for the newcomers. The other EU-15 countries maintained a work permit regime, sometimes combined with quotas. Poland, Slovenia and Hungary in return invoked reciprocity against EU-15 Member States applying restrictions.

Free movement of workers, which enables nationals of any Member State to work in another Member State under the same conditions as nationals of that state, is one of the four

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<sup>3</sup> That is due to their small size and relative economic strength. In addition, Malta has been granted the right to impose safeguards if it witnesses a considerable influx of workers from other EU Member States to its labour market.

fundamental freedoms provided for in the EC Treaty. However, the Accession Treaty signed on 16 April 2003 between the EU-15 Member States and the EU-10 lays down transitional arrangements concerning the free movement of workers within the enlarged Union. Paragraph 3 (2) of the transitional arrangements on freedom of movement for persons annexed to the Treaty of Accession of 2003 stipulates that the introduction of part of Community law on free movement of workers may be deferred for a maximum period of 7 years<sup>4</sup> according to the “2 plus 3 plus 2” formula. The first phase of the transitional arrangements started on 1 May 2004 and ends on 30 April 2006. The Accession Treaty states that before the end of this phase, the Council shall review the functioning of the transitional arrangements on the basis of a Commission report. The restrictions can only be applied to migrant workers concerning only obtaining access to the labour market and can only limit eligibility for employment in a particular Member State.

## **2.2 East-West Migration since 1990s within the Context of Labour Migration Trends**

First of all, it should be emphasized that all European states are now net immigration countries. For more established host countries such as France, Germany, the United Kingdom (UK), Benelux countries, Austria, Switzerland, Sweden and Denmark, this has been the case since at least the 1960s. Despite a decline in migration after recruitment stops in 1973-4, immigration flows have been continuous, for the most part taking the form of family reunion, refugee flows and labour migration. Most have experienced particularly high levels of immigration since the 1990s. Austria, France, Germany, the Netherlands, Switzerland, the UK and Nordic countries are all examples of this trend. A notable exception is Germany, which has seen a decrease in flows since the early 1990s, although this can be attributed to the exceptionally high levels of influx in the early 1990s.<sup>5</sup>

The accession of Central and Eastern European Countries (CEECs from hereon) into the Union and the feared east-west migration as a consequence of enlargement is historically

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<sup>4</sup> COM (2006), Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Report on the Functioning of the Transitional Arrangements set out in the 2003 Accession Treaty (period 1 May 2004-30 April 2006)

<sup>5</sup> [www.gcim.org](http://www.gcim.org) *Migration in Europe*, A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, by Christina Boswell Migration Research Group Hamburg Institute of International Economics, September 2005.

ironic. During the second half of the twentieth century, the most obvious, and uncompromising form of migration control was the Iron Curtain, which made it unthinkable to travel from East to West Europe for forty years leading to isolation of European Community's member states from possible East-West migration (Favell & Hansen, 2002:584).

With the fall of the Iron Curtain in 1989, the EU-12 feared a massive influx from the newly liberated countries of Central and Eastern Europe, and in 1990 some 300,000 people actually made that move (van Selm & Tsolakis, 2004:4) But then the number quickly dropped. Since the mid-1990s, an estimated 50,000 people have moved annually from the ten Central and Eastern European Countries including also Romania and Bulgaria to the EU. By 2002, about 1 million people from those ten countries were living in the EU, about 700,000 of which are from the eight countries that joined the EU on May 1(ibid).

Especially, Austria and Germany saw a two-fold migration opportunity after 1989. Permitting controlled labour migration would allow both countries to channel the migration pressures emerging after the fall of the Iron Curtain and it would fulfil the shortage of labour in low-wage jobs, such as construction in Germany and tourism and gastronomy in Austria (Favell & Hansen, 2002:590). Following unification, there was especially sharp increase in demand for labour in Germany and Germany's Christian Democrat / Christian Socialist coalition government responded by negotiating new bilateral accords with CEECs and Turkey. It is no exaggeration to say that following unification, Germany's new capital would not have been rebuilt without unskilled migrant labour (ibid.)

Also, from the mid-1990s onwards, German, British and other European governments have begun to search for ways to attract skilled migrants. The need to recruit skilled labour came with the realization that Europe has to achieve growth and productivity and strengthen its competitiveness in the global market *vis a vis* US and Japan and the best way to address this problem was to fulfil the labour shortages faced by major European economies most notably in the IT sector that required high-skilled migrants. The liberal US immigration policy on H1 visas for highly-skilled workers was an inspiration for Germany's first attempt in issuing 20,000 visas for high-skilled, high-wage jobs, launching the so-called 'Green Card' visa programme despite its five-year contractual limit (Favell & Hansen,2002:591).

Since the 1990s, the migration trend in the case of Central and Eastern European Countries has been *temporary* migration, which does not have burdensome consequences on the welfare state. The great majority of Poles, Czechs and Hungarians who consider migrating, they perceive it as a supplement to not replacement of their home-country earnings (Jileva, 2002:690). As the results of a May 2001 survey reveals 70 per cent of the Polish respondents wanted to work abroad for periods ranging between two months to two years, or to work in the EU at regular intervals but continue living in their home country. Twelve per cent of them intended to work for longer than two years and 13 per cent to settle permanently (ibid).

Another striking trend in the second half of the 1990s is that as CEECs became more prosperous, the incentive to move has declined and they have started attracting migrants themselves. A study conducted by the European Integration Consortium at the request of the Employment and Social Affairs Directorate General of the European Commission on the impact of eastern enlargement on employment and wages in the EU concludes that one should not fear massive immigration. The study makes the projection that the number of foreign residents from the CEECs in the EU would increase annually by around 335,000 immediately after the introduction of free movement of persons and within a decade this figure will fall to below 150,000 people (Jileva, 2002:690).

Restrictions concerning freedom of movement for workers are not brought up for the first time in the context of eastern enlargement. It was a controversial issue placed high on the agenda during the accession negotiation talks with Greece, Portugal and Spain in the 1980s, which resulted in transition periods for the mobility of labour. Although Greece acceded to the EC in 1981, only after 1986 was it labour force allowed to move freely and Spain and Portugal entered the EC in 1986 with restrictions on labour movement until 1992. At that point, however, the concept of European Citizenship, established in the 1992 Treaty on European Union and the rights attached to it, one of which is the right to move to, reside and take up employment in all Member States, was not in place (van Selm & Tsolakis, 2004:4). Thus, as the Union enlarged on May 1, 2004, the citizens of CEECs entered it as 'second-class EU citizens'. They were granted the right to move and reside across the EU, but barred from being able to take up employment freely in all Member States except Ireland, Sweden and the UK.

These temporary yet fundamental restrictions represent a significant barrier to the free movement rights to be effectively and freely exercised by all the new EU citizens (with the exception of Malta and Cyprus). Throughout the time transitional arrangements will be implemented, some of the provisions that lie at the very heart of the EU integration process and that provide an essential level of protection for workers (such as Arts. 39 and 49.1 of the EC Treaty), will not apply to the citizens of these states. Any national from the acceding countries who may hence wish to enter an old EU member state, or to move from one EU country to another for labour purposes, will not have the right to take up any available pay employment in the territory of another old member state “with the same priority as nationals of the State” as established by Art.1 of Council Regulation 1612/68, on the freedom of movement of workers within the Community (Turmann & Carrera, 2004).

Having said this, the effect the fifth wave of enlargement will have on migratory trends, many analysts, conclude, is likely to be similar to that of two previous EU enlargements, namely to that of Greece in 1981 and Spain and Portugal in 1986. Those enlargements prompted only small-scale emigration from the new Member States despite economic differences that resemble the current situation between the EU-15 and the EU-8. In the cases of Greece, Spain and Portugal, migration continued to be negligible even after the end of transition periods that restricted freedom of employment for their citizens. Many of those who did emigrate returned to their country of origin after some years, when economic opportunities back home became competitive with those available elsewhere in the EU (van Selm & Tsolakis, 2004:4).

The Southern enlargement experience, which also witnessed the exclusion of citizens of new member states from labour mobility, reveals that transitional periods were applied then for basically the same reason- EU member states fearing influxes of migrant workers rather than to a real threat of migration. This is in line with Commission stating in 2000 that “fears that mass migration would ‘flood’ the labour markets of present states do not seem justified also in the light of experience from previous enlargements which would suggest the migration flows are affected by economic conditions and prospects, more than by the right of free movement” (Jileva,2002:691). Besides, EU membership is likely to create prospects for the new member state nationals to search for jobs in their home countries as economic conditions improve and hence act as a migration deterrent and might even facilitate return migration.

Favell and Hansen (2002) argue that the key to understanding emerging migration trends across Europe lies in acknowledging how a new international labour market responds to demand. The authors articulate the international labour market responds by actively recruiting high and low-skilled migrant labour, both non-European and intra-European notwithstanding restrictive measures imposed by national governments to curb unwanted migration. To illustrate their point, they give the example of European governments led by Germany and Britain, the most-acclaimed zero-immigration countries in Europe, to return to migration as a means of addressing economic and demographic problems at the end of 1990s (Favell and Hansen, 2002:582).

According to Favell and Hansen (2002:585), economic integration dictates that states must give up the discretion they once claimed to designate who is and is not a legitimate resident of their territory, and rather allow market sources to dictate supply and demand of migrant labour across economically interdependent territories. They argue that free movement acts as a market correction for asymmetric shocks and imbalances to the system and when inequalities are reduced through the equilibrium mechanism across the continent, the incentive to move declines and migration becomes controlled, through a market-based rather than a state-enforced mechanism. In this view, the market-based reasoning for integration challenges the nation-state-centred conceptions of immigration, hence migration flows is determined by market dynamics and not by politics.

Migration in Europe beginning to resemble more the scenario of labour market theorists, who point to self-regulating supply and demand factors as the ultimate determinants of labour mobility, clash with nation-states continued will to retain discretion over migration flows through “politicising” migration. From an economic point of view, the principle of free movement of persons helps to achieve equality of opportunity within the EU by abolishing obstacles to the mobility of factors of production and whether they become employed or not crucially depends on the labour market situation in the particular member state. However, in wider political terms, the tolerance of the principle of free labour movement is an important signal of a willingness to treat the citizens of one EU member state as welcome within any other (Jileva, 2002:689).

In this respect, not only do the transitional arrangements go against the founding idea of the European Communities, i.e. to unite people and not only economies, it is at odds with the

current economic and demographic situation in Europe which lend support in favour of opening up western labour market to Central-and Eastern European markets. It is documented that immigrant labour, temporary or permanent, can help to alleviate bottlenecks in the labour market of the recipient countries' and contribute to lower wage inflation. Furthermore, birth rates have declined across Europe substantially following the post-World War II baby boom and ageing of population has become significant. Considering the demographic situation in the EU and skills shortages in various sectors, the EU is unable to resolve its problems from *within* since the intra-EU mobility of workers is very low. (Favell&Hansen, 2002:592). Therefore, immigration can be an effective remedy for demographic deficit facing all European countries rendering the depopulation process less difficult, and can affect the age structure in a manner that might cushion social programmes under pressure through an ageing population (ibid).

The main impetus for European integration coming from market-driven concerns and despite sound economic basis in favour of labour mobility –such as the need of industry for low-skilled labour and the skills shortages for high-skilled labour coupled with demographic deficit, how can we account for the restrictions imposed upon new member states?

### **2.3 Internal Versus External Migration in the EU**

In the accession negotiations, Germany and Austria were the two countries that were most persistent on the introduction of transitional periods for free movement of workers after accession. German Chancellor Schroeder argued that free movement of people could not be accommodated by the German labour market from one day to the next. He argued that as of the year 2010, Germany would be increasingly in need of foreign labour for demographic reasons, but until then transitions had to be applied. In December 2000, Schroeder proposed a plan for the enlargement negotiations calling for a transitional period of seven years in which freedom of movement on labour markets would be restricted. And also German trade unions lobbied hard for workers coming from the east to be kept out, fearing that newcomers would force down wages and induce unemployment (Jileva, 2002:694). In Austria, more radically the Freedom Party called for enlargement to be delayed by ten years and Jörg Haider suggested in February 2000 that enlargement should take place only when wage levels in the CEE countries are at Austrian levels (ibid).

The negative stance adopted by Germany and Austria on extending labour mobility to CEECs is to a large extent dictated by populist fears. Popular fears of mass migration in Germany and Austria arise from large migration waves experienced in the 1990s. These waves were the result of war refugees from disintegrating Yugoslavia coming to Germany and Austria which had heavily recruited Yugoslav labour migrants during the economic miracle. However, the current political and economic situation in CEECs does not resemble the situation then. And also different is the open borders which permit easy return facilitating temporary migration. According to analysts, employment restrictions have little impact on actual migration from the new Member States, but they answer domestic political concerns in the context of slowing economies, high unemployment and anti-immigration sentiments (ECAS, 2005:28). Polish negotiator Jan Truszczynski has stressed that ‘indeed, while accepting the transitional mechanism as it now stands, we still underline our view that there is no sufficient economic basis, nor demographic basis, for having an arrangement of that nature’ (Jileva, 2002:696).

George Menz argues that the central focus of the European integration lies in constructing a Single Market and although the process of European integration has changed since the implementation of the Single European Act in 1986, the fundamental ambition has remained economically driven. Measures in other policy areas, such as immigration and social policy, are accompanying and enhancing, but never obstructing or derailing the process of market-building (Menz, 2002:723).

Proposing an analytical framework for the analysis of EU labour immigration policy, Menz distinguishes between internal and external immigration. Within the framework of the flow impetus in EU immigration policy, European Union-driven liberalization and attempts to create a Single Market lead to internal (labour) migration which may then be re-regulated by member states at the national level. By contrast, the EU’s external immigration policy is conditioned by national-level initiatives that ‘osmose’ from bottom to top. At the national level such initiatives may emerge through political engineering of the immigration theme, propelled for instance through rapidly rising de facto levels of migration or by the political ‘marketing’ of the issue by far-right xenophobe parties. (Menz, 2002:724). Menz argues that the EU encourages internal migration as part of its market-building efforts, and Commission and the Court of Justice tolerate national regulatory responses so long as they do not obstruct

the underlying principles of the Single Market and in the case of external immigration, national and bilateral agreements and initiatives eventually shape the European level.

In the 1970s and 1980s, internal labour mobility basically consisted of migration from Italy to France and Germany until the late 1980s and concerning external labour migration member states concluded bilateral agreements with third countries to fill in their cheap labour shortages. Later the fall of the Iron Curtain made it possible for CEECs to enter the EU member states. It is striking that notwithstanding German-Polish border becoming the world's sharpest division line in terms of wage differentials, the German government data reveals immigration from Poland reached its peak in 1989 and declined since then (Menz, 2002:726). In the late 1990s, national initiatives were launched to allow for the temporary employment of seasonal workers from third countries and bilateral contracts were signed with CEECs. The perceived need for such workers was voiced and popularized by the business community of Austria and Germany, presented as an imperative for the country itself in order to maintain international competitiveness (ibid).

With respect to external immigration, the governments of the member states are in favour of re-inventing the guest-worker concept. They permit the sector-specific import of labour either in instances in which it seems impossible-at least temporarily-to fill shortages domestically or in which the jobs are unattractive to current residents. As such, we see that in the realm of external immigration, national initiatives have been confined to limited labour migration in the *tertiary sector* in either hard to fill positions requiring very high skills (information technology) or low-skill niches such as in the services sector (Menz, 2002:726). Instead of launching the much-needed labour market reforms, they have concluded bilateral labour contracts with most CEECs and Turkey to fill in skills shortages.

In stark contrast to the EU-15 workers who are by all means encouraged to move from one member state to another, the situation of eastern workers are barred from enjoying their right to free movement. This picture quite fittingly matches Menz's internal vs. external immigration divide except this time Central and Eastern European Countries' nationals are treated as third-country nationals, whose migration potential is perceived as a threat.

## 2.4 Developments So Far

Commission's Report on the functioning of the transitional arrangements set out in the 2003 Accession Treaty has been published in February 2006 with a view to the expiry of the first phase 2+3+2 year scheme on 30 April 2006<sup>6</sup>. The report sheds light on the situation in member states that had chosen not to apply any restrictions. The report mentions that those member states were generally positive about the effects of this decision on their labour markets, highlighting the positive contribution made by workers from the new member states to their national economies. Yet, those EU-15 member states applying restrictions report that restrictions are instrumental in managing migration flows from CEECs. It is crucial, however, that it was acknowledged by all member states that the restrictions had the effect of encouraging EU-8 nationals to look for other ways to perform economic activity displayed in an increase in influx of posted workers or workers claiming to be self-employed.

The Commission's report ascertains that the statistical analysis of the national data received reveals that mobility flows between the EU-10 and the EU-15 are very limited and simply not large enough to affect the EU labour market in general. The report indicates that in the first quarter of 2005, the percentage of EU-10 workers compared to the working age population in the host country ranged from 0.001% in Portugal to 0.1% in France and the Netherlands, 1.4% in Austria, and 2% in Ireland. There is also no evidence to show a direct link between the magnitude of mobility flows from EU-10 Member States and the transitional arrangements in place

It is also acknowledged that substantial proportion of the work done by workers from EU-10 is of temporary or seasonal nature. For example, 87% of the work permits issued in Austria were valid for less than six months. In Germany, 95% of the permits issued were of limited duration. Distinguishing between short-term and more permanent movement, existing survey studies suggest that the propensity for permanent emigration is fairly small for Czechs, Poles and Hungarians, while the preference for short-term migration, including cross-border commuting, seasonal and casual work is clearly much higher. Since such patterns of "incomplete migration" already existed before enlargement, it is not implausible to assume

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<sup>6</sup> COM (2006), Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Report on the Functioning of the Transitional Arrangements set out in the 2003 Accession Treaty (period 1 May 2004-30 April 2006)

that incomplete migration will continue to be the more important type of east-west labour flows following accession than conventional migration<sup>7</sup>.

By and large, Commission's report highlights the positive contributions of the migration flows on the economies of the EU-15 Member States following enlargement. It has helped to formalize the underground economy constituted by previously undocumented workers from the EU-10 and has beneficial effects such as greater compliance with legally sanctioned labour standards and improved social cohesion. Also, the sectoral composition of the EU15 national workforce has not shown significant changes since enlargement showing no evidence of crowding out of national workers by the limited inflow of workers from EU-10 Member States and that EU-10 nationals have a *complementary* role to play (COM, 2006:14). Furthermore, EU-10 nationals alleviate skills bottlenecks in the EU-15 Member States and contribute to long-term growth through human capital accumulation.

Recognizing that mobility flows are driven by factors related to supply and demand conditions, Commission draws attention to the fact that if anything, transitional arrangements will only delay labour market adjustments, with the risk of creating "biased" destination patterns even on a more permanent basis (COM, 2006:14). In other words, the continued denial of opportunities for workers from the new Member States to work legally in most of the EU-15 bears the risk of fuelling more illegal work, the promotion of the black economy and worker exploitation.

Therefore, the Commission urges member states, when preparing to notify their intentions for the second phase, not only to take due account of the statistical evidence but also to address an overall positive message to their citizens as to the prospects of free movement across the European Union and inform them properly about the underlying principles and real consequences of free movement of workers within the EU. While recalling the right of the Member states set forth in the 2003 Treaty of Accession to maintain restrictions under the transitional arrangements, the Commission recommends that the member states carefully consider whether the continuation of these restrictions is needed, in the light of the situation of their labour market and of the evidence of this report (COM, 2006:15). Furthermore,

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<sup>7</sup> N° 24, 3 May 2006, Enlargement, Two Years After: An Economic Evaluation, By the Bureau of European Policy Advisers and the Directorate-General for Economic and Financial Affairs, page 7.

Parliament's Report<sup>8</sup> calls on those Member States that wish to continue transitional arrangements to create during the next stage the conditions to ensure that the transitional arrangements are not continued beyond 2009 (PARL, 2006:7).

## **2.5 Experiences of Ireland, Sweden and the UK**

Up until now, I have provided findings pertaining to the general situation in the EU, however, it is also vital to exclusively focus on the experiences of those member states with no restrictions on the access to the labour market to see if they have experienced the influx of cheap Eastern workforce, in other words if their fears have been fulfilled. For the most part, I refer to the ECAS Report<sup>9</sup> which aims to demystify worries shared by EU member states by factual and statistical arguments.

Documented in detail in the ECAS report, since 1<sup>st</sup> of May, nationals of new member states wishing to take up employment in the United Kingdom are required to register with the Worker Registration System (WRS). From the WRS, the Home Office drew major conclusions on labour flows to the UK and provided key findings on the post-enlargement period, which were published in the Accession Monitoring Report. According to the Report, the total number of EU-8 workers registered in the UK amounts to 175, 000, where a big majority of the applicants (82%) were aged 18-34, predominantly male (60%), only 5% of the registered workers were in charge of dependants. September/October 2004 was a peak period for the newcomers, when the numbers reached the level of the first three post-accession months (ECAS, 2005:10). Still, the relatively high number of migrants constitutes only 0.4% of the total working population.

Furthermore, the British economy gained from the presence of the extra workforce on its labour market: a net gain of around 500 million pounds over 12 months, while only a tiny percentage of migrants sought state aid. Migrant workers took up "hard-to-fill" jobs, because even if the UK has half a million job vacancies, at the same time it has to deal with job shortages. The International Property and Construction Organisation reports that Polish and

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<sup>8</sup> Report on the transitional arrangements restricting the free movement of workers on EU labour markets. (2006/2036 )INI).22.3.2006. Committee on Employment and Social Affairs. Rapporteur: Csaba Öry.

<sup>9</sup>European Citizen Action Service (ECAS) Report on the free movement of Workers in EU-25 Who is afraid of EU Enlargement? Written by Julianne Traser and edited by Tony Venables, August 2005.

Czech electricians, plasterers, bricklayers or carpenters made up for the lack of skilled local workers in Britain (ECAS, 2005:11). Similarly, the influx of workers in the two sectors concerned, agriculture and construction, did not have the effect of increasing unemployment rather it had the impact of improving the profitability and competitiveness for the businesses concerned, raising their productivity, and strengthening their financial position (PARL, 2006:7) hence contributing to national economy's growth rate.

It is also interesting to point out that migration has not been higher into countries with open borders than those with tough restrictions. Overall the Commission's Report puts forth that the number of workers from the new EU members was equivalent to just 0.4 per cent of the UK workforce, lower than in countries such as Germany (0.7 per cent) and Austria (1.4 per cent) which introduced work permits.

Also, in Ireland, access to labour market for the new Member State nationals was not restricted but it was linked to registration for work and residence permit. Ireland maintained its right to have recourse to the safeguard clause in case its labour market suffers serious disruption. Not only no such trend is observed, Ireland has benefited from enlargement with 4.2%, it has one of lowest rates of unemployment in the EU.

Ireland has been recruiting Central European workforce since 1999 due to skills and labour shortages, so EU-8 nationals and especially Polish and Lithuanian workers were already present in Ireland in large numbers prior to enlargement. When the Irish government released first figures on the post-enlargement migration trends in August 2004, it had already observed a ten fold increase in the number of work permits issued to EU-8 nationals compared to the first quarter of the year (ECAS,2005:12) 85, 000 registered workers make Ireland-in proportion- the top destination of Central European migrants (ECAS,2005:13) composed of 40, 000 Polish, 18, 000 Lithuanians and 9, 000 Latvians with migrant workers mostly employed in the construction sector.

Different than United Kingdom and Ireland, applying no transitional measures, opting for no safeguard clause and granting equal access to its welfare system for nationals of the new member states, Sweden is the only country amongst the EU-15 to have given full meaning to free movement (ECAS,2005:13). ECAS report makes use of the residence permits issued to calculate the number of migrant workers, who have entered Sweden after enlargement. The

report of the Swedish Migration Board shows a 70% increase in the number of applications for residence permits from the Eastern European Area. Until the end of December 2004, Sweden issued a total number of 21 800 residence permits, at the same time experiencing an important reduction in the number of work permits issued by 13, 600 explained by the fact that new Member State nationals are no longer required to hold a work permit in order to take up employment in Sweden. And Polish nationals constituted the largest number of migrants followed by Lithuanians and Estonians.

Contrary to other member states, enlargement was not seen as a problem by the Swedish. According to a Eurobarometer survey revealing public opinion in the EU-15, only 7 % of the population considers immigration worrying, and 25 % thinks the economic situation is the major concern. According to the ECAS Report, migrants did not prove to be benefit tourists either. In 2004, the Swedish social security system allocated only 18, 000 euros as a social assistance to EU-8 nationals (ECAS, 2005:14).

The member states had to notify the Commission by 1<sup>st</sup> of May 2006 the latest on their intentions to lift or keep the restrictions. Four Member States (Finland, Greece, Spain, Portugal) have decided to lift restrictions for the second, three year phase of the transitional arrangements, while six others (Belgium, Denmark, France, Italy, the Netherlands and Luxembourg) have decided to alleviate them. Austria and Germany announced that they will not be changing policy now<sup>10</sup>. Austria's Economy Minister Martin Batrenstein has said that the experience of those old member states that opted to pursue a liberal approach-in particular that of Britain- "provides reason for caution" and that "when the door is open one cannot shut it". And Germany's Economy Minister Michael Glos arguing they can't do without [them]<sup>11</sup>

## Conclusion

Labour movement restrictions can be rejected as a matter of principle since free movement of persons is one of the fundamental freedoms guaranteed by Community Law (Article 39 of the EC Treaty) and is also an essential element of European Citizenship. Furthermore, the economic rationale for maintaining restrictions on the free movement of workers after the date

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<sup>10</sup> [www.euractiv.com](http://www.euractiv.com) updated on 13 April 2006.

<sup>11</sup> [www.euractiv.com](http://www.euractiv.com)

of accession is weaker than often assumed in the popular debate. According to the Commission's report on the effect of transitional arrangements, the free movement of labour contributed to the recipient countries' economic and employment growth. The own-initiative report adopted by the European Parliament on 5 April 2006 drafted by Hungarian Conservative MEP Csaba Öry confirms the Commission's findings that Britain, Ireland and Sweden, which have not excluded workers from the eight new member states subject to the 2+3+2 scheme, have drawn economic benefit from their decision.

In the mean time, the twelve old member states who have excluded the workers did not profit much by the exclusion since they created new problems and distortions on their labour markets such as higher levels of illegal work and "sham self-employment" as well as "regionally acute wage pressure", unfair working conditions and exploitation of migrant workers. Furthermore, while the income gap between the new Member States and the EU-15 is likely to diminish to some extent over the transition period, the basic incentives to migrate will not be fundamentally different from now. In any case, applying temporary curbs on labour mobility from the new Member States will only delay the overall movement of workers and, in the meantime, introduce "biased" destination patterns of the flows into the EU-15, with the risk to distort mobility even on a more permanent basis leading to proliferation of undocumented work, bogus "self-employed" work, and fictitious service provision and sub-contracting.<sup>12</sup> Therefore, in the face of statistical and factual evidence, transitional arrangements seem to be put in place for domestic political consumption in the context of slow-moving economies, continuing high unemployment and anti-immigration sentiment in the EU-15 (van Selm & Tsolakis, 2004:5).

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<sup>12</sup> N° 24, 3 May 2006, "Enlargement, Two Years After: An Economic Evaluation", By the Bureau of European Policy Advisers and the Directorate-General for Economic and Financial Affairs, page 71.

## CHAPTER III

### TURKEY AND FREE MOVEMENT OF LABOUR

17 December 2004 was a pivotal point in the history of Turkey-EU relations, when the European Council decided to open accession negotiations with Turkey on 3 October 2005. Although there are many facets of the topic, one of the most contested issues of Turkey's envisaged EU membership is the prospect of Turkish immigration to the EU.

Previous chapter has laid down the current situation with respect to east-west migration flow, the accompanying debates at the national and EU-level and the functioning of the transitional arrangements in practice. Drawing from the experiences of the CEECs, yet paying due attention to the particularities of the Turkish case, I wish to analyse the possible migration scenarios emulated for Turkey with a view to formulate projections concerning the future of Turkey and EU relations with respect to labour mobility.

#### **3.1 Just another Enlargement?**

Similar to the accession process of the ten new member states, anticipation of large-scale migration, which evokes fear and anxiety, is associated with Turkey's eventual membership. Different than the CEECs, however, proponents of the "Turkey is big yet poor" argument allude to the large income differential between Turkey and the EU, which signal a greater magnitude of migration from Turkey. The Eurostat statistics displaying data for gross domestic product (GDP) at market prices and purchasing power parity for Turkey and a selection of EU member states reveal that Turkey's population of 70 million almost equals that of the ten new member states at 75 million. And it is poorer. The ten new member states account for 16% of EU-25 population and 4.6% of EU GDP, while Turkey's GDP in 2002 is only 1.9% of that of the EU-25. Furthermore, Turkey's GDP per head (in purchasing power parity terms) is slightly below that of Romania and is only 27% of the EU average (Hughes, 2004:10). Furthermore, according to UN population forecasts, Turkey will have a population of 82 million by the possible accession date of 2015, almost as large as Germany. Ten years later in 2025, Turkey at 87 million would be the largest member of the Union constituting

15.5% of the EU's population, while Germany would account for 14.3% of the total population (Hughes, 2004:8).

Despite above findings, Turkey has a considerable growth rate- annual growth of 5% on a positive scenario- which should not go unnoticed. Also, Turkey is advantageous in demographic terms over the CEECs with its young population, making up 30% of the total population under the age of 15 and 20% in the 15-24 age groups (Hughes, 2004:15). Besides, unemployment rate of 10.6% in Turkey is only a little above the EU-25 average and below that in many of the new member states such as Poland, where Eurostat figures revealed an unemployment rate of 19.9% for the year 2002 (ibid).

Before proceeding to analyse possible migration scenarios and estimates for Turkey, two points need further emphasis. Firstly, as is the case with the CEECs, it will be sometime before Turkish nationals can enjoy free movement of labour and the initiative solely rests with the member states of the Union, i.e. national governments. In the case of Turkey, many anticipate a transition period of 10 years if all goes well. As stipulated in the Negotiating Framework for Turkey submitted by the Commission on 29 June 2005:

“Long transitional periods, derogations, specific arrangements or permanent safeguard clauses may be considered. The Commission will include these as appropriate, in its proposals in areas such as free movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States.”

Secondly, likely migration flows from Turkey to the EU upon full membership cannot be predicted with any certainty since it will depend on relative income, unemployment levels and labour market opportunities at that time. Nonetheless, the direction of migration flows can be ascertained since it is commonsensical to reason that future Turkish migrants are more likely to follow the paths of past flows. The migration literature reveals that the destination of migrants primarily depends on network effects (Lejour, Mooij, Capel, 2004:35). Based on this, the current composition of Turkish population residing in various EU countries can provide insights as to where the migration flows will disperse on the EU territory.

Examining how future migration flows would be distributed across EU countries, a study conducted by the Netherlands Bureau for Economic Policy Analysis<sup>13</sup> (CPB) reveals that of the expected 2.7 million Turkish people migrating from Turkey to Europe, a large share of Turkish migrants will reside in Germany (76%), which will receive more than 2 million Turkish immigrants. France (8%) and the Netherlands (4%) also host a relatively large share of Turkish immigrants and will receive, respectively, 213,000 and 107,000 migrants (Lejour, Mooij, Capel, 2004:35). Faced with the prospect of an *asymmetrical* migration, Pastore (2005) argues that it is no coincidence that the politicians of Germany, France and Austria have been most vocal opponents of a rapid start in accession negotiation. By the same token, it is highly likely that these member states will persist on sustaining national restrictions regarding labour mobility for the longest period of time.

### **3.2 Estimates of Migration Flows from Turkey to the European Union**

Many studies aiming to estimate the magnitude of potential migration inflows to the EU-15 from the ten new member states have been carried out and some of the findings have been included in the preceding chapter. However, I would also like to mention here an updated study by DIW<sup>14</sup> (Deutsches Institut für Wirtschaftsforschung) on migratory patterns for the sake of comparison. This study predicts that the potential inflow from the Central and Eastern European Countries by 2030 will at most be 3.7 million persons in total. The inflow into the EU-15 on a yearly basis is estimated to be between 318,000 and 400,000 from the start of free movement accounting for at most 0.1 of the current EU population (Turmann & Carrera, 2004). Assuming the determinants of Turkish migration to be similar to the east-west flow and adjusting the predicted Turkish population by possible accession in 2015 at 82 million (compared to 104 million for the CEECs) the following results are obtained: migration levels starting at 225, 000 and a total stock of 2.9 million, which makes about 0.5 % of the EU-28 population of 570 million in 2025 (Hughes, 2004:17).

As aforementioned in this chapter, the study carried out by the Netherlands Bureau for Economic Policy Analysis (CPB) elaborates on the potential migration flows following the

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<sup>13</sup> CPB Document No.56 (2004) "Assessing the economic implications of Turkish accession to the EU" by A.M. Lejour, R.A de Mooij and C.H. Capel.

<sup>14</sup> P. Alvaraz-Plata, H. Bruecker, B. Silivertovs (2003) "Potential Migration from Central and Eastern Europe into the EU-15 – an update" Report for the European Commission DG Employment and Social Affairs.

accession of Turkey to the Union with a view to explore the implications for labour markets. The researchers adopt an approach similar to one used by De Mooij and Tang (2003) in carrying out studies to calculate the long-term migration potential from Central and Eastern European Countries to the EU. Deriving the implicit migration elasticity for the income differential from De Mooij and Tang and applying the figures for the Turkish population and the income differential between Turkey and the EU-15, this study has obtained a long-run (15 years after accession) migration potential of 2.7 million people from Turkey. This number equals 4% of the current Turkish population, or another 0.7 % of current population in the EU-15, whereas the numbers for CEECs were 3% and 0.7% respectively (Lejour, Mooij and Capel, 2004). Common to both of the scenarios, the long-run migration potential of Turkish migrants do not even reach 1% of the current EU-15 population.

Lejour, Mooij and Capel also assess the economic implications of 2.7 million Turks migrating after accession. Treating skill level of potential immigrants as a key determinant of economic impact of migration on the country of destination and country of origin, the study uses two simulations. In the first simulation, the researchers assume the composition of Turkish immigrants is equal to the composition of workers in the EU. In the second simulation, they assume all the Turkish immigrants are unskilled. In the first case, migration reduces overall GDP in Turkey by 2.2 %. In Germany and the Netherlands- the two destinations most likely to be preferred by migrants- GDP increases by 2.2 % and 0.6 % respectively. In the second simulation, there is 1.8% reduction in Turkey's GDP. In Germany and the Netherlands, there will be 1.8 % and 0.5% increase respectively. The study concludes that depending on the skill level of migrants, this could add between 0.5-0.7 % to EU-15's GDP (Lejour, Mooij and Capel, 2004:47).

Finally, a study undertaken by Erzan, Kuzubaş and Yıldız<sup>15</sup> offers a set of detailed country-specific simulations to estimate the eventual immigration from Turkey to the EU for the period 2004 to 2030 in view of Turkey joining the Union and restrictions on labour mobility is removed. The simulation results of the study for net migration from Turkey to EU-15 in this period is to be between 1 and 2.1 million, when a successful accession period with high growth and free labour mobility starting at 2015 – a rather optimistic assumption to explore the upper bound of the immigration potential as indicated by the authors- is envisaged. On the

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<sup>15</sup> This study has been presented at the conference “Immigration issues in EU-Turkish Relations: Determinants of Immigration and Integration” held at Boğaziçi University, 8-9 October 2004.

other hand, if Turkey's membership process is endangered and high growth cannot be sustained; 2.7 million people may be penetrating the EU-15 despite the prevailing strict restrictions on labour mobility.

The estimation method used by Bruecker, Alvarez-Plata and Siliverstovs (2003)<sup>16</sup> to estimate potential migration from the CEECs has been widely employed by researchers to formulate projections on the free movement of workers with respect to Turkey. And this study is no exception. The scenarios are based on data drawn from three sets of reference groups and within each of these three sets, two sub-scenarios are elaborated. Concerning the first two reference groups, the two scenarios are whether free movement within Europe would be realised or not by the year 2015 and for the third reference group, whether Turkey would be experiencing high or low growth based on membership prospect.

When the free labour mobility experience of the EU countries for the period 1967-2001 was taken as the reference group, total net migration barely reached 1.1 million by 2030. And when the researchers relied on the guest-worker scenario, i.e. free movement is not realised, the total immigration projection to EU-15 from Turkey amounted to 1.8 million- a noticeable jump is observed from 1.1 million, however not a drastic one since socio-economic achievements likely to be experienced during pre-accession is neglected.

The experience of southern "cohesion" countries Spain, Portugal and Greece was taken as the second reference group (again for the period of 1967-2001) - which displayed similar characteristics as Turkey at the time of their accession. In the scenario of free labour mobility experience of Greece, Portugal and Spain emulated for Turkey, total net migration forecast until 2030 did not exceed 1 million. However, in the guest-worker scenario, the number approached 2 million, almost doubling the actual membership experience of these countries.

Lastly, when Turkey's own emigration record was taken as the reference group, total net migration reached 2.1 million in the first simulation of free movement of labour and high growth. The second simulation shows what is likely to happen if the EU anchor is lost. In case of a suspension in Turkey's accession process, a fall in income growth and deterioration in the labour market will follow, thereby leading to an increase in migration flows from Turkey. In

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<sup>16</sup> P. Alvarez-Plata, H. Bruecker, B. Siliverstovs (2003) "Potential Migration from Central and Eastern Europe into the EU-15 – an update" Report for the European Commission DG Employment and Social Affairs.

this highly pessimistic scenario, the forecast for total net migration until 2030 exceeded 2.7 million. This finding is particularly worthy of attention since it underscores that “if Turkey loses the EU membership perspective, EU may end up having more immigrants from Turkey despite closed borders and strict visa regulations” (Erzan, Kuzubaş, Yıldız, 2004:12).

In this respect, the study argues that the EU cannot exercise a zero immigration policy since currently there is already an annual net migration from Turkey to the EU-15 of 35,000 people. And in the event of a slowdown or suspension in Turkey’s accession process, lower growth and an increase in unemployment coupled with political uncertainty will lead to significant increase in the number of migrants exacerbating the situation for the EU. Also, as the experiences of Greece, Portugal and Spain substantiate, a successful accession period, one which helps to improve the economic and political situation at home, reduces the incentive to migrate, hence curbing migration outflows. And “there is no *a priori* reason why Turkey would not go through a similar experience.” (Erzan, Kuzubaş, Yıldız, 2004:14).

### **3.3 Demographic Complementarity between the EU and Turkey?**

Turkey has a young population and the population growth rate has been steadily decreasing. The ratio of young adults to the total population is currently 65 percent and this ratio will approach 70 percent in 2025 before starting to decline- a phenomenon called “the population window of opportunity” (Erzan & Kirişçi, 2004:63). However, this demographic phenomenon, which is an important catalyst for economic growth, cannot be sustained forever. The estimations for Turkey envisage another 20 or 25 years before the rate of growth of the adult population rapidly drops and the older section of the non-active population begins to replace its younger segment. The relative weight of the Turkish population aged between 15-64 will increase from 64.1 % in 2000 to 66.9 % in 2030 and slowly decline thereafter to reach 63.6 % of the total population in 2050 due to an increase in the share of the elderly population (Behar, 2006:20) Also, according to UN projections on fertility rates, post-2015 Turkish fertility levels are expected to fall to 1.85, which is close to current European fertility levels and the Turkish population may even begin to decline after having reached a peak of 95 to 100 million in about three of four decades from now (ibid).

Behar (2006:23) contends the Turkish population will experience an ageing process at a speed that is unprecedented in the region and that in about 25 years from now, Turkey will not have a “young” population. The share of the elderly population in the whole population will increase from 5.8 % in 2000 to 9.5 in 2025 and 17.9 % in 2050, the number of those aged 65 and above amounting to 17 million. However, currently Turkey qualifies as having a young population and by the time Turkey is to confront a new demographic state, it is of utmost importance to exploit “window of opportunity” to the optimum. The relatively high weight of the Turkish population aged between 15-64, which makes up the active labour force, is an important advantage Turkey has over the new and old EU members.

The aging population of Europe and the eventual decline it is likely to bring in the European populations has recently received due attention although “European demographers have sounded warning bells for at least the last 30 years” (Behar, 2006:24). The population of the EU-15 is expected to fall to 367 millions by 2025 and further down to 331 millions by 2050, which equivalent to the population of the seven smallest States of the EU-15, i.e. Austria, Denmark, Finland, Ireland, Luxembourg, Portugal and Sweden. Furthermore, the population of the 10 new member states apart from Slovakia is also on decline, with a particularly dramatic demographic outlook in the Baltics (Pastore, 2005:3).

When such is the situation in Europe, Turkey with its robust demographic outlook and growing population is expected to grow by 43%, up to 98 millions by the mid- century and is looked upon to bring demographic stability to Europe. Some authors like Pastore believe that “from a purely arithmetic point of view, the scenario is more of a sort of *demographic complementarity, rather than incompatibility* and if the aim were demographic stability of the continent as a whole, an increase of human mobility from Turkey to the rest of Europe would rather be a blessing than a threat” (Pastore, 2005:3).

However, demographers examining the impact of migration as a counterbalance to ageing express the view that migration cannot provide an effective remedy to the aging Europe. That is unless the migration flows are of a very large magnitude, on the scale of millions annually, which is then socially and politically unsustainable. Behar, for instance, argues:

“Frequently voiced thesis of a necessary complementarity between the population of Turkey and the demographic structures of the countries of the European Union is totally devoid of any solid demographic foundation. The idea of demographic complementarity between a

“young” Turkey and an “older” Europe is either the product of wishful thinking (on the Turkish side), or of an irrational fear of a massive and uncontrollable immigration and of its effects on the labour market and employment (on the European side)...” (Behar, 2006:25).

Studies reveal that close to one million (949,000) net yearly migrants appear to be necessary from 2005 to the year 2050, in order to prevent the European population from decreasing further. Even more strikingly, to keep the size of the 15-64 age group constant, net migration to Europe would have to reach a yearly figure of 1.5888 million throughout the 2000-2050 period and Germany and Italy alone would need about half that figure to keep their adult population from decreasing (Behar, 2006:27). Thus, whatever volume of migration is foreseen from Turkey to the EU, the demographic studies have rendered argument favouring *replacement migration* futile on the grounds that “migration in itself will never offset ageing” (ibid).

That being said, another aspect of the demographic deficit in Europe needs to be highlighted. Due to aging populations and low fertility rates, the ratio of working age people to the whole of the population will decline and the EU will soon have to tackle labour shortages. Projections show that, by the year 2050, and unless there is an unexpected rise in fertility, i.e. another period of baby boom is experienced, Europe will have a smaller total labour force than in 1950 (Behar, 2006:27). Germany, especially, will be seriously affected by ageing populations. The population aged 60 or over as a proportion of the population of working age, the so-called old-age dependency ratio, is expected to rise to 77 percent by 2050 and the labour supply will decrease by an average of 0.7 % per year between 2010 and 2040 (Boswell, Chou, Smith, 2005:8).

As European policy makers respond to this development by raising the retirement age and trying to stimulate labour force participation among the populace at large, and the women and the elderly in particular, having recourse to controlled migration emerges as an indispensable option. The example of countries such as Ireland, Spain and the United Kingdom admitting increasing numbers of migrant workers to fill in labour shortages in agriculture, health, and services is commonly cited. Experts believe these trends are likely to accelerate in the future

and that migration is one of the components of a policy mix necessary to maintain Europe's economic productivity and competitiveness<sup>17</sup>.

The study conducted by Krieger and Maitre (2006) aims to unearth the expected volume of migration and the structure of potential migrants from the ten new member states plus Bulgaria, Romania and Turkey into the old member states. The results reveal that the highest *general* intention to migrate is shown in Turkey, with 6.2 percent and in Bulgaria and Romania with 5 percent whilst the citizens of the ten new member states are less likely to move at 3.1 percent. However, with respect to *firm* intention to migrate, only 0.3 percent of the Turkish population have a firm intention to migrate over the next five years. It is striking that there is a high level of discrepancy between the general and firm intention to move for Turkish migrants over five years under the condition of free mobility. Assuming a Turkish population stock of all inhabitants of 15 years and older of nearly 48.9 million in 2003, these figures would correspond to 3.03 million for the general intention and 0.15 million for the firm intention. Furthermore, when a third indicator -basic intention to migrate- is employed, one would predict a minimum migration potential of around 400,000 Turkish citizens over five years in the EU-15 (Krieger and Maitre, 2006:49).

The study also delves into the socio-economic characteristics of those respondents that express willingness to migrate. The particular migration pattern of Turkey in comparison to the other country groupings displays the following: Potential Turkish migrants have a stronger rural background, are more often in the lowest income quartile and have a relatively high mobility rate within the unemployed. On one hand, examining the results, the authors conclude that the "combination of all three dimensions indicates additional challenging problems of labour market integration in the receiving countries." (Krieger and Maitre, 2006:59). On the other hand, the Turkish migrants represent the relatively highest proportion of migrants holding a university degree and a significant proportion of migrants who are still studying and this part of the Turkish migration is likely to contribute to EU's labour markets (ibid).

It is also important to point out that the demand for labour in the European markets is not the same as in the 1960s when unskilled Turkish workers migrated to Germany and other

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<sup>17</sup> Interview with ILO Online with Patrick Taran from the ILO International Migration Branch, Managing labour migration: Turkey and the European Union.

European countries. While the demographic factors primarily influence the labour supply, economic trends also give shape to the composition of demand for labour. In particular, structural change and the growing importance of the knowledge-based economy will generate greater demand for a qualified workforce (Boswell, Chou, Smith, 2005:9) Bearing that in mind and devising a coherent employment policy, Turkey needs to train its young workforce for high-tech jobs to make use of the opportunities in the EU labour market that are likely to arise upon accession.

### **3.4 Anti-immigrant sentiment**

The post-war Turkish migration to Europe began with the guest-workers within the framework of the “guest-worker program” to fill low-skilled labour shortages in the war-torn economies of Europe. Turkey signed bilateral agreements with first the Federal Republic of Germany in 1961, followed by the Netherlands, Belgium and Austria in 1964; France in 1965 and Sweden in 1967. Currently, there are about 3.8 million Turkish immigrants residing in EU countries and some 1.3 million Turkish immigrants have acquired citizenship of their country of residence (Parker & Austin, 2005:32). Turkish “guest workers” have contributed significantly to the economies of their host countries. According to the results of one study, 1.2 million Turks, who comprise 0.75 percent of the total working population in the EU countries, have contributed 107.8 billion DM or 55.1 billion Euros to the GDP of the EU from 1998 onwards. For comparison, this amounts to twice the annual GNP of Luxembourg and 51 percent of Greece’s GDP (Parker & Austin, 2005:33). The Turkish population in the EU has an economic power 16 times that of Malta, 10 times that of Estonia and eight times that of Lithuania (Crossick, 2004:80).

The economic contribution of Turkish migrants to the war-torn economies of Europe is often neglected and the overriding fears among Europeans towards an influx of Turkish immigrants is justified on the grounds of perceived failed integration of Turkish migrants into their host societies. This reinforces anti-immigrant sentiments and aggravates anxiety among the European public towards further immigration. The majority of those tend to bring up the issues of high levels of unemployment, low levels of educational attainment, abuses of the welfare system and the formation ethnic and religious enclaves as an explanation.

Against this background, in the absence of a European “ideology” of migration, national practices with respect to migration and integration strategies towards immigrants diverge considerably. However, unequivocally it is those countries that have experienced post-war Turkish migration and host a significantly large population of Turkish community, which are most critical about Turkey’s EU membership and free movement of Turkish workers. One study by AGF<sup>18</sup> provides evidence of divergence in patterns of anti-immigrant sentiment in the UK and Germany, where public concerns have centred primarily on asylum and irregular migration in the former and labour migration in the latter. The study pinpoints the following:

“In the UK, the established patterns of political mobilisation suggest that arguments about welfare abuse and control problems will continue to predominate over concerns about cultural diversity or competition for jobs. In Germany, by contrast, the experience of the unintended consequences of temporary labour migration in the post-war period has made the public more cautious about accepting the economic case for labour migration. And anti-immigrant sentiment is frequently channelled into concerns about the socio-cultural impact of diversity. This type of identity-based concern combined with scepticism as to the economic benefits of labour migration, has led to greater resistance to labour migration in Germany” (Boswell, Chou, Smith, 2005:44).

The comparative studies evaluating the effectiveness of different integration policies pursued by member states cannot praise one integration strategy over another since each one has its own strengths and weaknesses resulting in different outcomes.<sup>19</sup> An effective strategy for soothing public concerns about integration should be to clearly distinguish between part and current recruitment strategies. It is not only the perceived failed integration of Turkish immigrants but also the failed immigration policies of the Member States. The lesson from the post-war Turkish migration should not be that labour migration will inevitably create integration problems. Rather, the lesson to draw from this experience is that “a large influx of low-skilled labour, combined with the absence of effective integration policies, may produce a range of unintended socioeconomic and cultural repercussions for receiving societies” (Boswell, Chou, Smith, 2005:47).

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<sup>18</sup> Anglo-German Foundation for the Study of Industrial Society, “Reconciling demand for labour migration with public concerns about immigration: Germany and the UK” by Christina Boswell, Meng-Hsuan Chou and Julie Smith, August 2005.

<sup>19</sup> See for example Doomernik, Jeroen, 1998, “The Effectiveness of Integration Policies towards Immigrants and their descendants in France, Germany and the Netherlands”, International Migration Papers, Geneva:ILO.

Moreover, the identity of the Turkish population in Europe is increasingly cast in terms of religion and resentment toward Turkish immigrants has intensified following 9/11 and terrorist bombings in London and Madrid. There is evidence of widespread 'Islamophobia' in Europe after September 11 (Phalet & ter Wal, 2004). Viewing Muslims in negative terms and prejudices have become rife among the European public. Media and political discourse contribute to this environment by presenting all Muslims as fundamentalists and thus as potential terrorists posing a threat to internal security of the state in question, which reinforce the experienced negative feelings towards the Other and put Turkish immigrants under great pressure.

Also, there are those who question the compatibility of Islam with their basic modern, democratic Western values and view Turkey's accession as "a bridgehead from which large numbers of Muslims will "invade" Western society." (Crossick, 2004:79). In the securitisation of migration discourse, central to this fear of swamped by waves of immigrants with different cultural lifestyles lies the perceived threat to cultural homogeneity of the receiving states, which is an indispensable part of the nation-state heritage. By presenting the cultural and religious differences of the migrant communities as the reason of their failure of integration to the society at large, both in social and political terms, constitutes an important source for mobilizing security rhetoric. The different lifestyle and the culture of the (non-integrated) migrants are then displayed as potentially destabilising the social formation (Huysmans, 2000:765).

The results of a pioneering study by Kaya and Kentel (2005) on the Euro-Turks living in France and Germany reveals three major groups of Euro-Turks. The first group of the 'bridging groups' makes up slightly more than 40% of the respondents, who are concurrently affiliated with the home and host countries; the second group of 'breaching groups' make up approximately 40 % of the total respondents, those who still have a strong orientation to the homeland, including such extreme religious, nationalist and laicist persons. The third group, comprising those who have 'assimilated' into the host societies, accounts for around 20% of the total respondents.

The research acknowledges that the majority of Euro-Turks have become politically, socially, economically and culturally integrated and active agents in their countries of settlement.

Around 20% have actually assimilated into the receiving society and 40% have generated a way of life embracing both the homeland and the host-land in a manner that forms a bridge between the two (Kaya & Kentel, 2005:69). Western European states tend to regard Islam as a threat to their national security, yet the research shows that orientation towards Islam among the Euro-Turks could also be regarded as a quest for justice and fairness, the research proposes that the “EU states set aside the security discourse and become engaged in a justice discourse in their responses to minority claims” (ibid). The research concludes that Euro-Turks fall into the category of ‘unity in diversity’ where there is a meta-European identity construction rather than fitting the ‘unity over diversity’ approach that reproduces cultural, political and national boundaries and that is opposed to the potential of the European project.

### **3.5 Enlargement Fatigue in Europe and Accession of Turkey**

Since the spring of 2005, following the referenda in France and the Netherlands, there are heated debates on the drawbacks of enlargement. Senior politicians across Europe are calling for a slow-down, freeze or even a permanent halt to enlargement. In that sense, some argue that there is fear and anxiety about migration in general, but those fears are channelled in public debate into the issue of Turkey’s accession (Parker, 2004:21) In France, for example, the political opposition to Turkey’s membership of the European Union has been voiced by French leaders. The first move came from former French President, Valéry Giscard d’Estaing, also President of the EU Constitutional Convention, who said that Turkey’s accession to the EU would be ‘the end of Europe’. Excluding Turkey as a non- European country, he called those who have pushed for Turkey’s accession the ‘enemies’ of the European Union. Also, President Jacques Chirac, during the campaign for the French referendum on the EU Constitutional Treaty in 2005, endorsed calls for France to hold a referendum on whether Turkey should enter the European Union while the question of a new member has never been put to referendum in other EU member states (Parker, 2004:21).

However, a Eurobarometer survey in June 2005 suggested that as little as six percent of the ‘NO’ votes in the Constitutional referendum were opposed to Turkish accession. In the Netherlands, the corresponding figure was three percent (Parker, 2004:23). Yet, in another Eurobarometer survey in France released in September 2005, only 20 percent of those surveyed who said they were opposed to the Constitution identified Turkey’s EU accession as the reason. In the same poll, while 67 percent of those asked listed unemployment as among

the most important problems facing the country, only 11 percent also gave immigration as a serious problem (ibid). As for the situation in the Netherlands, according to Eurobarometer polls from autumn 2005, a majority of 55 percent of the Dutch population is opposed to Turkish accession, although the 41 percent in favour is also high, ranking 4<sup>th</sup> among EU members<sup>20</sup>. Another finding from the same Eurobarometer survey shows that that support for enlargement in France (32 for, 58 % against) is broadly less than the average in the EU-25 member states (50 % for, 38 % against, 12 % undecided); only the German figures (33 % for, 61 % against) and those for Austria (31 % for, 58 % against) show a stronger opposition (Parker, 2005:24) which points in the direction of “enlargement fatigue” of the EU-15 members.

The other country where the referendum for European Constitution resulted in ‘NO’ votes is the Netherlands. Although the Netherlands has been welcoming immigrants hospitably for centuries, the change in public and political discourse is manifest since the turn of the century.<sup>21</sup> There is growing resistance among the public towards failing integration of immigrants not just socio-economically but also culturally, which has been mobilised by right-wing populist parties personified by Pim Fortuyn. Furthermore, domestic and international events like the murder of Dutch film maker Theo van Gogh in Amsterdam by a “Muslim immigrant” and September 11 attacks, Madrid and London bombings have contributed to anti-immigrant sentiment and Islamophobia.

Nonetheless, it was under the Dutch presidency in December 2004 that the EU agreed to open accession talks with Turkey. Notwithstanding the polls, Dutch politicians in both government and opposition have endorsed a ‘strict but fair’ approach envisaging further enlargement based on merit and to that end conveying the message to the electorate that Turkey can become a member once she fulfils the Copenhagen criteria. And the politicians have by and large rejected arguments based on religious or cultural identity. The study carried out by ESI suggests that the “language of Dutch politicians, however guarded, is not the language of enlargement fatigue. Dutch politicians from all the major parties have been willing to *lead* the debate, rather than blindly following opinion polls”. This bears hope for other member states

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<sup>20</sup> Beyond Enlargement Fatigue? The Dutch Debate on Turkish Accession (2006) [www.esiweb.org](http://www.esiweb.org)

<sup>21</sup> For a detailed account, see Prins, Baukje and Boris Slijper. 2002. “Multicultural Society under Attack Introduction”. *Journal of International Migration and Integration* 3 &4 Summer/Fall: 370-377.

to follow suit in starting informed debates with a view to influence European public opinion on migration.

## CONCLUSION

Migration has become a salient issue in the contemporary world due to both quantitative and qualitative evolution of international migration. More importantly, since the late 1980s with the demise of the bipolar world, international migration has begun to be perceived as a security issue and international migration has been identified as a non-traditional security threat among many others. Parallel to the changes experienced at the international system and the changing paradigms, security cannot be confined to the defence of the territory from external or internal enemies anymore, but rather economic and social well-being of the society along with national identity emerged as values to be preserved and protected from the threats posed by migration. Furthermore, increasing global interconnectedness combined with post-9/11 security concerns has rendered free movement of people even more politically sensitive.

Securitisation is the practice whereby an issue becomes a security one, not necessarily because of the nature or the objective importance of the threat, but because the issue is presented as such. In this respect, immigration is not a threat in itself but through the process of securitisation of migration, it becomes a threat for the way it is perceived by Western societies, i.e. invasion of national/European identity, competition over jobs etc. The interplay of different actors like the media, political elite and public produce immigration as a security concern in the Member States of the European Union with the aim of preserving existing power structures and socio-political boundaries.

Furthermore, migration has become a meta-issue, one which can be referred to as the cause of many problems experienced by the populace, which seems to offer an 'explanation' and a 'justification' for the experienced negative feelings towards the Other, namely immigrants. This implies that the causes of anti-immigrant sentiment is located in the impact of migration on employment, welfare and social services, criminality, and other social and economic costs, which generate concerns on the part of host societies. Conversely, anti-immigrant sentiment can flourish as a function of other sorts of anxieties generated by socio-economic or political changes, which have little to do with immigration *per se*. And these insecurities are often channelled into public concerns about immigration.

Recent discussions on migration issues in Europe have been fuelled firstly, by the enlargement of the EU in May 2004 by ten new member states from Central and Eastern countries, Malta and Cyprus and the possible migration flows by Turkey's accession. For politicians and for a significant part of the electorate in the EU-15, the major concern is an expected "influx" of workers from the new member states and Turkey based on economic and opportunity differentials between new and old member states and even more with the candidate country Turkey. Concerns cover a wide range of issues, which are related to a further increase in already high levels of unemployment in old member states, fears raised in regard to a possible abuse of the existing non-contributory social welfare provisions, namely the "welfare tourism", negative effects on social cohesion and "societal security".

Based on concerns in the old Member States, the European Commission in its accession agreements with eight of the ten new Member States -with the exception of Malta and Cyprus where the general rules of free movement apply- established a transitional mobility regime potentially restricting access to EU-15 labour markets. Only the UK, Ireland and Sweden chose not to impose any restrictions for the newcomers.

Labour movement restrictions can be rejected as a matter of principle since free movement of persons is one of the fundamental freedoms guaranteed by Community Law (Article 39 of the EC Treaty) and is also an essential element of European Citizenship. Furthermore, numerous studies conducted in this field reveal that the economic rationale for maintaining restrictions on the free movement of workers after the date of accession is weaker than often assumed in the popular debate. According to the reports published by the European Commission and the Parliament on the effect of transitional arrangements, Britain, Ireland and Sweden, which have not excluded workers from the eight new member states subject to the 2+3+2 scheme, have drawn economic benefit from their decision. And the twelve old member states applying restrictions did not profit much by the exclusion since they created new problems and distortions on their labour markets such as higher levels of illegal work and "sham self-employment" as well as "regionally acute wage pressure", unfair working conditions and exploitation of migrant workers. Hence, in the face of statistical and factual evidence, transitional arrangements imposed on the CEECs seem to be put in place for domestic political consumption in the context of slow-moving economies, continuing high unemployment and anti-immigration sentiment in the EU-15.

When it comes to Turkey's possible accession, the situation is even more contentious and the fear of "tidal wave of migrants" becomes more pronounced towards "tidal wave of *Turkish* immigrants". In the experience of the CEECs, the feared large-scale east-west migration revolved around mainly on socio-economic costs of migration- concerns about competition for jobs and welfare burden were most frequently cited- as illustrated by the phrase 'Polish plumber'. Unlike the CEECs, the prospect of Turkish accession and labour mobility is associated with the perceived failing integration of Turkish migrants socially, economically and culturally, which complicates the picture even more.

Moreover, following September 11 attacks, Madrid and London bombings, Islamophobia has become widespread in Europe and prejudices and stereotypes targeting Muslim immigrants have proliferated. Increasingly framed in security discourse, there is tendency to view all Muslims as fundamentalists and as potential terrorists. Hence, although there is plenty of statistical and factual evidence pertaining to Turkish migration after possible accession, which reveal an "influx" of Turkish workers will not be happening, these are far from reassuring the European public.

Rising inter-ethnic and -religious hostility also jeopardizes the future of Europe. The success of the European Union and the future of Europe are closely related to neither assimilation nor exclusion but successful integration of the Muslim immigrants into the European societies. And more important than facts and numbers, which have little influence on the prevailing anti-immigrant sentiment among the European public, concerted efforts of the Commission and member states are vital to pursue intense and informative debates on migration targeting public opinion; never forgetting that European project is about 'uniting people, and not only the economies'.

Lastly, although the EU has fallen short of devising a balanced and comprehensive immigration policy mainly due to member states' reluctance to relax their firm grip on politically charged sensitive issues like migration, in order to establish an area of freedom, security and justice in its true meaning and to tackle European social fears and insecurities with respect to migration, EU needs to place main emphasis on *securing rights* rather than security.

In this study, it is argued that instead of pinpointing immigration as one of the greatest security concerns of the 21<sup>st</sup> century, it is vital to acknowledge the mechanism and dynamics that produce immigration as a security concern. The mass media is a powerful actor, in this sense, for not only it reflects public fears about immigration through extensive coverage, portraying immigrants in negative terms, but the media messages *channel* and *strengthen* them and transform them into a powerful message/discourse for authorities. Viewing securitisation of migration as a social construct, further research can explore in depth how different actors interact to generate mixed results of discourses and practises in a particular cultural, socio-economic and political context and provide insights with respect to how to *de-securitise* migration.

Also, I have tried to outline the historical evolution of EU immigration policies demarcating the lines of development of a European immigration policy: The first phase (1985-1991) corresponded to informal cooperation among member states and the second phase (1992-1998) was characterized by intergovernmentalism, where national governments were still the primary actors although migration-related issues were regarded as common interest and institutional links with the other Community institutions were established. And the third phase, which began with entry into force of the Amsterdam Treaty (1999) provides for the establishment of an “Area of Freedom, Security and Justice” and signifies “communitarization” of immigration. The scope of this study was confined to the development of EU immigration policies in broad terms and free movement of workers with respect to ten new member states and Turkey. Further studies assessing issues of border controls and visa regimes particularly in the context of Turkey’s accession into the Union and Turkey in an Area of Freedom, Security and Justice would contribute considerably to this field.

Finally, immigration policies are concerned with the regulation of international migration and immigrant policies focus on measures designed to integrate immigrant newcomers into their new societies. Although the two are distinct, they are closely linked. And EU measures have tended to focus on immigration rather than immigrant policies. ‘Securitisation of migration’ is one topic, which rests upon the blurring of the lines between internal and external security. Therefore, research bringing immigrant and immigration policies together in an analytical framework with particular emphasis on migrants’ rights in an enlarged Europe is highly needed to fill the lacunae in this field.

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