

# Developing a Coherent Migration Policy: Germany and the European Union

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## I. Introduction

Dear Chairman Grey-Johnson,

Dear UN Population Division Director Zlotnik,

Dear Distinguished Delegates,

I am excited and honoured to speak to you today on a topic of utmost importance: Developing Coherent Migration Policies.

Not only is there an urgent need to develop coherent migration policies nationally, regionally and internationally, the role of coherency in migration policies at the global level will be decisive for our immediate and future wellbeing. This wellbeing is not only economic; it also includes the wellbeing of millions of individuals and families world wide.

After all, not only migrants are affected by the way international movement of people is regulated; the chain of effects reaches beyond the lives of immigrants and touches every city, town and rural village around the globe. In the remainder of my brief address, I will touch not only on Europe and Germany, but also will address the need for coherent migration policies at the global level.

I must say right from the beginning that Europe and Germany do not currently have coherent migration policies. I know this might come as a disappointment to some, but we should have a sober and critical approach when we examine where we stand and where we want to change concerning migrations policies. First step towards a more coherent migration policy in Germany are contained in the recent Migration and Integration Law, in effect since 1 January 2005.

Europe's goal is to develop coherent migration AND integration policies. The EU and EU Member States are working diligently toward this goal. One major hurdle continues to slow down our progress and this is the fact that we have not yet fully understood what the concept of coherence entails. This major stumbling block is reflected at the global level as well.

## II. Coherent Migration Policies at the Global Level - What Goals should we be Pursing?

If the multiple actors involved in constructing migration policies – starting from the local level and then channelling out to the national, regional and global levels – are not in agreement as to the goals coherent policies should have, we will not be able to reach these goals.

Coherence does not mean efficient restriction

Following the political debate on migration and integration in Germany and in Europe, you could easily come to the conclusion that coherent migration policies are ones that most efficiently restrict migration to the continent. For example, you might have followed some of Europe's and Germany's most recent migration policy struggles:

- Collective and coordinated repatriation of illegal migrants in the EU
- Joint police efforts to prevent illegal migration and terrorism
- Shared databases on terror suspects.
- Refugee protections for 1% of all those who seek a safe environment.
- Further restrictions on movement for citizens from New EU Member States (Germany's position is to keep the restriction for three more years).
- Exclusive approach to integration and the so-called 'integration contract' debated at the meeting of Interior Ministers of the EU's six largest countries recently in Heiligendamm, Germany.
- Costs and benefits of integration policies in the context of high unemployment
- Officially, Germany stopped recruiting labour migrants in 1973, but there are currently more than 30 exceptions to this policy.

These contradictory and conflicting debates involving migration are a symptom of a larger problem that is not unique to Europe or to Germany, but

can be found to an even greater extent at the international level. The larger problem that I am referring to is our limited, yet growing understanding of what must make-up a coherent migration policy. Migration policy is interdisciplinary and has to cover all relevant areas related to migration such as trade, aid, state security, human security and human rights.

The Global Commission on International Migration, under the initiation of UN Secretary General Kofi Annan, took a bold step forward in resolving this key problem. The Global Commission -in consultation with every region and many governments of our global community- proposed that coherent migration policies must maximize the potential of migrants and migration. These must also reduce the negative consequences of migration for the countries of departure and destination, as well as for the individuals involved in migration. And that means to create win-win situations for sending and receiving countries and to improve the contribution of migrants for both.

#### *Reducing Negative Consequences of Migration*

The volume of migration has increased over the last three decades: from 82 million international migrants in 1970 to 175 million migrants in 2000 to nearly 192 million today. Currently, the number of international migrants is the equivalent of the population of the fifth largest country in the world: Brazil. This means that 1 out of 35 people is an international migrant. Since I have been asked to give a mainly political speech today and since I am sure that you are familiar with the numbers, I will refrain from going into any more detail to demonstrate that migration and especially migration out of desperation are not isolated incidences.

### *Alleviating Desperation:*

Acts of desperation are seldom beneficial for anyone. Unfortunately, millions of people around the world are forced to make life-changing decisions out of desperation.

The beneficial connection between migration and development is a relatively old wisdom, yet now this knowledge has resurfaced as a 'new discovery' that we have been underestimating for years.

In order to alleviate desperation we must incorporate national, regional and global migration strategies for economic growth in both the developing and developed world. Migrants are contribution to both.

If we do not intervene and increase the opportunity of the world's poorest people and connect these with development we will continue to waste valuable human potential. This is more than just an economic equation. It is also one of humanitarian responsibility, as well as of national security, which brings me to my next point.

### *Structural Waste of Human Potential:*

Although the mobility of individuals and speed of communication has increased tremendously in the last two decades, the opportunity to legally migrate has become almost inversely proportionate to it.

Policy makers have unintentionally opened a gap between the ability of migrants to fully realize and implement their potential and their desire to do so. I agree with the fact that movement across international borders must be regulated, but we need open channels for legal immigration. When our

regulations harm sending and receiving countries alike, we must ask ourselves: What goal are we really trying to achieve?

For example when we restrict a teacher from pursuing her profession abroad and require her to do a job that she is overqualified for - such as domestic work - than we are structurally promoting the waste of human potential.

The level of human potential that is wasted today is already too high. Looking into the not too distant future of 10 to 15 years, we can extrapolate that this waste will increase significantly if we do not make steady progress in developing more coherent migration policies – regionally in Europe and globally. This is because the number of people seeking to migrate from one country to another will increase in the years to come, due to developmental and demographic disparities, national disasters and political upheaval.

#### *Intermediate Conclusion*

Reducing the negative consequences of migration must be part of coherent migration policies and I am calling on you to help build consensus on this issue in your national, regional and international work. The framework that we should all be fighting to construct is one that balances the humanity of each individual, places migration policies in connection with human rights, and considers the ties between migration and development.

#### *Maximizing the Potential of Migration*

Our most valuable asset is not oil or fresh water, it is people. We often neglect this fact when we strive to create coherent migration policies.

*Integration is an Essential Part of migration Policy that has been neglected*

The way in which we view one another and the way in which we organize societal interaction are decisive as to whether or not we can maximize the potential of migration. Active and coherent integration policies must accompany coherent migration policies. Without both, misunderstandings and conflicts could jeopardize the benefits of migration.

Germany and Europe are just beginning to invest in integration. Integration is not only a matter of language, despite attempts of some governments to reduce integration to mere language acquisition. At the same time, integration is not about memorizing geographical or historical facts concerning the country of destination. Likewise, integration tests can not be tests of 'Bildung' or general education. When native residents and indeed even native Members of Parliament fail to answer integration test questions correctly, the test questions are missing the target. Such integration tests will not increase levels of integration in any country. Rather, we are sending a message to migrants that they are unwanted and excluded. We are creating more barriers, rather than dismantling existing barriers to integration. Integration test should merely be a means to promote migrants' understanding of their obligations and their rights in the country of destination. Thus, integration means mutual learning, intercultural learning, a policy of inclusion, participation and belonging to. The most important question of our century is whether we are able to live peacefully and productively together.

*There can be no Coherence without Regional and Global Governance*

The governance of international migration should be enhanced by improved coherence and strengthened capacity at the national level; greater consultation and cooperation between states at the regional level, and more

effective dialogue and cooperation among governments and between international organizations at the global level. Such efforts must be based on a better appreciation of the close linkages that exist between international migration and development and other key policy issues, including trade, aid, state security, human security and human rights.

The new willingness of a range of states and institutions to take global initiatives on international migration is welcome and needed. The UN General Assembly High Level Dialogue provides an opportunity for greater interaction and coherence in migration policy. This will require institutional reform at the global level. In the longer term, a fundamental overhaul of the current institutional architecture at the global level will also be required. I will not go into more detail here, as I know you are familiar with the concrete institutional proposals of the Global Commission on International Migration. Rather, I will turn now to the European Union's institutional progress on creating coherent migration policies.

### III. Increasing Coherence of Migration Policies in the European Union

As I said at the beginning, the European Union has not yet achieved coherent immigration policies. It has, however, been moving toward this goal especially over the last two decades.

The EU has taken concrete steps toward developing coherent migration policies through, inter alia, the Schengen Agreement and Convention, which began the deconstruction of borders between member states of the EU, the Maastricht treaty, which envisioned the freedom of movement within the European Union, and the first Dublin Convention, which introduced harmonized processing procedures for asylum applications,.



The initial goals - which include humanitarian migration, family unification, labour migration, integration, repatriation and internal migration within the EU - were to select individual, pressing issues in the area of migration and to harmonize these policies between the individual EU Member States. Consequently, not all migration issues were addressed with the same urgency or with the same depth. For example, asylum policies in the EU were given particular attention and these policies have reached a high level of harmonization; integration was not given the same priority and the EU's integration policies are still diverse.

Now there is a priority to deal adequately and efficiently with the increasing number of illegal migrants. The first priority is to prevent them from crossing the border. If they are in a country, they need to be detected and returned to their country of origin. However, it is fair to say that in this area, no country has solution.

Beyond the EU's initial goal of policy harmonization, it has gone further and now aims to create a coherent system of asylum management and to harmonize migration-related policies such as labour migration and integration within the EU<sup>1</sup>.

Indeed, since 1999 the EU has operated under the assumption that regional and international migration cannot be managed if individual members act in isolation from one another and if issues in the area of migration are dealt with as discrete issues, rather than as inter-dependent policy challenges. For example, the EU cannot only address admitting additional members into a society without setting up processes through which these new members will be integrated into the society.

The EU also concluded that intentional migration management cannot take place efficiently when policies are roughly harmonized. A coherent, yet flexible, regional policy must be established, one which is coordinated at the global level with the countries from which immigrants originate.

As stated in the Council of the European Union's July 29 Presidency Program on Asylum and Immigration: "None of us can successfully meet the challenges of managing migration acting alone."<sup>2</sup> Furthermore, during the current EU Presidency of the United Kingdom, the EU has identified "stronger EU engagement with the rest of the world in migration issues"<sup>3</sup> as a necessity. These ideas are not new to the EU, however, the level of determination to implement them is. The Five Year Roadmap produced by the Commission in May of this year has made it a goal to put common immigration policies in place by 2010. This will be explored in the next section of this article. The Commission aims to create a coherent framework of migration management at the regional level.

#### IV. The Emerging Paradigm of Migration Management in the EU

The emerging paradigm of migration management in the EU is a result of multi-step, multi-speed regional policy harmonization processes. In the short-term, the paradigm will continue to develop with the:

- Harmonization of as yet uncoordinated migration policy areas, such as integration and labour migration policies.
- Inclusion of an increasing number of Member States in migration management policy coordination.

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<sup>1</sup> See the Tampere European Council Conclusions from October 15 and 16, 1999:

[http://www.europarl.eu.int/summits/tam\\_en.htm](http://www.europarl.eu.int/summits/tam_en.htm), as well as the Hague Programme from October 26 and 26, 2004:

[http://europa.eu.int/comm/justice\\_home/doc\\_centre/doc\\_hague\\_programme\\_en.pdf](http://europa.eu.int/comm/justice_home/doc_centre/doc_hague_programme_en.pdf).

<sup>2</sup> See [www.statewatch.org/news/2005/jul/10703-05.pdf](http://www.statewatch.org/news/2005/jul/10703-05.pdf), page 1.

<sup>3</sup> See [www.statewatch.org/news/2005/jul/10703-05.pdf](http://www.statewatch.org/news/2005/jul/10703-05.pdf), page 1.

- Creation of a coherent and flexible policy framework, which will produce a single, coordinated system of migration management that can be fine-tuned to differing economic, demographic and security conditions within the region.
- Further development of dialogue with immigrant countries of origin, to better regulate the authorized intake of foreign nationals and to reduce the number of unauthorized migrants living in the EU.

In the long-term, the EU's emerging migration paradigm will lead to Member States delegating sovereignty over migration policies to the regional, EU-level. The Hague Program of October 25 and 26, 2004 already concluded that asylum, migration and external border issues should be decided by the Council of the European Union and the European Parliament. The Member States will retain much authority concerning policy implementation and the aims of the policies.

The EU's migration policies have been developed with respect to interrelated policy areas. These areas include: trade, aid, development, state security, human security and human rights.

A critical approach must be taken to the dominance with which state security issues are influencing the emerging regional, EU-level migration management framework. Despite this deficit, Europe is working to establish coherent migration policies in the following areas:

- fundamental rights and citizenship,
- internal borders, external borders and visas,
- a common asylum area,
- integration: the positive impact of migration on our society and economy,

- Freedom, security and Justice: sharing responsibilities and solidarity (including the European Refugee Fund, the European Return Fund and the European Integration Fund).

The next five years will be controversial but, at the same time, will bring the EU forward in developing coherent migration policies in Europe. Europe's mythology in this progress will remain one of trial and error. Research and the ability to define 'best and worst practice' concerning migration and integration policies have significantly increased in the past 10 years. Despite this fact, Europe's progress in forming coherent migration policies is based mainly on a dialectic process of trial and error, one of weeding out contradiction. Therefore, our biggest set-back occurs when we fail to learn from our mistakes. We MUST learn from our mistakes and not ignore the problems our current policies fail to solve.

Although there is a clear need for regional migration management, there is also much reluctance at the Member State level to delegate decision making in this vital area beyond the national level. However, the alternative to doing this is to forgo influencing international migration processes and to leave these to chance, as it has become clear that single nations alone cannot adequately manage international migration processes.

## V. Conclusion

Today our governments strive toward coherent migration policies and, at the same time, try to avoid them. We conduct our work in this policy area in constant contradiction. The bottom line for all our efforts, the point at which we must converge our efforts, is to unite behind the basic common principle of maximizing the benefits of migration and reducing the negative effects of it.

I think we will be surprised to find that our individual, national migration policy goals are have much in common, in both sending and receiving countries.

We must look beyond the surface to understand the causal relationships of migration and the negative aspects of what we believe to be rooted in heterogeneity.

Speaking here at the United Nations in New York, I can't help but be reminded that the desire to work together and the need to do so, is a positive consequence of a horrific and inexcusable German and European failure: racism, persecution and the mass murder of minorities that the German Reich inflicted on its neighbours and on member of its own population.

It is also not so long ago that Europeans sought refuge and acceptance after the end of the Second World War outside of Europe and found it. In the spirit which arose from the ashes of World War II -the spirit of cooperation and dialogue- we are here today to discuss and remember the mutual benefits that can be harvested when we recognize the need for each other and value the potential of our global community. United we stand. Let us put our political might and collective political will behind the task of developing coherent migration policies regionally and globally, based alleviating the negative consequences of migration and maximizing the human potential that migration can bring about. At the High Level Dialogue this autumn, we have an opportunity to make a difference; we also have this opportunity at the nation and regional levels.

In conclusion I would like to say the following:

1. Migration policies must be made more coherent with clear and shared goals, with a common vision. This would maximize the potential of migrants and minimize the negative consequences of migration. Policy

contradictions and discrepancies put migrants and states at greater risk (health, human rights, and national security) than managed migration in greater scope would produce.

2. No state can manage migration acting alone. Although a coherent migration and integration policy starts at home, we still need regional coordination, cooperation and harmonization in addition to national policies. We also need effective migration management at the global level. We need engagement at all three levels to enable migration management to be effective and fair, balancing state interests with the rights and interests of migrants.
3. These policies must reflect the realities of migration flows. A close cooperation between countries of origin and destination of migration would be one way to increase understanding of migration flows and to formulate effective policies concerning these flows. We also need to better recognize the interrelation between migration and economic development. Temporary and circular migration need to be incorporated into migration policies, creating transparent legal migration channels for these forms of migration.
4. When we address migration policies, we have to address integration policies at the same time, and as one policy complex. Freedom and security are inter-linked; however, migration management means more than ensuring state security alone. Our societies must develop the capacity to incorporate newcomers and to avoid cultural conflicts such as ethnic and religious tensions.