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CRISIS

REVISITING EUROPE'S "MIGRATION CRISIS"

Crisis Magazine / August 24, 2020

What does Europe's East–West divide tell us about its external borders?

European Union expansion produces legal routes for Eastern European migrants to move westwards. But the discriminatory conditions they often face reflect unfair intra-EU agreements. Responses to migration from outside Europe must address the forms of structural precarity and inequality already produced within its borders.

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Raluca Bejan

Europe – or more precisely, the European Union (EU) – is an unequal place. The end of the Cold War did not erase regional differences but, in many ways, exacerbated them. Just think of the differentiated access to the Schengen space, the lower-quality of consumer goods in Eastern Europe compared to the West, the transitional labour curbs imposed on Eastern Bloc countries upon entry into the Union, or the continued flow of low-skilled migrant labour during the COVID-19 pandemic.

The Schengen space was established as a transnational area with no internal border controls. It was incorporated into the legal framework of the EU through the Amsterdam Treaty in 1999. Wealthier countries of Western Europe such as the UK negotiated opt-outs in order to secure exclusive control over the management of irregular entries at its borders. Yet the countries at the periphery of Europe, such as Bulgaria, Croatia, Cyprus and Romania, were kept out of the Schengen protocol after joining the EU due to the alleged permeability of their borders and concerns about their ability to control migrant entries.

The centre-periphery divide in the EU is also manifested in commerce. In comparing food quality across the EU, Slovakia's Agriculture Ministry and the State Veterinary and Food Administration (ŠVPS) found that several products, such as dairy, meat and fish, chocolate, baked goods, cheese and drinks, are of lower quality in terms of packaging, composition, weight, colour, flavour and smell in the Eastern Bloc states of the Czech Republic, Poland, Slovakia, Hungary, Romania and Bulgaria, compared to very same products sold in countries of Western Europe such as Germany and Austria.

Intra-EU migration similarly reflects the fact that the East does not play on an equal field with its Western counterparts. Migration curbs have historically regulated admissibility into the sought-after wealthy nations, limiting residency and citizenship to those deemed desirable, and blocking entry for the undesirable. With the 2004 EU enlargement, eight Eastern European countries joined the Union: The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. These became known as A8 or EU8 countries. Most of the older EU states, except the UK, Ireland and Sweden, imposed restrictive policies on the new member states and denied A8 nationals free access to domestic labour markets for a period of seven years.

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Within a decade, however, Polish migrants came to represent the most common non-British nationality in the UK, reaching one million residents. In 2016, when the EU Council confirmed the ascension of Romania and Bulgaria to the EU membership, the UK announced that it would preventively limit access to the British labour market for Romanian and Bulgarian nationals: these were now confined to the lowest sectors of the British labour market, working under self-employment authorizations and seasonal contracts in the food processing and agricultural sectors.

The curbs remained in effect until January 2014 and imposed a liminal conditional status on Romanians and Bulgarians, transforming them into a group of undesirable and precarious migrants, temporarily admitted into the lowest sectors of the labour market, yet excluded from the workplace benefits and rights that usually come with stable work contracts and residency. Austria, Belgium, France, Germany, Ireland, Italy, Luxembourg, Malta and the Netherlands also introduced transitional arrangements for Romanian and Bulgarian nationals, despite the fact that such labour controls constitute an indirect form of nationality-based discrimination.

The discriminatory treatment of Eastern Bloc migrants has become ever more evident during the COVID-19 pandemic. Replicating the global pattern in which wealthy countries import temporary migrants from poorer nations to harvest crops, labour in meat plants, or work in other low-skill jobs such as construction, shipping and manufacturing, Eastern Bloc seasonal migrant workers were brought to facilitate food production in several Western European states.

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Despite international travel bans and physical distancing regulations, Germany brought in about 80,000 seasonal workers from Romania at the peak of the pandemic in March and April 2020 to work its asparagus fields. Austria disregarded the border closures to bring in hundreds of care workers from Romania and Bulgaria to look after its ageing population. And the UK flew Romanian seasonal workers on charter flights for agricultural work after failing to deliver the 'British workers for British jobs' that were promised in the Brexit referendum.

That the Western European states were determined to continue their asparagus and strawberry harvest at any cost, even during a pandemic, while putting the health of Eastern European seasonal workers at risk, shows that the periphery of Europe has little value to the West beyond supplying the continent with an easily accessible pool of cheap labour. The above examples of intra-EU inequities did not occur in a political vacuum. As I found in my research on the EU refugee relocation scheme, similar inequities can be observed in the management of Europe's external borders.

In 2015, when Europe was confronted with record numbers of refugee arrivals in the Mediterranean, the European Commission adopted via two procedural decisions a relocation mechanism to transfer 120,000 people from the entry nations of Italy and Greece to the least affected member states. The first decision, drafted on September 15,2015, aimed to relocate 40,000 people. The second decision was adopted after the opening of the Western Balkan route on September 22, 2015. It aimed to transfer 15,600 people from Italy, 50,400 from Greece and 54,000 from Hungary.

The mandatory decisions were to be applied over the next two years and were based on a formula that calculated the number of asylum seekers to be transferred to each country on four national indicators: GDP (40%), population size (40%), unemployment rate (10%) and the past numbers of asylum applications processed by each state (10%). Taken equally, each indicator counted in an identical percentage/share rather than proportionally. A proportional distribution would have implied, however, that the percentages/shares of the indicators would change according to various criteria of national differentiation; the GDP could amount to a higher proportion, let us say 60% for the wealthier, western European states and 40% for the peripheral nations. Yet this was not the case. Under the guise of equality between member states, the relocation formula was applied equally across countries.

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No consideration was given to sociopolitical indicators, such as measures of settlement and immigrant integration, care provision mechanisms or the number of refugee reception centres. The relocation scheme also ignored political and economic differences, such as those between strong and weak welfare states and did not account for each state's commitment and willingness to host asylum seekers. After all, countries with stronger immigrant integration systems and stronger care provision mechanisms would be better equipped to accommodate refugees than those states that have higher population numbers, for example, but lack adequate reception and integration schemes.

The relocation scheme brought suppressed East-West political divides out into the open. The Eastern Bloc states have mainly opposed the relocation decisions, with Hungary, Romania, the Czech Republic and the Slovak Republic voting against the scheme. The Czech Republic expressed concerns related to refugees' relocation preferences. Slovakia invoked the need for voluntary participation. Romania initially denounced the relocation mechanism for addressing the symptom of the problem while neglecting the capacity of the various states to integrate migrants, though it eventually signed on.

Hungary's main concern was with controlling the external borders of the Union. Hungary argued that its refusal to participate in the scheme and to transfer the 54,000 asylum seekers located on its territory, are also indicative of 'responsibility-sharing'. Hungary and Slovakia later launched two separate claims at the European Court of Justice (CJEU), C-647/15 and C-643/15, to dispute the legal validity of the decisions. Their legal claims had to do mainly with technical issues: that the two-year time frame for relocation did not fit within the parameters of a provisional mechanism; that the inflow of irregular entries was foreseeable, hence the purported crisis did not exist; that the decision was not voted unanimously; that the national parliaments were not consulted on the matter; and that the European Parliament did not review the re-amended text (once Hungary refused assistance from the program).

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These claims were dismissed by the CJEU in July 2017 (CJEU, 2017). While is much simpler to resort to simplistic bigotry explanations, the reasons for which the Eastern European governments opposed the relocation scheme were in fact more diverse and complex. The relocation decisions became such a contentious issue that the European Commission did not continue the scheme past its initial two-year time frame, despite the recommendation of the UN Refugee Agency (UNHCR) that it be extended past its 2017 end date.

Public opinion was quick to rationalize the escalating political brawl by constructing it as simply a manifestation of the backward, racist and intolerant ideology of the Eastern Bloc, which was often baselessly contrasted with an image of Western European cultural tolerance. Little consideration was given to structural differences, particularly the East-West divide that tends to shape politics within the Union, and how these might explain why the Eastern European states were unwilling to receive migrants in need of international protection.

In 2019, I conducted field work in Romania, where I interviewed fourteen politicians and policy makers who had formerly worked in the Romanian Parliamentary Committee for Union Affairs or the European Union Parliament, or were affiliated with the General Inspectorate of Migration and the Romanian Ministry of the Interior. I asked them about their views about shared responsibility in relation to the EU's relocation system. The data I collected showed that, ideologically speaking, the political reluctance to adopt the scheme was connected with the country's low capacity to receive asylum seekers and the limited prospects for their integration into Romanian society. The respondents saw Romania as a state that lacks the solid refugee integration schemes that have been present in the West for decades, and one which has limited experience in the field of migration management.

The data from the study also showed that the relocation scheme was seen as ineffective, since it failed to capture state-specific factors, such as the low standard of living in Romania and the country's position as a source of emigration rather than immigration: Romanians see themselves as the legitimate migrants to Europe, escaping their socio-political conditions by migrating to Western Europe, and thus unable to accommodate others in need.

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Responsibility sharing requires agreements that acknowledge the power inequalities between the central and peripheral parts of the Union.

Mechanisms of shared responsibility are implemented across various policy fields within the EU, in relation to fundamental rights, social and structural funding as well as in the areas of agriculture, fisheries, transport and greenhouse gas emissions. Diverse interpretations of shared responsibility are central in the construction of any distributive arrangements that are not just equal but equitable as well.

A more just and thorough sharing of responsibility is not merely about calling for a greater amount of solidarity with Eastern European states in Western European public opinion. Rather, it requires designing agreements to acknowledge the already structured power inequalities between the central and the peripheral parts of the Union. In any governance efforts aimed at managing Europe's external borders, the distribution of internal advantages and disadvantages needs to be considered within a Europe-wide institutional context, particularly with regard to member states that for decades have been producing precarious migrants of their own.

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In 2018 Raluca co-directed a documentary film on the Greek Refugees crisis, titled ~~Trace~~. It was filmed on the islands of Lesvos, Chios, Samos, and in Athens, Greece. ~~Trace~~ details the story of Anwar Nillufary, a recognized refugee who has been carrying out a two-month-long hunger strike at the UNHCR office in Athens.

She is currently the Book Review Editor for Refuge: Canada's Journal on Refugees. Her empirical work on the EU relocation scheme in Romania was published under the RESPOND's Working Paper Series 'Global Migration: Consequences and Responses', Uppsala University, Sweden and can be accessed here.

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