



institut
D'ÉTUDES EUROPÉENNES
ET GLOBALES

The Schengen agreements and the issue of migration in Europe since 1985

Summer school European Governance, Migration
and Citizenship

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**SUMMER
SCHOOLS**



UNIVERSITÉ DE NANTES

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Introduction : Free movement, a basic principle of European integration



- Europe, land of emigration (but French exception)
- Western Europe after 1945 :
 - Frontiers : symbols of dictatorship and oppression
 - Land of immigration
- The free movement of persons, a founding principle of the European Communities and the Treaty of Rome in 1957 (but only to workers, and only partially)
- Precursors : the Nordic Union of 1954 and the Benelux in 1960





Introduction : lesson plan

- 1. The Schengen Agreement , an initiative difficult to achieve, 1985-1996
- 2. 1996-2008 : Widening, deepening reorientation ?
- 3. Europe in crisis , Schengen in difficulty from 2008 to nowadays



1. The Schengen Agreement , an initiative difficult to achieve, 1985-1996

1.1. Why Schengen ?

1984-1986 : The free movement for persons at the center of the revival of Europe (the Council of Fontainebleau, The council of Milan and 1986 Single European Act)

Signing of the Schengen Agreement on 06.14.1985

Five countries: West Germany, France , Belgium, Netherlands and Luxembourg

- Abolition of checks at their common borders for citizens.
- Checking at external borders
- Establishment of a common visa
- Harmonization of asylum rights
- Coordination of policies to fight against illegal immigration and trafficking



1.2. Initial resistance between 1985 and 1990

- Administrative restraint
- Political opposition in France : the reluctance of the right government between 1986 and 1988 (including Pasqua Laws)
- A difficult context : the fall of the Berlin Wall in November 1989

Signing of the Implementing Convention June 19, 1990

- Schengen information System (SIS)
- Schengen Visa (officially recorded December 15, 1992)
- Very limited right of pursuit of national policies on neighbouring territories
- Possibility for a State to temporarily reinstate border controls in exceptional circumstances order or public safety
- A convention for the right of asylum was signed in Dublin (June 15, 1990) but without Denmark.

1990 - 1992 : signing agreements with four new countries, Italy , Greece, Spain and Portugal



1.3. Delayed application by France

February 1992: the Maastricht Treaty without Schengen (refusal of the UK)

- Challenging environment :
 - Civil wars and strong migratory pressure (Yugoslavia)
 - The referendum on Maastricht in France in September 1992 (51 % yes)
- April 1993 : new French government decided to repel the implementation of agreements
- March 26 1995 : implementations of Schengen agreement by 7 countries (France, Germany, Belgium , Netherlands , Luxembourg , Spain, Portugal)

But for France, restrictions in March 1995 (presidential elections) in July and October 1995 (wave of terrorist attacks in Paris)

- Finally, full implementation decided by the French government in April 1996



2. 1996-2008 : Widening, deepening reorientation ?

2.1. Successive enlargements of the Schengen area

Reminder: fifteen Member States of the European Union in 1995

But only 7 States in the Schengen area (France, Germany, Belgium , Netherlands , Luxembourg , Spain, Portugal)

1997 : 10 States (+Austria , Italy, Greece)

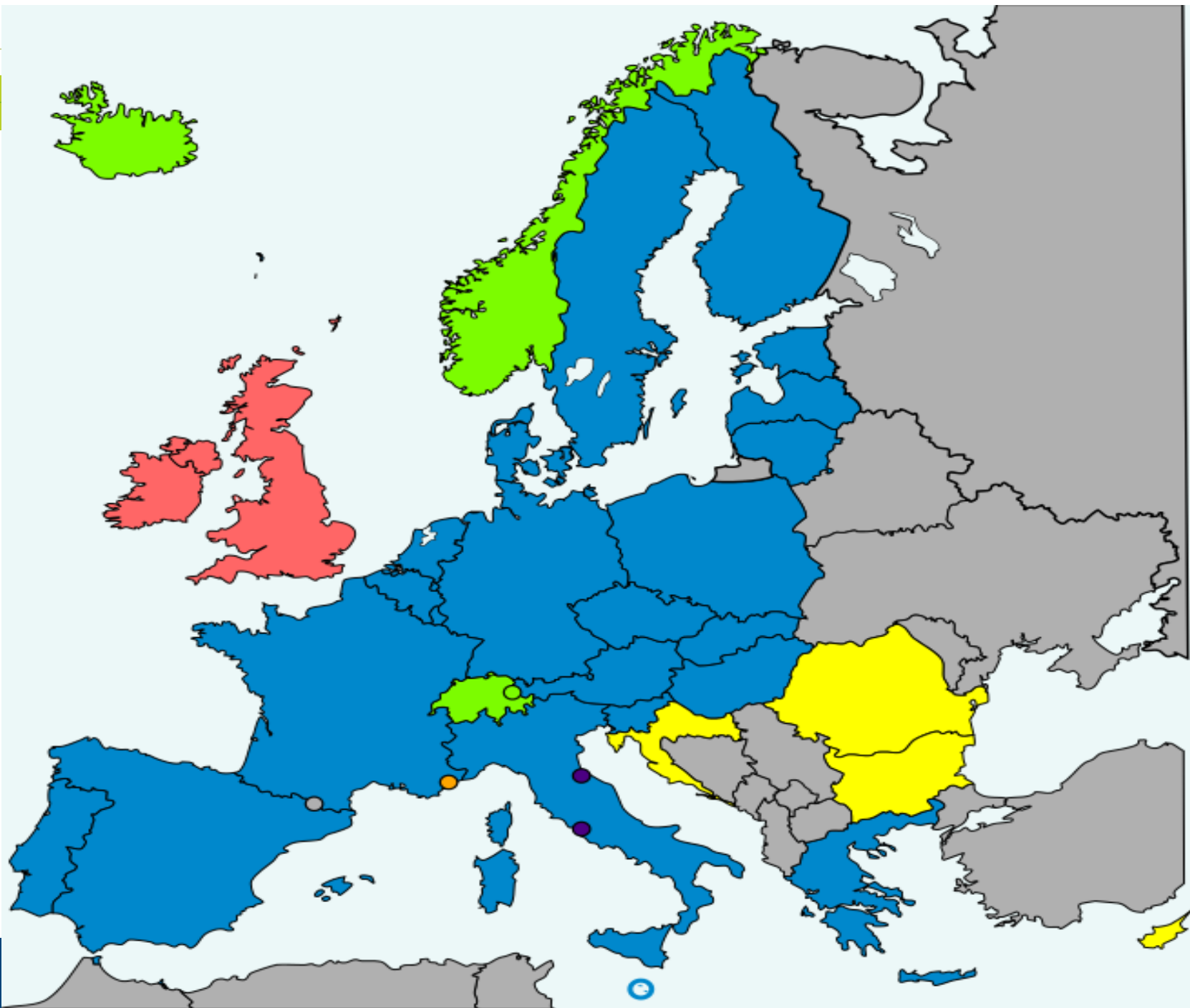
2001 : 15 States (+Scandinavian union : Denmark , Sweden, Finland , Iceland, Norway)

2007 : 24 States (+Poland, Czech Republic , Slovakia, Hungary , Malta , Latvia, Lithuania , Estonia, Slovenia)

2008 : 25 Etats (+ Switzerland)

2011 : 26 Etats (+ Liechtenstein)







 États appliquant l'accord Schengen (octobre 2013)

Union européenne :

 États appliquant Schengen

 États hors Schengen

Réalisation : Atelier de cartographie de Sciences Po, janvier 2008 actualisée au 1^{er} octobre 2013 © Dila - 2013



2.2. A difficult deepening



October 1997: Amsterdam Treaty integrating the Schengen agreements in the EU

- Harmonization of external border controls
- Police and judicial cooperation between Member States
- The Schengen area in 2002 must obey the rules of the European Union on visas , asylum, immigration and free movement of persons

1999 : decision to set up a common asylum policy and migration at the Tampere European Council

But implementation is delayed by the difficulties of States to agree to the increase of migration flows



2.3. Better control of external borders

- **1999/2002 : difficult conditions in Europe**

Intensification of migrations (the Kosovo crisis and migratory pressure in the western Mediterranean)

+The electoral success of far - right parties in Austria and France (Le Pen in the second round of the 2002 presidential)

+ Outlook eastward enlargement expected in 2003/2004 reinforces concerns (fear of a new wave of migration) while the Treaty of Nice has not satisfactorily reformed EU operation

= **A strong willingness French , German, Austrian , Spanish strengthen external border controls in the fight against illegal immigration and curb migration**



2.3. Better control of external borders

- The European Council in Seville in June 2002 and Thessaloniki in June 2003 establishes common principles on legal migration, fighting against illegal migration and co-development
 - EU Directive on family reunification in 2003
 - The strengthening of external border controls with the creation of FRONTEX installed in Warsaw in 2004
- **1st January 2005 : entry into force of the provisions of the Amsterdam Treaty on the decision by majority on matters within Schengen**



2.3. Better control of external borders

10 and 11 July 2006 : First Ministerial Conference in Rabat between EU countries and African countries

Adoption of an action plan including the establishment of an effective readmission systems for emigrants who entered illegally in Europe, strengthening judicial and police cooperation as well as financial and tax incentives for African diasporas involved in the development of their native country.

- **2007 Lisbon Treaty includes the achievements of the 2004 Constitutional Treaty as part of the area of freedom, security and justice**
 - Creation of a specific financial funds for external borders 2007-2013
 - 18 June 2008 : adoption of the Return Directive by the European Parliament
 - Dublin Convention 2 on the deportation to the country of entry into the EU

3. Europe in crisis , Schengen in difficulty from 2008 to nowadays



3.1. Identity crises and questioning the principles of free movement

Between 2005 and 2011 :

The migration pressure increases regularly in the Mediterranean area
+ large movements of central European workers, particularly to the UK

+ the impact of the 2008 economic crisis and the euro crisis from 2010/2011

16th october 2008 : European Pact on Asylum and Migration

2010 : Romania and Bulgaria were held outside the Schengen area



3.2. Arab revolutions and 2011/2012 crisis

2011 : Tunisian revolution and war in Libya

April 2011 : France closed its Italian border to stop the influx of North African refugees

April 26, 2011 : Franco-Italian joint request for revision of the Schengen Agreement

October 2011 : Denmark reinstates border controls

2011/2012 : Arrival of migrants increased from the Greek-Turkish border



3.3. The reform of 2012



May 2011 : moderate proposals of the European Commission

June 2011 : European Council decision to launch negotiations on a reform

Difficult discussions during the French 2012 presidential campaign

June 2012 : Council agreement on the reform of Schengen

Possibility of resumption of inspections for six months (extendable to 24 months) for exceptional circumstances, when the external border controls are no longer guaranteed , but within the EU decision-making





3.4 The refugee crisis

The context : 17 million refugees in the Middle East, more than 11 million Syrians

Estimated number of passages of refugees across the Mediterranean

2014 : 216 000

2015 : 1 040 000

The largest migration of non-European refugees in the history of contemporary Europe





3.4 The refugee crisis

Greece submerged and the Balkan route

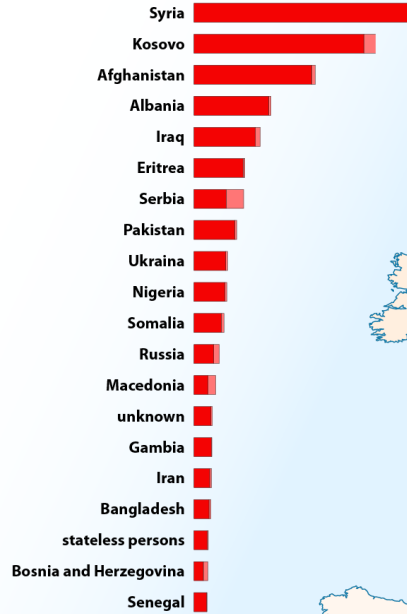
Summer 2015 : Germany welcomes refugees

Reinstatement of checks at internal borders (Austria, Germany, Denmark, Sweden ...) since September 2015

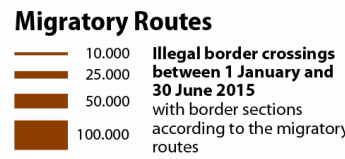
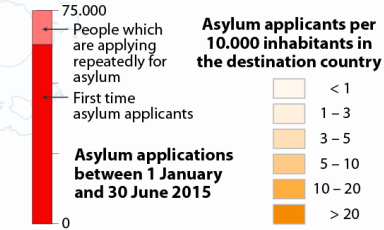
The barbed wire in Hungary, symbol of the European fractures on the refugee issue



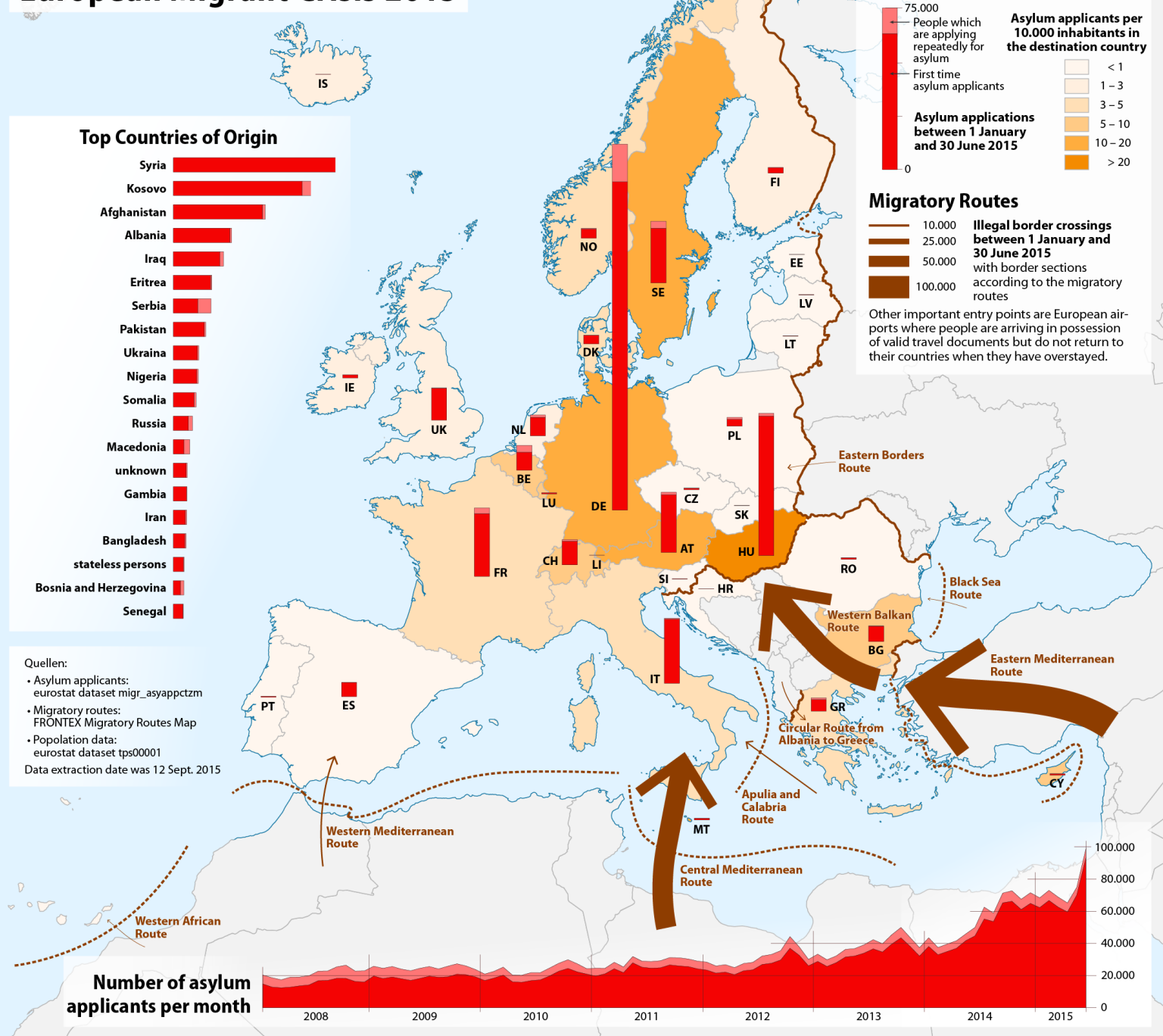
Top Countries of Origin



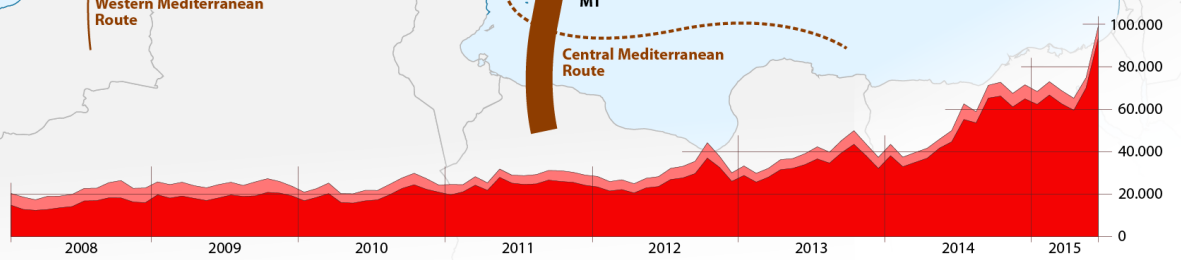
Quellen:
 • Asylum applicants:
 eurostat dataset migr_asyappctzm
 • Migratory routes:
 FRONTEX Migratory Routes Map
 • Population data:
 eurostat dataset tps00001
 Data extraction date was 12 Sept. 2015

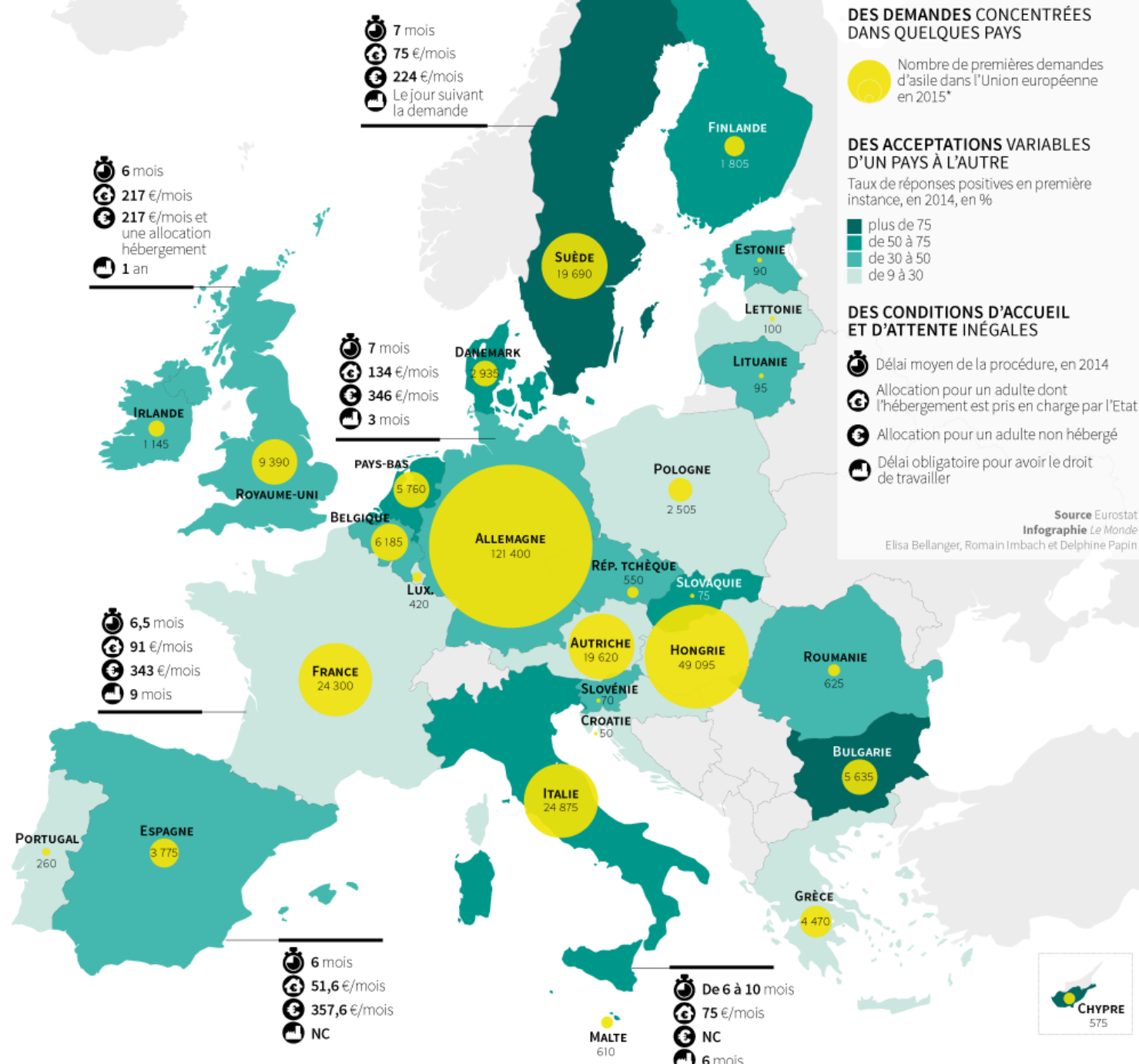


Other important entry points are European airports where people are arriving in possession of valid travel documents but do not return to their countries when they have overstayed.



Number of asylum applicants per month





LA PLUS GRANDE VAGUE DE RÉFUGIÉS DEPUIS 30 ANS

3.4 The refugees crisis

The failure of the first European solutions because of divisions between Member States :

Relocating refugees by member countries (EC 9.22.15) + the creation of Hotspots

The closure of the Balkan route

March 18, 2016 : The agreement with Turkey and lower passages by Greece

Current proposals:

July 6, 2016 : the European Parliament adopted the Regulation of the strengthening of Frontex

July 13, 2016 : proposals from the European Commission on harmonization of asylum





Conclusion

- Strong resistance to Schengen, administrative and political agreements in 1986, delaying the signing of the implementation agreement and implementation to 1996.
- But they do not prevent the enlargement of the Schengen area despite a complicated and difficult deepening in the context set by the rise of populism
- Rising tensions from 2008 in the context of multiple crises of Europe questions the Schengen Convention, the first time in 2011-2012
- Then again in 2015 with the more massive arrival of refugees from the Middle East : Schengen in danger

