

With what implications? An assessment of EU migration governance between Union regulation and national diversity

EMMA CARMEL*

Abstract

The analysis of EU migration policy has been focused primarily on evaluating its relationship to EU law, or its application to individual member states. This article argues that neither focus can address the full implications and effects of EU migration governance. The Union's migration and free movement policies set out to organise populations both within and beyond its formal borders. They are part of the broader governance of the European Union as an integrated market, and as an international policymaker. As such, the characteristics and effects of migration governance across the EU as a whole need to be assessed. At the EU level, EU policy and law on migration creates the illusion of policy coherence, applied to all member states, incomers and residents. Yet these apparently coherent EU policies always co-exist with three confounding factors: 1) national and local variation in migration policies; 2) national and local labour market variation, particularly in the role of informal economy, and 3) profound member state hierarchies in the EU's political economy, reinforced by the ongoing crisis. However, this does not mean that the EU's migration policymaking is irrelevant to member states. Rather, migration governance in the EU is co-produced by the cross-cutting and sometimes contradictory policies of other actors. With its illusion of policy coherence, this co-produced governance both disguises and entrenches significant hierarchy among member states. It contributes to an EU polity which manages diversity through inequalities.

Keywords: European Union; migration; free movement; inequality; governance; crisis

Introduction

This article sets out to analyse and evaluate the socio-political and socio-economic implications of intensified and expanded EU policymaking on migration. It asks: How does EU migration governance link Union and member state (MS) policies?

The article argues that the EU's involvement in migration policies and politics matters to individual member states and their residents, and that a critical analysis of the implications of this involvement is imperative. The empirical

* Dr. Emma Carmel is a Senior Lecturer at the Department of Social and Policy Sciences, University of Bath, UK. E-mail: e.k.carmel@bath.ac.uk.



puzzle addressed by the article starts from two conditions. On the one hand, we have a plethora of directives, treaty law and an increasing body of case law which are explicitly designed to shape the legal meaning, terms and conditions of migration in the EU. On the other hand, we see an extraordinary diversity of migration patterns among and between member states (MS),¹ as well as marked variety in regulation, shaped by the interactions of political economy and welfare, regulatory capacity and xenophobic politics at both national and local levels. These two central features of the population politics in the Union – EU-level ‘migration management’ co-existing with national state diversity – are further rendered complicated and indeterminate by the ongoing consequences of the financial, economic and sovereign debt crises.

Much of the discussion in EU migration policy has concerned itself with explaining (mostly political science) and evaluating (mostly EU legal scholars) the rapidly emerging set of directives, regulations and programmes which make up the substance of EU migration policy. As a result, the focus in key literatures has been on explaining why member states have permitted or preferred the development of EU-level policies on migration; or on evaluating the Union’s expanding jurisdiction in migration in the context of increasing institutionalisation of EU-level law-making. At the same time, studies on national migration politics discuss EU-level activity in a rather patchy manner, usually as a generalised contextual feature in analyses of migration in border areas of the Union, of developments in border control or of political economy (Lavenex, 2006; Ruhs and Anderson, 2010; Caviedes and Menz, 2011). This article instead focuses on the socio-economic and political implications of the articulation of MS and the Union in migration governance as a whole.

The next section summarises the case for analysing developments in EU policymaking, while accounting for national and local diversity. The third section examines the central issue of the *implications* of EU migration governance: in particular, it argues for the importance of understanding the complex and unstable insertion of particular MS and their migrants into the larger political economy of the EU and its neighbourhood. Finally, the article offers some critical reflections on the consequent implications of EU migration governance for inequalities among member states and their residents.

¹ There are 28 Member States of the Union. In this article, reference is made to the common sub-groups of countries. EU15 refers to the 15 countries which were member states of the Union prior to 2004: Belgium, France, Germany, Italy, Spain, Greece, Portugal, the UK, Ireland, the Netherlands, Sweden, Finland, Denmark, Austria, Luxembourg. EU8 refers to the eight 2004 accession countries in central and Eastern Europe: Poland, Hungary, Czech Republic, Slovakia, Slovenia, Estonia, Lithuania, Latvia. EU10 refers to all 2004 accession countries – EU8 plus Malta and Cyprus. EU2 refers to Bulgaria and Romania, which joined the Union in 2007. Croatia is joined the EU in 2013 and is not addressed in this analysis.

European Union migration policies: Entrenching, expanding, intensifying

The EU has developed a distinctive and significant role in demarcating an EU legal view on migration which stands beyond, and is applied to, all member states (Boswell and Geddes, 2011; Kunz et al., 2012). Through its treaties, programmes, directives, regulations and softer measures the Union has developed a specific view of its population politics which is greater than the sum of the various competitive strategies of its members; that is, a population politics of the Union itself, rather than of its component member states.

Carmel (2011) argues that this population politics rests on the interaction of three key elements: security, utility and integration. These elements are linked together in policy discourses and legal measures to create an illusion of policy coherence: as if migration policy were produced by, and applied to, all member states ‘without fear or favour’. Even if not coherent in practice, the very attempt to appear so is itself politically consequential. ‘Struggling for’ coherence itself involves a display of ‘Europeanness’, the showing-off of Union effectiveness in dealing with this most tricky and contentious of cross-border issues, which member states are unable to deliver alone. This illusion functions to demonstrate the Union’s humanitarian, even democratic, virtue in providing ‘security’ (to those within the Union), meeting the needs of economic growth to the benefit of the Union (utility) and facilitating social integration (for those permitted to settle). It also shapes the trajectory and possibilities of political action for the Union, while at the same time disguising its political characteristics (Hansen, 2010; Carmel, 2011).

Entrenching Union perspectives on migration

The Tampere Programme, which set the terms of the implementation of the Amsterdam Treaty, carved out the terrain of migration policymaking as a legitimate one for the Union, and made feasible its expansion and intensification. Its parameters were broadly to distinguish the illegal from the legal migrant and, in doing so, to pull the legally resident migrant towards an association of legitimacy by approximation of the rights of free movers (Kostakopoulou, 2002: 452). As Hansen and Hager (2010: 132) argue, this development cannot be seen “simply as a structurally detached expression of the Commission’s benevolent intention” to recognise third-country nationals (TCNs). Rather, it was a political agenda establishing selective labour migration as a tool in managing the political economy of European labour markets and welfare systems.

In the subsequent Hague and Stockholm Programmes, EU migration policies gained more impetus and were governed with ever greater precision. The underlying dynamics of EU migration policies have been expressed as responses to a common (i.e. a *European*) socio-economic trajectory. This trajectory conflates assumptions about future socio-economic problems of (some) member states with the future ambitions of the Union. It comprises three

main dimensions: managing labour shortages and developing a knowledge-based economy; dealing with threats or risks from migration and minority ethnic communities, and sustaining welfare systems under demographic challenge (Commission of the European Communities, 2010a & b). By constituting this socio-economic trajectory as a common European narrative, those countries which experience different problems and prioritise different goals due to their particular socio-cultural, economic and political organisation are rendered discursively and politically insignificant. As such, this narrative has notable implications for sustaining the inequitable effects of Union migration governance over time.

The apparently common imperatives are institutionalised in the decision-making architecture culminating in the Lisbon Treaty (for further details, see Uçarer, 2009). A central feature of this architecture is the distinctive legal treatment of intra-EU migration of EU citizens as a fundamental freedom of the Union, subject to separate legal and policymaking procedures from policies relating to third-country nationals. Migration of EU citizens within the Union is termed 'mobility' in official Union discourse. Such mobility is assumed, at Union level, to either be taking place unproblematically or, at most, to require member states' action to encourage more intra-EU mobility to generate liberalising benefits for the EU economy (also OECD, 2012: 5f, although with a caveat).

It is only recently that this common European narrative has been challenged, notably by a move from four member states to reconsider the status of EU citizen migrants as 'mobile workers'. Austria, Germany, the Netherlands and the UK wrote to the Council Presidency in April 2013 requesting a review of this status. The logic of their case would be to re-nationalise some aspects of intra-EU migration, which would have the effect of undermining the distinction between mobility and migration which has been so central to EU migration governance (also Carmel and Paul, 2013).

Expansion of activity

The direction established by the Tampere Programme has been expanded in two ways. The first is in extending the targets of EU policy and the scope of Union action. Thus, issues addressed by directives passed since 2001 include: family unification, rights of those seeking international protection, rights of those granted international protection, long-term resident third-country nationals, single residence and work permits, and high-skilled workers and researchers. Those proposed include directives on seasonal work, students, and (again) researchers, trainees (detailed in Carmel and Paul, 2013). There has been an expansion in the scope of other Union measures in the last 10 to 12 years. This includes the founding and normalisation of FRONTEX² - and its successor EUROSUR - as an integral part of the EU's responsibility to

² FRONTEX is an agency of the EU dedicated to supporting members in border control.

protect its borders (van Munz, 2009). New social funds have been created, such as the Refugee and Integration Funds. These are of low financial salience, but nonetheless signal the expansion of support for integration of particular preferred – legally resident – migrants, with a focus on labour market integration (Commission of the European Communities, 2011).

The second way to expand the migration policy field has been to ensure that migration issues are prioritised in other EU policy fields. In development and foreign policy, the idea of ‘circular migration’ was justified and then developed into a small number of highly asymmetric agreements with countries of origin, now a significant plank of labour migration and development policies (Boswell, 2003; Lavenex, 2006; Kunz et al., 2012). Attempts to integrate migration management into negotiation over neighbourhood policies and accession are also evident (see Taylor et al., 2013). In addition, there has been an expansion into increasingly central areas of ‘domestic’ EU policy. This started with a bare interest in migrants in the Lisbon Programme’s social inclusion programme in 2000, to the current high priority accorded to the integration of legally resident third-country nationals, in education and employment, in the three flagship programmes of Europe 2020.

Intensification

The increasing engagement in migration and mobility matters has been accompanied by more interventionist Commission practice under its secondary procedures, particularly in relation to free movement. This includes stern (if ineffectual) condemnation of Italy for deporting Romanian Roma in 2010 and the launch of infringement proceedings around free movement and social security against a number of member states since autumn 2011. Co-operation of executive agencies in visa and asylum co-ordination is now required, and the 2011 single resident permit for labour migrants also requires changes to national executive practices (rather than just policy goals). One of the clearest examples of this is in the increasingly frequent use of FRONTEX as a semi-militarised EU border control force (especially in the Mediterranean). This represents a concrete measure, which changes the settlement of responsibilities in the Union – those member states most involved in providing FRONTEX services and the member states of the borders. Other examples of intensified regulation which imply a re-settlement of mutual obligations among MS, include the 2010 review of the Schengen³ procedures (EC, 2010). This proposal would alter the relationship between individual MS and the right of a majority of MS to sanction that state, to the point of excluding them from Schengen (a policy clearly targeted at southern MS).

Nonetheless, all these EU policy measures, mechanisms and actors co-exist with the persistent and socially complex national determination of ad-

³ The Schengen Agreement of 1985 abolished most border controls in a sub-set of member states known as the ‘Schengen countries’, or ‘Schengenland’.

mission, residence, labour market and integration policies of member states. It is to the issues of diversity, unmanageability, and change in EU migration governance that we now turn.

Confounding factors of migration politics: The national and the local

This section comprises two parts, corresponding to key aspects of national and local variation affecting migration governance. The first concerns policy and politics and the second addresses variety in labour geography and labour markets.

National and local policy variation

Very few EU directives and regulations apply to the Union as a whole – even among the slew of directives adopted since 2002. There are opt-out possibilities for Denmark, Ireland and the UK, which these countries choose to use in different combinations for different directives. These sit alongside different terms of accession for newer member states, which preclude such opt-outs. Together, these confound aspirations for universally applicable EU migration governance. In addition, substantial degrees of variation in the pace and terms of directive implementation mean that ‘Union’ – even as apparently legally prescribed – is never quite coterminous with the boundaries of its territory. There are thus several Unions involved in migration policy, of which the most highly developed and most widely applicable is in asylum regulation, partly due to its longevity as an EU policy area, but also due to its embeddedness in wider overlapping legal regimes (Betts, 2009). Schengen regulations are not adopted by all countries, and several accessions have demonstrated that the supposed fundamental mobility rights of EU citizens can be temporarily waived.

More fundamental, is that national selectivity for migration remains in place. EU directives neither appear to constrain member states from developing their own regimes of selectivity for labour migrants, even running competitor admission schemes (Cerna, 2013; Howard, 2009; Paul, 2012). National variation in migration policies from entry to residence and integration is well-understood and varies by what Ruhs and Anderson (2010: 197), discussing the UK, call the “complex institutionalisation” of migration policies and politics in national contexts, embedded in a number of interacting interests in cross-cutting policy fields (Caviedes and Menz, 2011; Favell and Hansen, 2002; Carmel et al., 2011, among many others).

However, in the context of the Union, this variety is not politically neutral. As Menz (2008; 2011) has convincingly shown, member states bargain domestically and in the EU to achieve policy gains. These bargains are directly shaped by different domestic and international actors, and by the form, political significance and ideological framings of any one policy area in individual member states and in the EU (cf. Hansen and Hager, 2010; Berg and Spehar,

2013). Countries export their concerns and agendas to the EU, as exemplified in Guiraudon's (2000) analysis of member state "venue shopping". Alternatively, member states can focus on protecting perceived core interests, thus tolerating and bargaining domestically over developments which they might otherwise oppose (Menz, 2011). So far, so much business as usual in the EU. However, such empirical analyses treat the politics of migration policy in a rather truncated way, denuded of substantive content. What such dynamics of EU policymaking imply for the status, role and authority of different MS and their citizens is rather hidden from view.

National and local labour market and social contexts: Variation – and change

In order to address the implications of varied member state interests and political competition, our analysis needs to contextualise the variety in member states' insertion into, the European political economy. The EU's agenda on economic growth, starting with the Lisbon Programme of 2000 sought to create "the most dynamic knowledge-based economy in the world [...] with more and better jobs and greater social cohesion" (Lisbon European Council, 2000), is currently focused on its successor, the Europe 2020 programme, seeking to achieve "smart sustainable economic growth". These both rests on assumptions about the existence of a European economy that can be managed/directed as a whole, without significantly addressing inequalities which currently exist or would be produced by their underpinning models of economic growth.

In the light of the economic crisis since 2007/8, such policy claims and aspirations seem especially unfeasible, but there are more long-standing issues which expose significant inequalities in the implications of Europeanised policymaking for member states and migrants. Hansen and Hager (2010) have shown how the politics of citizenship in the EU is shaped by the deregulation of national social protections at the national level (see also Schierup et al., 2006). Such analysis lends support to the contention that there is an increasingly informal political economy emerging in Europe (Slavnic, 2010), in which the employment of migrants, those emblematic members of an emerging precariat class (Standing, 2011), is fundamental.

Yet this informalisation of the economy and the degradation of social rights have not had the same starting point in all member states, and have not been evenly distributed across the Union. This unevenness means that not only can key metropolitan member states of the Union assert their interests in 'Europeanising' migration policies to the benefit of their political economy, as discussed above. It also means that the combination of agendas in welfare reform, economic reform and migration reflects neither the interests nor the capacities nor the underlying political economy of all member states (Caponio and Campomori, 2013; Maroukis, 2013). The relative weight of formal and informal economy varies widely by country and the sectors where there is most informalisation can result in major differences across all MS regarding

their interest in particular forms of EU migration regulation and their capacity to implement it (Slavnic, 2010; Maroukis and Triandafyllidou, 2012; Ruhs and Anderson, 2010: 202; Papadopoulos, 2011). Of course it also makes a difference to the experience of the migrants themselves and sometimes there are fewer distinctions between conditions of free movers and irregular migrants where the economy is more informalised. As such, Union-level regulation is not irrelevant, but it operates with different effects in different member states.

The ideal of welfare reform, which has underpinned Union policy agendas and national reform trajectories in social policy, employment policy, education and training for more than a decade is of the shift to a “social investment state” (van Kersbergen and Hemerijck, 2012; Hay and Wincott, 2012). This reform agenda is premised on a universalised model of economic development and welfare which sidelines major differences in the social forces, political economy and current welfare systems of MS. Yet these differences are significant in shaping the ways in which specific national and local labour markets in migrant labour develop. For example, the EU’s narrative on social investment presents welfare sustainability as a driver for welfare state reform and for EU migration policies. This dual role is explained by the need for migrants employed in expanding welfare sectors such as health and care, as well as by the need for increases in the employed population to meet pension commitments. However, this narrative disguises the highly gendered and profoundly inequitable engagement of migrants in sustaining welfare systems in different countries. The recruitment of doctors and specialists from Poland to Germany and Sweden should not prevent us from seeing the very significant consequences for Polish health services, just because such recruitment is part of a lauded ‘European labour market’ in mobile labour. Meanwhile, the unequal levels and terms of informal and quasi-formal employment of women in care work in different member states also have consequences for intra-EU and non-EU migrants, their rights and life trajectories (Williams, 2012). As such, the diversity of political economies and institutions of welfare provision among EU member states is central to the evaluation of the inequitable effects of EU migration governance.

Contextualising EU migration governance: Implications for member states, migrants and the role of Union policies

In the previous two sections, I have sketched out some empirical terrain, which can be simplified as follows. I hold both these statements to be true:

a) The European Union’s migration and free movement policies play a significant role in organising populations within and beyond its borders. In doing so, it regulates some of the political, social and economic relationships of these populations.

b) Member states of the European Union use their sovereignty to shape EU regulations and diverge in their national politics and economics of migration, in ways which confound but do not outweigh EU policies.⁴

It is the co-existence and iterative interaction of these policies and political dynamics across member state and Union-level policymaking which constitutes EU migration governance (on how this affects rights regulation, see also Carmel, 2013; Carmel and Paul, 2013). This section now goes on to contextualise this governance in practice, in order to assess its implications for diversity and inequality among MS in the Union.

Accession, free movement and migration

For many of the acceding countries, there have been two particular vulnerabilities: the economic inequality vis-à-vis the EU15 and being on the border. The process of accession fundamentally shifted both the political geography and the political economy of the EU8 – and indeed of the Union as a whole. In terms of political geography, some MS were required to abandon long-standing visa and labour migration agreements with neighbouring countries outside the EU, while not gaining access to the labour markets of the EU15 on equitable terms (Lavenex and Uçarer, 2004). At the same time, they became entry points for irregular migration, transit and residence, thus requiring more, and depending on, EU support in border control and facing the social and political complications that arise from irregular migration, informal employment and poor public service and social welfare capacity.

Lendvai (2008) argues that the terms of accession were fundamentally problematic – and indeed impossible to fulfil – requiring as they did a ‘quantum leap’ to a post-Fordist political economy while barely recovering from the industrial collapse of the previous decade. As EU8 (and now EU2) countries have been inserted into Europe’s political economy on unequal terms, the regulation of this political economy has functioned to exacerbate such inequalities rather than ameliorate them. This has implications for social rights as it does for economic growth in these MS. Likić-Brborić (2011) argues that the citizenship regime of the EU is marked by asymmetries, where low levels of social and economic rights at national level is combined with securitisation of migration at the EU level, resulting in a fundamental degradation of social citizenship.

There is increasing evidence in support of this view, particularly in relation to recently acceded countries. Kureková (2011: 144), explaining the terms of migration since 2004, notes that both the poverty of the social security system (especially inadequate benefits) and high unemployment correlate strongly

⁴ There is a third vital dimension to the EU’s migration governance, namely the ways the EU policies shape the political economy and structural positioning of its neighbours, countries of origin and transit (see, e.g. Kunz et al., 2012). Although not addressed here, in a more wide-ranging analysis of the inequitable effects of Union governance, this external governance (Lavenex, 2006) would be central.

with emigration of the medium-skilled mid-working age population, often with family responsibilities. Meanwhile, we also witness the emigration of increasingly highly qualified younger migrants. These are the very graduates of policies, strongly promoted and favoured by the EU for EU12, to invest in tertiary education for the shift to a 'social investment state' and the development of 'knowledge-based economy'. Such young people do not have access to job opportunities which match this education, given the political economy in some countries of origin and they choose to migrate to improve their opportunities (Ibid.: 151). Such migrants move in search of new skills (especially language) and wider personal experience (Krings et al., 2013). Yet they are frequently employed in jobs far below their skill level in the country of migration, and there are often marked differences in their labour market trajectories, even within a single country (Ciupius, 2011): It is estimated that in formal employment, nearly one third of EU12 migrants are employed below their qualification level, with EU2 migrants having been especially affected by the recession, which has further weakened the link between their employment status and their skill levels.

Furthermore, not only did the citizens of the states that acceded in 2004 and 2007 face highly differentiated and selective policies among their EU-15 peers, but these policies have had significant effects on population, migration and economic growth prospects. Projections of population gain and loss are very striking and have potentially significant implications for the economic growth and development of countries on the periphery of Europe – squeezed as they are between global periphery and core Eurozone countries (Kanef and Pine, 2010). In particular, the combination of declining fertility and migration means that the decline in the age group 15–34 in the EU15 might be 14%, but in the EU10 and EU2 it could be as much as a 29% drop between 2012 and 2025 (Commission of the European Communities, 2012: 263). Romania has seen 11% of its working age population migrate in recent years, while the figure for Latvia, Lithuania and Bulgaria is 5% (Ibid.: 253). This is of course a potentially massive loss of younger population, with clear consequences for the sustainability of both welfare states and social systems more generally. It also compounds difficulties for EU10 and EU2 countries in joining the ranks of those countries promoting economic growth through research-intensive, high-skill, technological and innovation-led growth, as presumed and endorsed in Union policies.

EU migration governance and the Union's uneven political economy

On accession, transition arrangements were put in place to regulate the movement of citizens from EU10 and EU2 countries to the EU15 (for up to seven years). Nonetheless, it was possible for EU8 citizens to use the regulation of posted workers and/or the freedom to provide services (*de jure* or actual self-employment) to migrate. It is perhaps not accidental that the important legal cases on posted workers of recent years concerned the employ-

ment of workers from the EU8 (Cremers, 2013). In these cases, the European Court of Justice ruled that workers posted from a country where wages are lower than in the country of posting could be paid those wages in the absence of a statutory minimum wage, even where collective agreements were in place. Woolfson (2007) and Woolfson and Sommers (2006) have noted that in the EU8 (and now also the EU2), where wages are low and working conditions are poor, these rulings set in train a competition for a lowering of wage standards under the radar of the protections which would otherwise be provided by free movement regulation (see also Cremers, 2011). As a result, we find a clear entrenchment of inequalities for some categories of migrant workers. This finding is consistent with that of Papadopoulos and Roumpakis (2013), who regard the ECJ's rulings on posted workers as evidence of the re-regulation of economic relations at the EU level, with concomitant implications for the production and hardening of inequalities among mobile EU labour.

Data suggest that even in regular employment, migrants from EU10 and EU2 states are strongly over-represented (compared to other EU nationals) among those employed on short-term contracts in all major countries of destination (up to 30% in Germany and 25% in Austria), as well as among those in part-time employment (Commission of the European Communities, 2012: 273). Considering the over-qualification of EU10 and EU2 migrants for many jobs, as against the desire to migrate to enhance income and skills, this evidence suggests that the strategy of using mobile (skilled) labour as a means to generate high-value economic growth simply cannot come to fruition in a context of de-regulated labour markets. Indeed, the consequences of such a policy combination are more likely an affirmation of differences in both national economic trajectories between metropolitan countries of destination and the countries of origin, and in individual welfare.

Nor is it simply in relation to 'free movement' that we can identify these political and economic hierarchies. For third-country nationals, policies of 'circular migration' are increasingly proposed as the key solution to managing the tensions between security and utility, between market openness and state closure, especially in relation to the European South and its neighbours (Hansen and Jonsson, 2011). These nascent policies of circularity and mobility still leave unacknowledged the role of the informal economy in shaping individual migrants' existing *de facto* strategies of circulation. And these strategies belie the apparently benign effects of circularity as promoted in the Union.

For TCNs, circulation strategies are frequently intended to circumvent otherwise restrictive institutional regulation of their residence and employment (Devitt, 2013; Maroukis and Gemi, 2013). Indeed, these authors note that, in the light of the current economic crisis, third-country migrants (regular and irregular, especially those in lower-skill employment) 'circulate' in order to supplement income in times of unemployment. This is especially the case when they reside in countries which provide minimal or no social benefits to those working in 'non-standard' employment. In such systems, citizens have historically used family income, economic and social capital to sustain

their welfare – a resource not available to migrants (Papadopoulos and Roumpakis, 2012; Triandafyllidou, 2013). Analysis of such circulation strategies reveals that they can be insecure or risky for all but the most ‘integrated’ migrants, and even for EU migrants, for whom circularity and onward mobility are relatively straightforward, such movement can be a resource in cases of need, rather than a source of economic or social gain.

Here we see the uneven political economy of Europe in motion, where less developed welfare systems in poorer economies function in ways which constrain the livelihoods of their migrant residents, and result in survivalist, rather than developmental, strategies of circulation. Seen in this light, we can see EU circulation policies as a means to locate third-country nationals – even those in formal employment – in a highly restrictive and rights-limiting form of temporary labour, what Cassarino (2013) calls a “securitized temporariness”.

Crisis and the periphery, or: Entrenching iniquitous outcomes

Despite the value of remittances to the EU8 countries of origin, Holland et al. (2011) argue that any such remittances have in no way compensated for lost productive capacity in those countries. Their (simulated) results for the impacts of the now EU8 and EU2 migrants on the output of countries of destination are generally rather small (the former significant in the UK, Ireland, Denmark and Sweden, and the latter in Italy and Spain). Even from an EU-level perspective, none of the output gains in countries of destination could compensate for the losses in sending countries. Nor do these countries exhibit ‘replacement’ inward migration of volumes and skill levels to compensate for these losses (OECD, 2012). Moreover, the estimated impacts on sending countries are highly variable: generally around 3% of GDP, but in several cases very high indeed, at 6% in Lithuania, 5% in Bulgaria, even 10% in Romania (Holland et al., 2011: 79). This evidence suggests that the high levels of emigration of the working age population meant that access did not assist economic catch-up (although it may have prevented even more substantial gaps in economic growth from developing). However, these authors also point out that there were three countries which did not experience substantial emigration – Slovenia, the Czech Republic and Hungary – which points again not only to the diversity but also to the inequality of experience – and loss – faced by some member states and their capacity to respond to this (see also Kureková, 2011: 161).

The sovereign debt and Eurozone crises have made these inequalities visible in a way not witnessed in the last few years. The apparently commonsensical assumption that we would see high levels of returning migrants – and free movers – in response to the crisis has proved to be false (Castles, 2011; Commission of the European Communities, 2012: 255), perhaps particularly underestimating the degree of settlement of EU and TCN migrants. There has been emigration of nationals – especially from higher-skill and better re-

sourced social groups - from those periphery countries undergoing radical austerity, either as part of the Eurozone and ESM (Portugal, Spain, Greece, Ireland) or as part of the more general debt crisis (especially in Central and Eastern European MS; e.g., Latvia's GDP dropped by 17.9% in 2009 (Holland et al., 2011: 100). Yet this emigration exposes inequalities even further. At a time when national minimum wages are falling below subsistence levels and the already limited and patchy existing social safety nets are being withdrawn, current migrants working informally in these countries are extremely vulnerable, and, unlike the citizens of these countries they are not entitled to legitimately move to a second member state to escape.

This EU migration governance – which keeps the poorest labourers and families in their place – is intersected by the structure of the economic crisis and its highly unequal effects across the Union. In addition, there is an analogous and even more forceful effect of the Eurozone governance now being put into place on the Southern and Western peripheral economies of Europe, which is compounding, rather than relieving, the unequal first-order effects of the crisis. This is because it is being structured to protect those MS with the power to resist adjustments to their national political economy (see analysis by Streeck, 2012). Thus, we see in the management of the crisis, with cuts in social budgets, a further reinforcement and intensification of the differentials of power and interest produced by EU governan compounding effects for migrants and migration policy.

Conclusion

The article set out to integrate two aspects of migration policymaking in the EU: increased Union involvement which has or is likely to have real effects, and the persistent and dramatic differences among member states.

This article has argued that we can see very marked inequalities among member states, both in terms of vulnerability to pressures for neoliberal deregulation and in terms of relative position in the overall political economy of the EU. This is reflected in the patterns and experiences of migration and the ways in which it is regulated in practice. Crowley (2001: 32), discussing free movement, writes that “the attempt to combine freedom for some and restrictions for others” is “fundamentally unstable”. Managing, organising and containing this instability has perhaps been a key in the drive to develop a unified European population politics. But its effects have been rather trench this instability and to disguise and reinforce the inequalities among member states, citizens and migrants on which it rests.

This argument has implications for our interpretation of the changing regulation of migration, member state autonomy in financial and economic regulation and labour markets. I have argued here that the nexus between national and EU fields is key to understanding EU migration governance. Applied to migration, then, this governance can be interpreted as being *jointly produced* by member states and the EU, as having fundamentally unequal effects across its

member states, migrants and citizens, and as paradoxically sustaining the Union as an apparently coherent socio-political formation. However, in order to maintain this formation over time, the European Union must also be able to structure and contain the inequalities it produces. It is this imperative which will shape the current and future policy terrain.

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