New immigration tendencies in Europe

Delia MAGHERESCU, Ph.D
Lawyer, Gorj Bar
delia_magherescu@yahoo.com

Abstract: The European legal scene and its actors pass currently a new and difficult period, featured by several changes both in social and political field. From a legal point of view, within the EU area, the recent climbing over the conventions adopted by the EU institutions as well as other related documents have produced such consequences as they can be seen without difficulties. The scourge of massive immigrants’ movement from the Mid Asia to the EU area is a serious danger for the Western societies as well as a threat, which imposes a particular attention in order for the EU authorities to control the current situation arisen on this topic. The paper aims to provide some ideas and propose appropriate solutions for removing drawbacks created by the rush of immigrants, once they arrived in the EU countries. It also focuses on analyzing measures the EU authorities have to adopt in order to solve the real situation stated within the EU area.

Keywords: illegal immigration; irregular migration; legal measures; EU strategy.

Introduction

Since its constitution, the European Union has approached both a home policy, within the member states, and a foreign one, regarding the third countries, based on the principles of respecting fundamental human rights, on the idea of international cooperation in several areas of interests, in particular in judicial matters, on the states’ right to self-determination as well as on their sovereignty and liberty.

The cooperation with non-member states of the European Union and other states all over the world is the first priority of the Brussels authorities, which has been expressed as much as necessary to confirm those principles stated above. In this way, certain structures specialized on strengthening cooperation ability with non-member states in close area of the European Union were created, but more particular with traditional partners, initiating the idea of stability and partnership at the international level.

Certainly, the European Union approach was going to orientate over the issues regarding the security policy in region, the security of its external borders as well as establishing a climate of justice, liberty and security for the European citizens.

Not in the last time, fighting against serious crimes of organized crime and terrorism, opened the way of adopting a firm legal framework, based on an ample vision of combating terrorism and transnational crime. Within this framework, several European institutions have showed concerns in intensification fight against this kind of criminality.

The Council of European Union adopted Decision on transnational cooperation having applicability more particular in the area of combating terrorism and transnational crime too, [Council Decision, 2002] which has been based on the EU Council Decision on establishing specific program of prevention and fight against criminality during the period of 2007 – 2013, as part of the general program on security and guaranteeing European Union citizens’ freedoms.

At the same time, the EU Council Conclusions were various on simplifying the procedure on the undercover officers activity, adopted at the international level in purpose to intensifying cooperation between the member states in their joint fight against transnational crimes. [EU Council Conclusions, 2007]

The Europol is also a European institution having attributions on the fight against serious crimes committed transnational. The annual monitoring of this kind of offences produced maintaining under control the criminal phenomenon, even this fight was considerable increased through creation of some new specialized institutions, which must be efficient in realizing examinations in cases having as object serious crimes. In this matter, specialized services have permanently determined the Europol to identify criminal groups within the member states of the European Union, which develop criminal activity in this area.

Having regards upon the cooperation between these institutions and other similar services on borders, such as other law enforcement agencies of the member states of European Union, it was emphasized the actions established in the purpose of destroying criminal groups involved in illegal goods smuggling as well as in any kind of traffic including trafficking in human beings. The last one is a proof of the most
prosperous criminal activity, committed during the crisis period of the Asian immigrants on the European Union territory, which was unleashed since the end of the previous year till present and which is more prosperous than the firearms traffic itself. [Europol Annual Report, 2008]

1. The immigration flow within the European Union

The recent massive social movement occurred all over the Europe, succeeded on the dramatic background of situation from some countries at the Mid East region, have created disorders on entire European continent. The causes of this scourge are well-known by the Brussels authorities, which, in the last period of time, were incapable in front of the massive flow of immigrants came in the precise purpose of accommodating in the member states of the Western Europe.

Even the Dublin Convention regulates express procedure regarding the legal situation of refugees, people who arrive from the war areas, certain member states, such as Germany, denounced its provisions from the beginning of 2015. This fact occurs in a loss control situation.

However, the member states of transit, positioned geographical at the entrance route of immigrants to the European area until their arrival in the destination countries, such as Germany, Holland, the United Kingdom, Sweden, spent a worse situation. It is about Greece, Hungary, Croatia, Slovenia.

Thus, the special situation arose on the background of the immigration crisis in certain non-member states, due to their geographical position in close area of the European Union. It is about Macedonia and Serbia. Their situation was more complicated as much time as they did not join the European Union and were compelled to support huge expenses from the intern budget in order to maintain the immigrants on their territory during the immigrants’ relocation at the frontiers with the neighbor countries, such as Hungary, Slovenia and Croatia.

1.1. Immigration tendencies: determination and aim

Approaching the issue of massive immigration of population from the Mid East to the West of the European continent, not only the effect of situation must be taken into consideration, but researching and understanding fully the causes of scourge which determined a new unprecedented state, is more important.

It was considered, the created situation is firstly due to the war, which features some countries, such as Syria, Iraq, Afghanistan, that are confronted at the moment with intense terrorist attacks, organized and supported by groups which are better organized more financed co-opting more and more members all over the world.

It is well-known that this kind of attacks in Europe has been produced and, even they were sporadically, nevertheless the dangerous and uncertainty state makes societies from the West of continent to feel the danger over the citizens’ life and their goods.

In fact, a relocation of social values and ideas of safety vs. uncertainty, stability vs. instability, respecting human rights vs. non-observance of human rights have been occurred. From this point of view, a question can be asked: do states from the West of Europe become weak in face of the dangers, came from criminal groups, in particular to the terrorist ones, which lie in wait for penetrating at the doors of Europe? It is a question to which many criminologists are awaiting for answers, even before releasing immigration invasion in Europe since the end of previous year. This threat was already predictable since the beginning of 2010, but it was completed of the passivity of Europe, which was also supplied by other key-events occurred in the area, such as financial crisis in Greece, armed attacks over Ukraine as well as Crimea’s annexation to Russian Federation. All these maximum strain state occurred in the first semester of 2014 make Syrian immigrants flows to increase numerically appreciably till the present when they come to hundred thousands of such people registered in the zonal reception centers in Hungary and Croatia.

1.2. Dangers and threats

The social and political changes occurred at the international level in particular over the Mid East and European areas have been based on the military, economic and political reasons. It is emphasized that a world division into the influence spheres is impend and also an international setting geo-political situation again, which occurs till believing that this is, in fact, the end of the European Union and of the civilized Europe.

The dynamics of immigration phenomenon must be related not only to the causes they produced it, but also to the threats which have produced it as well as to the dangers, which will be felt for a long time in
the future. This is because, despite of the large number of immigrants who would like to require asylum from the European authorities, the dangers will not be ceased and the feeling of threat will last and will intensify over the European citizens, who are usually helpless in front of these dangers. In spite of the numerous institutions and mechanisms created by the European authorities for them, they will be affected and unprotected by these institutions themselves.

At the same time, the immigration invasion creates the premise of a vulnerable Western society and the terrorist groups are looking for exploitation the society organization deficiencies and for identification its weakness in order to attack it.

2. Legal framework in the matter of combating serious crimes

The European Union provided, above of any reasons, the protection of its citizens against the serious forms of criminality, such as of the organized crime and terrorism. In this way, a legal framework favorable to combating and preventing any event which induces the citizens’ uncertainty state was elaborated. However, on the background of unprecedented development of the criminality, the European authorities have strengthened the defense capacity and imposed new rules the member states have to implement in their home legislation. [Nelu Niță, pp. 101-105]

It was stated that, organized crime has an advantage in the current context of the intense vulnerability which occurs in the Balkan Peninsula [EU Council Conclusions, p. 10].

2.1. Fighting terrorism

Setting up the Europol [Europol Convention of 1995], the priorities focused on the serious forms of criminality were established. The involvement of this forum in fighting terrorism was highlighted even since the very beginning and consists in identification by the law enforcement of the member states of the Islamic terrorist networks linked with other forms of terrorism, in order to eradicate the phenomenon as much as possible.

Doctrine spoke about a natural reaction of the Western European states, which occurred on the background of the fight against terrorism. [Jean Servier, 2002, pp. 40-84] It is also related to the urban terrorism as the most ferocious form of manifestation of this phenomenon and the most feared one for the majority of European states. It seems to be extended very quickly being, at the same time, exercised by members more and more titrated, making the difference between the past “student agitation” which occurred in the mid of the past century. The criminologist Jean Servier pointed out that “the tensions in the Mid East have as the main cause the existence of the state Israel and the presence of religious minorities. However, the current terrorist organizations could demand their direct affiliation of the secrete societies, which, on the same lands, struck the reigning princes and produced the forming of a new word: «assassin». [Jean Servier, 2002, pp. 40-84] It is considered the terrorist attacks of the Mid East will constitute premises and instigation for a world war [Jean Servier, 2002, pp. 40-84].

2.2. Security of borders, a desideratum more difficult to achieve

Since the Stockholm Program [Jose Manuel Barroso, 2009], the issue of strengthening security of the external borders of European Union occurred within a determined legal framework. Doctrine stated that this issue is both possible and efficient for “increasing bilateral cooperation, in particular with neighbor countries in order to support the operative missions” [Nelu Niță, 2013, p. 105]. At the same time, it was pointed out that “the new agenda for the next five years of the European Union in the area of freedom, security and justice, called “Stockholm Program”, refers to the transformation of Europe in a more secure space, guaranteeing also the united Europe citizens rights” [Nelu Niță, 2013, pp. 90-92].

Thus, this nice theoretical “esplanade” was going to prove to be more and more difficult to practice. This is because of many points of view, one of them being related to the highlighted issue of the current paper, the immigration tendencies within the European Union, which, at the moment, seems to be escalated and arrived at an unprecedented level.

Another issue, which arose some questions, is that referring to the competence of borders services of the member states to organize the relocation of immigrants from the origin countries to which some countries, such Serbia, Macedonia, Bosnia are currently implementing the readmission agreement. On the other hand, in Albania the immigrants’ expulsion is in the competence of the Foreign Office, which functions
outside of the borders guard service [Report of the Frontex and Europol experts, 2008, p. 10]. In this matter, it was appreciated that, only two services function in practice, those with Hungary and Croatia.

On behalf of the European Union, the Commission is going to sign the readmission agreements with Western Balkan countries, which will exceed the individual agreements the member states have with other countries.

3. Dublin Regulation and the necessity of its imposing

The European authorities have, in these circumstances, the most serious duty of finding solutions to satisfy imposed requirements stated by delaying Dublin Regulation, on the one hand, and to implement real solutions regarding the immigrants’ accommodation and integration in the Western European countries, on the other hand. This is because, regarding the member states a serious issue is arisen, that referring to the social, ethnic and cultural integration of immigrants, ones they will be relocated in other member states, in accordance with the agreement signed within the European Union Council on Justice and Home Affairs, which held at Brussels on 14 September 2015.

In this context, the issue of development of a new concept, a European one, of “unity through diversity”, which exceeds that one established at the moment of creation the European Union, that regards to the European Union member states. Thus, the problem of balance the idea of respecting human rights and immigrants ones, risen from treaties and conventions signed by the European Union with other third countries, within the external policy it promotes, is taken into consideration at the moment, more than ever.

Thus, a period of 15 years was passed from the adoption of the Dublin Convention and several deficiencies in applying its rules arise just now in the matter of fact. This real system of principles devoted in the area of refugees and the procedure of asylum seems to be rather a formal one and, in a dainty situation, as the issue of immigrants is, the European Union passes, various deficiencies of the Regulation itself arise [Dublin II Regulation, 2010].

For this reason, it was appreciated by specialists that, until other decisions, which have to influence the future of entire Europe and its citizens, the legal framework in this matter has to be taken into consideration as well as it must be respected.

Conclusions

All things considered, from a political point of view in the current context, the immigration tendencies in Europe create a situation based on a huge uncertainty, which, beyond de facto realities, tends to produce consequences more and more diverse for the European legal order. As it was pointed out in the previous section, the suspension of the Dublin Regulation is a proof of the fact that, in this armed situation, certain Western European countries tend to “beat a retreat” and, finally to find appropriate to disregard other conventions.

Even under procedural aspect, non-member states in close area of the European Union have shown that maintaining a climate of legal order and peace in region is required more than ever and the authorities are ready to cooperate with the European ones in order to find appropriate solutions, which cannot run counter to legal provisions already adopted.

Certain states from the Southeast Europe, including Romania, have reported in 2008 cases of illegal immigrants who penetrated external EU borders and, in some cases, they succeed in arriving in the Western European countries, as destination ones. This aspect has been provided in the joint Report of meeting Frontex and Europol experts on the routes of high risk level of illegal immigration in the Western Balkan countries within the Frontex Risk Analysis Network [2008, pp. 6-11].

These aspects are also in relation with the fact that the implication in cases of organized crime in countries from the Western Europe, including immigrants ones, have generated facilitating and developing phenomenon of immigration in this region. Its specificity is related to the fact that some countries, such as Romania, Bulgaria, Serbia, Croatia, Muntenegru, Hungary are of transit countries, but not of destination ones.

On these routes, the most immigrants succeed in penetrating borders of the Schengen area countries and arrive in other countries, such as Germany, France, The United Kingdom, Sweden, Norway, Finland.

From these reasons, I am considering full legislation adopted at the European level by the Brussels authorities are as main purpose protecting European citizens from the criminal activities, which threat, at the moment, the Western European countries. Nevertheless, adoption of this legislation is necessary, but not
sufficient, in order to consider that, beyond implementing of these into the member states, their application is out of the efficiency the law enforcement has wished to provide with.

References

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