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## **INSTITUTIONALIZATION OF THE COMMON MIGRATION POLICY IN THE EUROPEAN UNION COUNTRIES**

*In today's globalized world, migration processes are associated not only with new opportunities but also with a variety of threats and challenges that need to be addressed immediately. In particular, the free movement of citizens, in line with one of the basic principles of European integration, has triggered unpredictable international migration flows. It resulted in increasing migratory pressure on developed countries, significantly limiting the ability of national governments to fully control unorganized migration to their countries. This exacerbates international and social problems in European countries. These factors update the study of the institutionalization process of the common migration policy in the European Union. The article analyzes the institutionalization of the common migration policy in the European Union. In particular, it is noted that various international organizations are involved in the regulation of migration processes at the supranational level, namely the United Nations, the International Labor Organization, the International Organization for Migration and others paid special attention to the issues of institutionalization of migration policy. Adopted international legal standards and agreements in the field of migration are institutionalized in the governmental structure of the member states that have joined the relevant international organizations. It resulted in increasing migratory pressure on developed countries, significantly limiting the ability of national governments to fully control unorganized migration to their countries. This exacerbates international and social problems in European countries. These factors update the study of the institutionalization process of the common migration policy in the European Union. During the formation of the common migration policy, the attention of European countries is focused on such key tasks as providing a pan-European labor market, reducing imbalances in the labor markets of EU member states, geographical mobility of students and employees, and creating conditions for their better adaptation to labor market changes in EU countries. The Employment Promotion Package developed by the European Commission provides for the removal of legal and practical obstacles to the free movement of workers in the EU; increasing the compliance of vacancies with the applicants who are looking for a job in other countries; taking into account the potential consequences of labor migration of third-country nationals to the EU. In general, the process of institutionalization of the common migration policy in the European Union is aimed at reducing the number of illegal migrants, border management, developing common legal standards on refugee asylum and legal migration, including integration and development in the countries of origin.*

**Key words:** *institutionalization, institutional environment, migration, migration policy, European Union countries.*

**The problem statement.** In today's globalized world, migration processes are associated not only with new opportunities but also with a variety of threats and challenges that need to be addressed immediately. In particular, the free movement of citizens, in line with one of the basic principles of European integration, has triggered unpredictable

international migration flows. It resulted in increasing migratory pressure on developed countries, significantly limiting the ability of national governments to fully control unorganized migration to their countries. This exacerbates international and social problems in European countries. These factors update the study of the institutionalization

process of the common migration policy in the European Union.

**Analysis of recent research and publications.** The main aspects of migration processes were covered in the research of such Ukrainian scholars as A. Haidutskyi, Yu. Humeniuk, V. Ivashchenko, V. Kovalenko, V. Kryvenko, K. Kravchuk, E. Libanova, O. Malynovska, O. Piskun and M. Cherniak. We also should note the works of such foreign scientists as R. Adams, M. Weiner, S. Collinson, S. Spencer and E. Taylor. American scholars D. Martin, R. Boswell, D. Veisbrodt and others paid special attention to the issues of institutionalization of migration policy.

**The aim of the research** is to reveal the specific features of institutionalization of the migration policy in the European Union countries.

**Presentation of the main research material.** In the late twentieth and early twenty-first centuries, migration became one of the most important factors in international life, determining the economic, cultural, social, political and other spheres of society. They are regulated by various international organizations such as the United Nations, the International Labor Organization, the International Organization for Migration and others. These organizations form international migration policy, adopt relevant documents and international standards, which contain conceptual principles for both regulating international migration processes and main directions and mechanisms for implementing international migration policy. Adopted international legal standards and agreements in the field of migration are subsequently institutionalized in the governmental structure of the member states that have joined the relevant international organizations. The institutional development of the international migration sphere is dictated by qualitative changes of social, economic and migration situation which have taken place in the globalized world. The widening gap in economic growth between Western and transition economies, as well as the growing imbalance between demographic development and the labor market situation, coincided with changes in global political and economic systems. In particu-

lar, the collapse of the Soviet Union caused a redistribution of the political map and the entire political system in Eastern Europe. It led to qualitative changes in social, political, cultural, economic and other relations that took place in the world as a result of these transformations. As it is noted in the paper "Consequences of Migration Processes: New Challenges and Opportunities for Regions", modern Europe is experiencing a demographic crisis, which entails risks in terms of maintaining the competitiveness of national economies. "European governments are considering the possible involvement of foreign specialists against the background of a shortage of highly qualified personnel. This means that developed European countries act as recipient countries to which global labor migration flows are directed. This factor greatly influences the formation of the overall strategy of migration policy in the countries of the European Union, leading to the development of a common approach to the regulation of the European labor market.

The regulation of the common European labor market, that Ukraine is going to integrate into, is not rigid. Each country implements its own employment programs, they are coordinated at the EU level and developed according to the pan-European employment strategy. Individual countries that are not making sufficient progress in implementing the strategy are provided with assistance; minimum labor rights and guarantees for employees are determined. Europeans' attention is focused on such key tasks as providing a pan-European labor market with a workforce and reducing imbalances in the labor markets of EU member states. The EU Strategy for Socio-Economic Development "Europe – 2020" [1] focuses on the geographical mobility of students and employees and creating conditions for their better adaptation to labor markets changes in the EU. The Employment Promotion Package developed by the European Commission in 2012, [2] provides for the removal of legal and practical obstacles to the free movement of workers in the EU; increasing the compliance of vacancies with the applicants who are looking for a job in other countries; taking into account the potential consequences of labor migration of third-country nationals

to the EU. The expansion of opportunities for legal migration of citizens by simplifying the immigration procedures for highly qualified professionals, entrepreneurs, students, seasonal workers and family members is an effective measure to fight against unregulated migration. Such migration policy instruments as increasing temporary employment programs for foreign workers and procedures for legalizing migrants prove to be effective. A selective approach is mainly used to regulate immigration in most EU countries. There are flexible immigration schemes for such categories as highly qualified personnel, specialists for whom there is a labor shortage, other main highly qualified specialists, individual entrepreneurs, graduates of higher education institutions from non-EU countries. There have been created programs to attract highly qualified migrants according to the multi-level score systems EU Blue Card, Rot-Weiß-Rot-Karte (RWR-Card). The lack of qualified staff is prompting EU member states to pass new laws in order to facilitate immigration, as exemplified by Germany. The rapid development of the German economy was one of the reasons for the adoption by the Bundestag in June 2019 of a law that greatly facilitates the procedure of immigration to Germany for skilled workers from non-EU countries. The law, which entered into force on March 1, 2020, provides for a simplified employment procedure for such categories of employees as qualified personnel with vocational education and qualified personnel with academic education. Under the new law, immigrants from outside the EU will have equal rights with candidates from Germany and other EU countries, who previously had the priority of employment in Germany. All employees have easier access to vocational education in Germany, there are opportunities for family reunification, and obtaining a permanent residence permit [4]. In general, in response to the needs of the economy in the labor force, the migration policy of the recipient countries is aimed at the targeted selective and gradual acceptance of certain categories of foreign migrant workers according to professional qualifications, social status, age and other criteria. The main instruments and measures of state policy used by

donor countries in the field of external labor migration are the provision of consultation, information and legal services, social insurance, the establishment of support centres abroad, re-emigration assistance programs, strengthening relationship with diasporas and communities of compatriots abroad as well as promoting the attraction of migratory capital. European Union countries develop a coherent migration policy based on the main provisions of the UN Geneva Convention relating to the Status of Refugees, the provisions of the CSCE Final Act on Freedom of Movement of 1951 and 1975, and the basic documents on the establishment and functioning of the European Union. This policy, firstly, aims to ensure the freedom of movement of the European Union citizens, and secondly, ensures common rules and principles for foreign nationals to enter and stay in the EU, providing them with asylum and refugee status, and so on. The EU's common migration policy is based on the freedom of movement of citizens, which is in line with one of the basic principles of European integration. The legal basis of the integrative process is enshrined in the Treaty on European Union (Article 3) which provides an "area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime." [4]. International cooperation between EU member states on migration has been intensified since the mid-1980s. European migration policy was shaped by European agreements and conventions, including the Schengen agreements of 1985 and 1990, the Dublin Convention of 1990, the Maastricht Treaty of 1992, the Treaty of Amsterdam in 1997, the Treaty of Lisbon in 2009, and others. [5]. The Treaty on European Union or the Maastricht Treaty, signed in 1992, became fundamental in regulating the migration processes of member states. In 1997, the Amsterdam Treaty was signed, which had a separate section on freedom of movement, asylum and immigration. This agreement was a turning point on the way to harmonize the policies of European countries in the field of migration, as well as one

of the first agreements on the formation of a common EU migration policy. In particular, the agreement provided for:

- defining the criteria and mechanisms for considering asylum applications submitted by a third-country national to a Member State;
- standards for the reception of asylum seekers in the Member States; minimum standards for the provision of temporary protection to displaced persons from third countries who are unable to return to their country of origin and to persons in need of international protection;
- measures defining the rights and conditions under which third-country nationals who are legal residents of Member States may reside in the other Member States, as well as measures on immigration policy in the field of illegal immigration.

The second stage of strengthening cooperation between EU member states in the field of migration was marked by the creation of a single European asylum system and the adoption of The Hague Program. According to the European Commission, the adoption of this program has led to significant progress in the development of a common asylum and migration policy. The program ensured the creation of a single mechanism for the implementation of migration policy by EU countries. The program provided for:

- development of a common European asylum system;
- ensuring legal migration and tackling illegal employment;
- integration of third-country nationals;
- external dimension of asylum and migration policy;
- management of migration flows [6].

In addition to the development of common legislation, the Hague Program was focused on deepening the solidarity of EU countries in addressing migration matters and provided for the operation of a number of mutual financial assistance programs. The Treaty on the Functioning of the European Union or the Treaty of Lisbon was signed in 2007 but it did not bring any radical changes to the EU's migration policy. However, the objectives set out therein are legally binding on the Member States. Therefore, the Lisbon Agenda was considered the final stage in the development of migration policy in the EU.

The Stockholm Program of 2009, adopted in the midst of the financial and economic crisis, demonstrated the reluctance of EU countries to push for migration issues and contained only a few new ideas. In general, the EU's efforts in the field of common migration policy during the crisis focused on maintaining the results already achieved and ensuring the functioning of the agreements reached, in particular the Schengen system [9]. Thus, the Stockholm Program was in force at the time when the Lisbon Treaty entered into force, which significantly changed the functioning of the EU. In particular, the Council of the European Union was empowered to define guidelines for legislation development and operational planning in the field of freedom, security, and justice as well as migration. In 2008, the European Commission analyzed the migration situation in Europe at the beginning of the XXI century and summed up the results of the first stage of EU migration policy [8]. The principles of the EU immigration policy were set out, which, at the same time, were the main activities in the field of migration. The necessary measures and means of their implementation were also outlined. The first principle is to create a clear and transparent system of rules and procedures to ensure legal immigration. This provides third-country nationals with the necessary information on legal entry and stay in the EU, guarantees their rights, which should be close to those enjoyed by EU citizens, and provides a flexible common visa policy, especially for temporary visits and travel for educational and professional purposes. The second principle assumes that economic immigration has to meet the needs of the EU labor market not only in terms of quantity but also in terms of quality, i.e. professionally qualified staff must promote economic growth. The integration of immigrants in the host countries is not less important. It is a two-way process involving both immigrants and the host society. The next principle of the EU's common immigration policy is solidarity, which implies mutual trust and a fair distribution of responsibilities between member states. The EU expects its partners to work together to prevent illegal migration. Instead, it offers cooperation in the field of

labor mobility, primarily on the basis of circularity, i.e. temporary but recurring travel. Particular attention is paid to countries that are potential EU members. In particular, the association agreements incorporate the issue of the social protection of migrants. There is the development of cooperation with neighboring countries as well as with countries that are the largest suppliers of migrants, especially African, Latin American countries, etc. The key directions in the context of migration aimed at ensuring the EU's internal security lay in integrated border protection and adequate visa policy. It includes the introduction of a single visa label, the establishment of visa centers that would issue visas for travelers to some or all EU countries. In order to simplify bureaucratic procedures in the immigration process, a directive was adopted in 2011 to introduce a single permit, which is valid for both employment and residence of third-country nationals in the EU. It also includes a common list of rights and freedoms they can enjoy [9]. This decision is aimed at improving the situation of migrants and their ability to adapt to the host countries. In the years 2015 and 2016, the EU faced an unprecedented influx of refugees and migrants. More than 1 million people have arrived in the European Union, most of them are fleeing war and terror in Syria and other countries. In this regard, EU countries are trying to address the root causes of the crisis, as well as significantly increase assistance to people in need of humanitarian assistance inside and outside the EU. Measures are being taken to resettle asylum seekers in Europe, and people from neighboring countries who are applying for asylum. But at the same time, the EU is increasing border security, combating the smuggling of migrants, and offering safe ways for people to enter the EU legally. Most countries of the European Community mainly use a selective approach in regulating immigration. Elimination of unwanted immigrants is based on qualification, education, age, quota, direct and indirect entry bans, and temporary or other restrictions. As for re-emigration, it is stimulated and carried out through the payment of material compensation to outgoing migrants, vocational training of immigrants, creation

of job openings, and the provision of economic assistance to countries of mass emigration. In general, EU immigration, despite some differences and nationalities, is characterized by measures to encourage high-skilled migrants to enter. Low-skilled labor is restricted to enter. The EU also combats illegal migration and promotes re-emigration. The national and historical peculiarity of the countries acquires great importance in developing the main directions of migration activities. The geography of migration has undergone significant changes. Earlier the main flow of foreigners used to go from South to North (from Africa and Asia). In recent years, intra-European migration has dominated in the East-West direction (from the CIS and Eastern Europe). Enhanced migration flows on the European continent have led to an increase in the hidden labor opportunities of human capital importing countries. Thus, the European Union has become a powerful center that attracts migration flows. EU immigration policy is based mainly on stimulus and differentiated measures. The institutionalization of these measures is a rather serious political, economic, and legal problem. Typically, international migration occurs when there is a large contrast between the levels of economic development and the rate of natural population growth in donor and recipient labor countries. The migration situation in Europe dictates the need to make appropriate decisions in several obvious directions. First and foremost, it is a regulation of intra-European movements of EU citizens, as well as the immigration of economic migrants from third countries, along with the prevention of illegal migration and the provision of assistance to refugees.

**Conclusions.** Having studied the specific features of the institutionalization of migration processes in the European Union, we can conclude that its main directions include: reducing the number of illegal migrants; border management; development of common legal standards on asylum and legal migration, including integration and development in countries of origin. In particular, international legal standards and treaties in the field of migration adopted at the supranational level are institutionalized in the governmen-

tal structure of the member states that have joined the relevant international organizations. During the formation of the common migration policy, the attention of European countries is focused on such key tasks as providing a pan-European labor market, reducing imbalances in the labor markets of EU member states, geographical mobility of students and employees, and creating conditions for their better adaptation to labor market changes in EU countries.

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### Пімахова Д. В. Інституціоналізація спільної міграційної політики у країнах Європейського Союзу

У сучасному глобалізованому світі міграційні процеси пов'язані не тільки з новими можливостями, а й з різноманітними загрозами та викликами, які необхідно негайно вирішити. Зокрема, вільне пересування громадян відповідно до одного з основних принципів європейської інтеграції спровокувало непередбачувані міжнародні міграційні потоки. Це призвело до посилення міграційного тиску на розвинені країни, що значно обмежило можливості національних урядів повністю контролювати неорганізовану міграцію до своїх країн. Це загострює міжнародні та соціальні проблеми у європейських країнах. Ці фактори оновлюють вивчення процесу інституціоналізації спільної міграційної політики у Європейському Союзі. У статті здійснюється аналіз інституціоналізації спільної міграційної політики у країнах Європейського союзу. Зазначається, що на наддержавному рівні врегулюванням міграційних процесів займаються різноманітні міжнародні організації – Організація Об'єднаних Націй, Міжнародна організація праці, Міжнародна Організація з міграції та інші. Прийняті міжнародно-правові стандарти і

договори у сфері міграції інституціоналізуються у державній структурі країн-членів, що приєдналися до відповідних міжнародних організацій. Це призводить до збільшення міграційного тиску на розвинуті країни, значно обмежуючи здатність національних урядів повністю управляти неорганізованою міграцією до їх країн. Своєю чергою, це загострює гравця збірної і соціальні проблеми в Європейських країнах. Ці чинники оновлюють вивчення процесу інституціоналізації загальної політики міграції у Євросоюзі. У ході формування спільної міграційної політики увага європейських країн фокусується на таких ключових завданнях, як забезпечення загальноєвропейського ринку праці робочою силою, зменшення дисбалансів на ринках праці країн-членів ЄС, географічній мобільності студентів і працівників, створенні умов для їхньої кращої адаптації до змін на ринках праці країн ЄС. Розроблений Європейською Комісією Пакет заходів сприяння зайнятості передбачає: усунення правових і практичних перешкод для вільного пересування працівників у ЄС; підвищення відповідності робочих місць та осіб, які шукають роботу в інших країнах; врахування потенційних наслідків трудової міграції громадян третіх країн до ЄС. Загалом процес інституціоналізації спільної міграційної політики у країнах Європейського Союзу протікає у напрямку зменшення кількості нелегальних мігрантів, управління кордонами, вироблення загальних законодавчих стандартів щодо притулку та легальної міграції, включаючи інтеграцію та розвиток у країнах походження.

**Ключові слова:** інституціоналізація, інституціональне середовище, міграція, міграційна політика, країни Європейського союзу.