Europe's Self-inflicted Problem: Minority Rights Issues in a Schengen Europe

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While it can be said that the European Union has transformed numerous aspects of European society, it has had no greater impact than on issues surrounding the movement of people. Early in the formation of what would prove to become the EU, its founding fathers recognized that in order for the great experiment to work it would be necessary to change the relationship between people and the state. This was a by-product of the initial economic purpose of the EU. As Geddes notes, during its infancy, the EU developed the concept of the four freedoms: "capital, goods, services and people" (Geddes, 2008, 43). While the first three freedoms naturally flow from traditional trade agreements, it is the last freedom that sets the EU

apart from what has been attempted in the past. In order to fully capitalize on the opportunities provided by the other freedoms, the EU had to allow for the free movement of people throughout its economic zone. Over time the movement of people within the EU necessitated even more laws, regulations and eventually the creation of European Citizenship with corresponding rights. These changes forever altered the states of the EU's ability to fully control their borders, their populations and their societies, all in the name of economic prosperity.

The importance of the development of the right of free movement and subsequent creation of European Citizenship cannot be overstated. The fourth freedom on which the EU is founded has fundamentally changed both the public policy behind and the social science study of migration. Put simply, by empowering individuals with rights and limiting the state's ability to decide who enters the country, the EU has in fact created an entirely new type of minority group. This group is not established and cohesive such as an ethnic minority but also has more rights than traditional immigrant groups also found inside the EU and elsewhere around the world. This type of migrant/minority group is not found in any other area of the world, nor could they due to the unique role the EU plays in European society.

While Europe has experienced this movement of people throughout EU states since almost its inception, the 2004 expansion east brought new attention on the issue. When the EU decided to expand its membership to include East European states, there were numerous concerns over economic, social and security issues. However, the issue of the movement of people became paramount to many, as McDowell explains:

> One of the most difficult issues raised during the accession negotiations was how to tackle fears of the existing member-states that these new, less-privileged citizens would immediately migrate westwards on accession. Once in the West it was assumed that they would either swell the unemployment figures or take jobs of poorly qualified natives, as well as constitute a politically-awkward enclave population. (McDowell, 2009, 20)

Throughout Western Europe there were fears of being over-run with "Polish plumbers" (McDowell, 2009, 20) who would come uninvited into the country and work for less than what a citizen would be willing to work for. Due to the discrepancy in wages found in the established western members of the EU and the incoming East, it was assumed that any and all skilled workers would arrive, alter the society, change pay scales and in general cause more trouble than they were worth. Governments in the west heard these concerns and recognized that there was initially not much that could be done to stop the potential wave of rights-holding migrants. Many decided to challenge the EU's fundamental right of movement inside the EU and enacted laws designed specifically to keep the Polish plumbers out of their country. As it will be discussed below, the tidal wave of migrants from the east never truly materialized. The number of people who moved once accession was achieved was far less than most models predicted. While the current numbers may be smaller than anticipated, the uniqueness of this group and their potential impact on the long term cohesiveness of the European Union demands that we make some sense of this phenomenon. One needs only walk through the streets of Dublin to see the impact of the EU's policies. Catholic churches renamed after Polish saints dot the city. East-European supermarkets abound. Polish and other foreign dialects can be heard on the streets. Ireland is now a truly multi-cultural country and there are demands on the Irish government to protect this new population and expectations of access to power. Put simply, no matter how large this

population is, they exist and they are different than all other migrant groups who have come before them. This represents a potential 'poisoned pill' for the social cohesion of the union. Through their attempts at an ever closer union, the EU has inadvertently created a problem that could potentially destabilize the social fabric of states, increase Euroscepticism and further divide the west and east, (or more accurately the old and new) states.

This paper will begin to examine the consequences of the EU's fundamental freedom of movement within the EU. It argues that as this is a potential problem created by the EU, it is up the EU to find solutions for states to deal with the resulting issues. It will begin by briefly comparing the EU's policies on the three types of minority groups now found within the EU. It will then trace the academic literature pre and post accession to compare the predictions made on and the results of the accession process. It will show how this is not a problem limited to migrants from the new incoming states and will examine the conditions facing internal migrants within the EU. The paper will conclude with an examination of the current and potential consequences of the EU's decision to create this new form of rights-holding migrant. Issues surrounding social policies and the potential for xenophobic, right-wing violence will be addressed. Finally, the paper will provide recommendations for how the EU, an institution that has been loath to involve itself in social policies within states on issues surrounding minority rights, can begin to address this issue.

Minority vs. Migrant vs. Immigrant in the European Union

Before any discussion of the uniqueness of the EU's internal migration, it is necessary to briefly differentiate it from the other minority issues found in the EU. As mentioned above, due to the freedom of movement within the union of its citizens, there now exists three separate classifications of minorities within the states of the European Union: ethnic minority, internal migrant and immigrant. The EU has had varying levels of apathy towards its responsibility to any of these groups, leaving much of the care for them in the hands of the state. While unique, they share many similar characteristics and issues for the state. As White notes: "[i]t is accepted in almost every immigration country that the existence of immigrant or ethnic minority populations necessitates consideration of their particular needs in various spheres of service provision such as education, welfare, health and housing" (White, 2006, 1283). In fact the term minority itself can be used to describe any of the three types of groups. This ambiguity is seen in the wording of the European Convention on Human Rights (Article 29, Paragraph 1) which describes a minority as "a group inferior in number to the rest of the population and whose members share in their will to hold on to their culture, traditions, religion, or language" (Taras, 2009, 95). What this convention illustrates is that the classification of what it is and what is not a minority is not for the minority to decide. It is the majority group in the state that will decide who belongs and who does not. As stated by Taras (in using Bauman's overarching term of 'far away locals') this concept can refer to peoples as distinct as "immigrants, guests, settlers, sojourners, strangers, and stranded diasporas" (Bauman, 1998; Taras, 2009, 96).

In the past, the EU has tried to avoid involving itself in policies surrounding minority rights, in particular issues around ethnic minorities. These groups, such as the Basques of Spain, Corsicans in France or Catholics of Northern Ireland were deemed the responsibility of the state and any conflicts with them and the state were simply internal matters. While the EU endorsed concepts such as the Copenhagen Criteria on the treatment of minorities, it left the enforcement of the criteria in the hands of various states. Therefore, states were able to determine when and how they claimed to meet the criteria. It was not until the decision to expand the EU by 10 East

European members by 2004 (it is important to remember that the original expansion was to involve only East European states) that the West Europeans became concerned about minority rights within the EU. There was an expectation that with the opening of the democratic process and ending of totalitarian rule in Eastern Europe there would be a flood of ethnic violence similar to what was seen in Yugoslavia. As a result of these concerns, the EU for the first time made protections of minorities a part of the accession process. Relying on the recommendations of the Organization for Security and Co-operation in Europe's High Commissioner on National Minorities (discussed further below) the EU demanded changes to state-minority group relations throughout Eastern Europe (Johns, 2003). The EU's decision to enforce minority protection in Eastern Europe when it refused to do so in Western Europe accomplished three things. First, it further blurred the line between ethnic minority and immigrant group. Groups such as the Russians in Estonia and Latvia could be seen as both a traditional minority group (some had been in the region for over 500 years) and as an economic migrant group (moving from Russia to the Baltic region during the Soviet period for economic opportunities). The same problem is found with Hungarians in Slovakia or the Roma population throughout the region. Second, it created the precedent that the West European members of the EU were willing to create a double standard of treatment between the conditions facing citizens of the East and of the West (Johns, 2003). The European Union can be seen as a private club who gets to determine the rules of membership. While claiming to be a union, and thus equal in all regards, the minority rights aspects of the accession process illustrated that this was not the case. This leads to the third result of this policy- it highlighted the mistrust the West had (and many would argue, continues to have) towards the East. Despite the EU's overtures to the East in the post-Communist period, there was considerable hesitancy and concern over the prospects of expansion. Beyond the misgivings economically, the double standards created on issues surrounding minority rights and the movement of people illustrate the deep concern over the social ramifications of expansion. All of these issues re-emerge when the EU's policies on internal migration are examined.

In terms of traditional immigration, historically this too was purely the role of the state. The EU wanted no role in co-ordinating immigration, asylum or refugee policies throughout the region. Once again, concerns over economic advancement led the EU to become more involved in this field as well. Early attempts at supranational immigration policies involved guest worker programs and the attempts at the precursors of the EU at standardizing policies (Geddes, 2008, 33). The European Community was limited due to the existing boundaries between states and the general unwillingness of states to give up such an important aspect of state sovereignty. This all changed with the development of Schengen Space- the evolution of the four freedoms of the EU. Starting with the Schengen Agreement of 1985, moving through the Dublin Agreement of 1990 and ending with the Treaty of Amsterdam in 1997, the EU radically changed the nature of immigration. Within Schengen Space, the member countries had to be responsible collectively for immigration policy. With the free movement of people, states were limited in their ability to unilaterally determine who came into their country once they arrived elsewhere. This according to Herz: "achieved the transfer of asylum, visa and immigration affairs from the third and intergovernmental pillar of the European Union to the first pillar with its community method" (Herz, 2006, 229). As a result of the 1997 Amsterdam Treaty, the EU assumed control over these issues and put regulation over migration, asylum and immigration within the jurisdiction of the Justice and Home Affairs Policy. Basically, by attempting to accelerate the movement of goods throughout the EU it has "implied a common approach by member states on whom they will admit at external borders of their territory" (Moraes, 2003, 117).

It is important to note that while some Euroskeptics would argue that the increased involvement of the EU in external migration is further proof of the union's oppressive nature, this is simply not accurate. While the development of Schengen Space did significantly increase the EU's influence and has forced some countries, such as Sweden to evaluate and at times alter their immigration practices (Spång, 2007), as Britain and Ireland demonstrate, Pre-Schengen members were not obliged to participate in the program. In fact, Schengen space illustrates the questionable nature of the 'union' itself. Britain and Ireland operate outside of the Schengen agreement and therefore international immigrants, refugees and asylum seekers must navigate the rules of the EU within two separate spaces. For these immigrants the difference regions within the EU "present different (im)permeabilities for their movement and access to rights" (King, 2002, 92). While new members must join as part of their commitment to *acquis communitaire*, those states that chose not to participate could opt out. This further illustrates what Menz refers to as the 'bottom-up' nature of international immigration policy. Menz illustrates that international immigration policy has always been driven by the needs and political realities of the various member states. Due to the aging population within the EU and the growing demands for labour this bottom-up, state-driven approach will in all likelihood continue (Menz, 2002, 726).

While European nomenclature may not make a distinction between ethnic groups, immigrants and internal migrants, the EU has. As seen, the EU has been slow to become involved with issues surrounding ethnic minorities and external immigration have been until recently the sole domain of the state, internal migration has been the opposite. As Geddes notes free movement "for nationals of member states was central to the development of the EU while immigration and asylum were not" (Geddes, 2008, 42). One of the guiding principles of European integration is the preference towards member states, whether it is in trade, foreign policy or elsewhere. With the four freedoms in place, a natural preference for citizens of member states has therefore developed. While this concept dates back to the inception of the Union, the formalized privileged position of EU citizens was solidified in the Maastricht Treaty (McLaren, 2001, 88). Those citizens of EU countries as a result of Maastricht were given the enshrined right of mobility. As Ackers rightly observes, in the EU, mobility is "both an important right in itself, and a source of other rights" (Ackers, 2004, 375). Ackers goes on to outline exactly what is so unique about the EU's internal migration policy. For those lucky enough to be a citizen of an EU country their:

> citizenship provides full access to social provisions in host welfare systems on the basis of non-discrimination. Whilst Community law cannot guarantee a standardised platform of social entitlement, it does provide for very broad application of the non-discrimination principle giving favoured EU citizens . . . full and equal access to welfare benefits including all forms of social assistance (Ackers, 2004, 375).

Unlike immigrants throughout history and around the world who were subject to the specific rules and judgements of a state, the rationale behind the free movement of people *within* the EU is that no matter which state you currently reside, your home citizenship guarantees that you can access any and all benefits of the host state. However, as discussed previously, the EU does not always act as a true union with all members treated equally. With the accession of the East European members, the internal migration issue became even more complicated. As with ethnic

minorities, West European states decided to create new rules for the east and a second double standard between 'old and new' Europe developed.

Internal Migration Before and After 2004

Prior to the accession of East European states into the EU, the concept of internal migration was not a high priority to either EU policy makers or EU scholars. The foundations of this perceived problem (as of 2004) are rooted in the basic foundations of the 1957 Treaty of Rome and by 1970 the various integration treaties "concentrated on the labour and social conditions of such intra-EC/EU migrants, abolishing existing barriers to labour mobility and ensuring *de facto* free movement of labour" (Menz, 2002, 723). This free movement within the original EU member-states and subsequent expansions was pushed by Italy in order to allow poorer labourers to move to more lucrative economies (Favell and Hansen, 2002, 585). While there was some movement of Italians into France and Germany through the 1980's movement by citizens of other member states was minimal. For example, by the middle of the 1970's only about one million EC citizens were living in another EC state. In the 1980's the total had risen to two million people but the yearly movement equalled 0.1 percent of the total population. Even by 2000 a total of 5.5 million European citizens were living in different EU states (Hantrais, 2007, 217). Italians continued to make up the majority of the migrant group, with some estimates as high as 1.2 million or 2% of the total population living in other EU states. Portuguese comprised the next largest cohort at 1 million, or 10% of their total population. The most common destinations for the EU migrants were Germany, France, Britain and Belgium (Maas, 2007, 106). Menz cites several reasons for the lack of movement prior to Maastricht including minimal differences in wages and unemployment across Western Europe and cultural and language barriers (Menz, 2002, 725). He notes that of the original EU members, Italy was the only state with much higher levels of unemployment and a lower standard of living, which explains their movement (Menz, 2002, 725).

With the signing of the Schengen and Dublin Accords the number of internal migrants started to increase throughout the EU in the 1990's. The expansion of the EU led to an increased movement of Finns into Sweden and other EU citizens moving throughout the union. In fact, Europeans embraced the concept of European citizenship that according to Favell and Hansen a new 'circular' migration similar to what was seen during the pre-nation state period had developed (Favell and Hansen, 2002, 582). This migration is more temporary than traditional migration with Europeans moving throughout the EU for shorter periods of time, often returning to their original country after short sojourns abroad.

While internal migrants during the 1990's enjoyed the benefits of European citizenship and states were able to capitalize on an expanded labour pool, there were growing concerns over the potential large scale movement west of East Europeans with the coming expansion of the EU in 2004. In the lead up to the 2004 expansion there were numerous predictions on how big of a migration wave would hit the west. For some this was not a problem but merely evidence of a radical change in the understanding of migration. Those who advocated a purely market-driven approach argued that economic considerations, not political would drive the labour market, set prices and determine the flow of migration (Favell and Hansen, 2002, 582). As a result, it was not possible to predict how many people would be coming or going from a state without knowing the economic conditions at the time. With the emerging circular migration patterns migration would be a constant ebb and flow, not a singular mass movement of people. It was assumed that European states in the age of globalization had lost the ability to determine who would work inside their state. The idea of 'Fortress Europe' was dead.

Other scholars were more interested in the actual numbers of migrants that could be coming west after expansion. For example, Smigelskas et al. relied on survey data to show that the possibility of large-scale migration was possible. In 2004 they surveyed Lithuanian pharmacists, who are highly trained and underpaid compared to other EU countries. They found that over one quarter of respondents planned on leaving Lithuania and working elsewhere in the EU when given the opportunity (Smigelskas, 2007, 505). They also note that familiar themes could be seen as to who was most likely to leave. Those who were single, young and with a good grasp of another EU language (specifically English) were at the highest risk to leave (Smigelskas, 2007, 506). This would seem as troubling to both pharmacists throughout the EU who would need to compete with highly trained Lithuanians who would be willing to work for less and for Lithuania itself who could potentially face a shortage of trained pharmacists as the older generation retires.

In 2002, Kupiszewsk used traditional migration pre-accession from Poland to EU countries and survey data of Poles on their potential desire to leave for short-term, long-term or permanent migration to make long-cycle predictions on Polish migration (Kupiszewski, 2002). He predicted that it was feasible that "over the next 30 years the net population loss of Poland due to international emigration to the European Union would be between 600,000 and 1 million" and that the EU should expect "a short-lived relatively high wave of emigration as soon as the legal and administrative restrictions on the freedom of the movement of labour are lifted" (Kupiszewski, 2002, 642).

The mathematical, anecdotal and survey data being produced prior to the 2004 expansion was enough to move the current EU members to take pre-emptive action. Many felt that a perfect storm was rising that was a combination of "EMU, enlargement to the east, population ageing and the changing nature of working life" (Hantrais, 2007, 217) that would lead to a great influx of EU migrants. This concern was expressed most vociferously by the member states in closest proximity to the incoming members, particularly border states such as Germany and Austria (Bahna, 2008, 844). As with minority rights being a part of accession, the west decided to create different rules to impose on the east in terms of the movement of people. The European Commission decided to "allow each of the old member-states to decide its own terms of entry, as well as employment, residence and other social rights to be extended to new EU citizens for a period of up to seven years after the Accession Treaty" (McDowell, 2009, 20). While the EU is based on the four fundamental freedoms, they were not to apply to its newest citizens. The new member states were bound to protect their borders to comply with their Schengen responsibilities, but their citizens were not to access the full benefits of membership immediately.

Each established member state had to gage public concern over the wave of immigration, the likelihood of an actual increase in migration and the need for a new labour source to determine what restrictions they would place on the citizens from the new member states. Boeri and Brucker have summarized the four paths that the 15 member states followed in anticipation of the entry of the new members. The states options and which states followed each policy are summarized below:

1) Follow the basic tenets of the four founding freedoms and allow for the free movement of people from Eastern Europe into the country, allowing access to the same social programs and services provided to

   pre-accession EU migrants. Only Sweden followed this route.

2) Allow for the movement of migrants from the new states based on work permits, with wage and working condition stipulations. Migrants would only qualify for benefits and continued residency permits if they were employed. Ireland, Britain and Denmark chose this option.

3) Impose a strict quota system for migrants from new member states. Once the quota per country is met, no further permits were to be offered unless in exceptional circumstances. This was the policy of Austria, Italy, Portugal and the Netherlands.

4) Treat the new migrants exactly how they were treated before and the same as any other migrant from around the world. Permits would only be granted if the employer can prove that not only is there not a qualified native for the job, but that there is not a qualified migrant from an established member state as well. With this option the best chance for entry is the reunification of the family. The majority of states (Belgium, Finland, Spain, Luxembourg, France, Greece and Germany) chose this path (Boeri and Brucker, 2005, 638).

It should also be noted that while Sweden appears to have been the most open to migrants, their policy was more due to a deadlock in their Parliament on how to address this issue and as a result they were left with the default EU position (Boeri and Brucker, 2005, 638).

While Sweden's open migration policy may have derived from parliamentary paralysis, there was little need to be concerned of a flood of migration into the country. Even as the most open of the EU-15 states, Sweden did not see a noticeable increase in migration after 2004. When compared to Ireland and Britain, two other states that had relatively open migration policies, only 1.2% of new member migrants found employment in Sweden (Bahna, 2008, 849). Banha attributes this lack of movement to the high levels of unemployment in Sweden in the post-accession period and the unlikelihood that many East Europeans would have command of the Swedish language (Bahna, 2008, 849).

Ireland and Britain did see a sizeable increase in migration. While few East Europeans would be able to speak Swedish with English being the lingua franca this was less of an issue. Moreover, while Sweden was plagued with unemployment problems in the time period immediately after accession, Ireland and Britain needed the influx of workers. As McDowell

notes Britain faced "severe labour market shortages, especially in South-East England, mainly in low-wage and low-skill occupations in sectors such as construction, hospitality, transport and public services, as well as in a range of occupations in the health service, including nursing" (McDowell, 2009, 20). While the exact number of new migrants is not known (as some workers from the new member states were in the country illegally and registered afterwards) by 2006, 447 000 people had registered with the government under its Worker Registration Scheme, 62% of those from Poland (McDowell, 2009, 20). Ireland was in a similar position and they were able to fill numerous positions with highly educated migrants from the new member states. In 2006 alone, over 40 000 migrants arrived from Eastern Europe (Barrett and Duffy, 2008, 600). Having seen the positive economic impact the influx of highly skilled labour had on Ireland and Britain numerous states began the process of lowering their restrictions. By the end of 2006 Germany, France, Finland, Spain, Portugal and Greece had all either ended their transition policies or lessened the restrictions on the new members. It is important to note however that for many states the restrictive policies were re-introduced for Bulgarian and Romanian citizens when they were granted accession in 2007 (Thaut, 2009, 192). It appears that those scholars and policy makers who followed the market-driven approach to migration were correct. Both migrants and states will make their decisions based on economics above all else.

Consequences of Intra-EU Migration

With the restrictions on migration from the eight East European states of the 2004 expansion being lifted in 10 of the 15 original members already and the 2011 deadline for removing the restrictions for the remaining five looming it is clear that the EU must face the reality that large scale intra-union migration is not going to go away. While the actual numbers of migrants proved to be less than many of the predictions, the fact remains that the EU through its own legislation and goal of economic advancement has created the third classification of minority group and must live with those consequences. It is therefore necessary to look at the issues and challenges facing all four of the relevant parties: the migrants themselves, the state they migrate to, the state they leave and the EU as a whole.

Migrants

When examining the conditions of the EU- migrant it is interesting to note that the migrants from the new member states face many of the same challenges that other EU-migrants from established EU member states face. If one takes a comparison of integration of migrants in Ireland compared to Finns in Sweden, the similarities are telling. Despite the long standing relationship between Sweden and Finland, and the fact that many migrants from Finland to Sweden have the benefit of the Swedish language, Finns continue to struggle in the Swedish economy. On average, male Finnish migrants earn 10% less than their Swedish counterparts and face higher levels of unemployment. Moreover, this gap has grown over time (Saarela and Rooth, 2006, 143). New migrants to Ireland, in particular Poles, face a similar situation. As Barrett and Duffy note immigrants from the new member states (NMS) "are heavily represented among the most recent arrivals and they suffer the largest occupational gap. In addition, there appears to be no lessening over time in the occupational gap experienced by immigrants from the NMS" (Barrett and Duffy, 2008, 615). While education levels appear to be a contributing factor in both cases, there remains a gap even when that variable is controlled for. In both cases the migrant group (Finns in Sweden and Poles in Ireland) share similar cultures, religions and ethnic markers with their host states (McDowell, 2009), yet full integration remains impossible. Britain provides an even starker picture of integration, where new migrants from Eastern Europe (mainly Poles) earn substantially less (approximately 30%) than other EU-migrants who arrived at the

same time period and those migrants earn less than natives (Drinkwater et al., 2009, 175). As with Ireland, in Britain, despite the need for labour, the integration of migrants has so far failed. While migrants may be happy currently to earn higher wages than what they could earn at home, it is questionable as to how long this satisfaction will last when the discrepancy of opportunity and remuneration continue.

The Receiving State

Governments in the European Union now face what Hollifield referred to as the "liberal paradox" (Hollifield, 2004). The paradox is simply that in order to provide the economic prosperity its citizens demands it is necessary to increase the levels of migration within a state. Unfortunately doing so increases the potential backlash against these migrants and the government that allowed them in. States must therefore balance levels of xenophobia with economic reality. As Favell notes that: "Europe in the future has an almost desperate *structural* need, in both demographic and labour force terms, for increased intra-European population movements" (Favell, 2008, 704). In order to compete within the EU and globally states must find the best possible workers, and in the case of the West European states, they simply will need to find enough workers. This influx of new migrants can create tensions in the society. For states this could mean something as simple as ethnic tension within the state but in the extreme case it can lead to rampant xenophobia and right-wing violence (McLaren, 2001, 81). As discussed previously, people from the majority group tend not to differentiate to the level of intra-EU and international migration. They determine who is a part of the group and who is not. As Mudde explains, in Western Europe "the archetypical group of the enemy within the state, outside the nation, is the immigrant community" (Mudde, 2007, 69). Immigrants are seen as changing the culture of the state and draining resources, leading to potentially higher levels of resentment. For example the issue of remittance is of growing concern. As migrants send money home to their families, they are taking money out of the local economy preventing it from growing. In 2007 alone, Poland benefited from $4.7 Billion of money sent back from migrants, many from within the EU (www.ifad.org). If this trend continues, more people will turn to the radical right, who would then gain electoral influence. With more seats they can block legislation that could allow for greater integration and potentially further economic advancement. This creates a vicious cycle and the paradox continues (Williams, 2006). The rise of radical right-wing parties in Germany, Netherlands and Denmark and rising levels of xenophobia in Belgium, Britain and elsewhere can be directly linked to increased levels of all migration. Where the migration comes from is not important to the xenophobe, but due to the full free movement of people within the EU by 2011, it is an increasingly important issue to the state.

Beyond concerns of their majority population, the state now faces new challenges and costs due to the presence of migrants with enshrined citizenship rights. States are now responsible to guarantee that an EU migrant has the same level of social protection as they had in the home state. This includes issues surrounding pensions and social welfare nets, only limited by states' ability to make migrants prove they can sustain themselves and therefore avoid 'welfare shopping' (Boeri and Brucker, 2005). The state is becoming increasingly responsible for issues surrounding education, language training, cultural protection and social integration (Hantrais, 2007, 220-224). None of these issues exist with traditional non-EU migrants. They lack the protection of EU citizenship and JHA social policies. These policies become more difficult with the increasing presence of radical right-wing politicians within states but are necessary to both comply with EU law and also ensure that the incoming migrant is a benefit to

the society. All of these policies and programmes cost money and exacerbate the divide between the majority and the minority.

The Outgoing State

Often lost in the discussion of intra-EU migration is the impact on the state from which the migrant left. As the Lithuanian pharmacist example above illustrates, there are costs to having large numbers of your population leave. While the actual number may be large or small, it is the type of person that leaves that is most devastating. For most states it is the "young, more highly-educated, and economically-active sector of the population" (Thaut, 2009, 198) that is most likely to leave for greater economic opportunities. This appears to be confirmed by the British Home Office who notes that 83% of the new migrants to Britain are under the age of 34 (Thaut, 2009, 198). The new member states are already below their established members in terms of economic prosperity and must now face the reality that their best and brightest, those best able to help them compete and meet their EU obligations are the ones most likely to leave. This puts greater pressure on the state to try to stop the brain drain, keep their best and brightest and try to compete. If they are unable to do so, and it would appear that they so far have not, this will further create a 'have' and' have-not' EU. Over an extended period it is possible that the EU could become littered with pockets of economically depressed areas and economically prosperous areas. Anyone with any ability will simply leave behind the depressed area and move to greener pastures, thus ensuring the regions continued economic failure (van der Gaag et al., 2000).

Ramifications for the EU and Initial Recommendations

All of the issues raised above illustrate the overarching issue facing the EU. In the name of economic advancement, it has created a new form of migrant and a whole host of new issues. The EU has further added to the division between east and west by allowing western states to create new rules for incoming members that they themselves did not have to meet when they joined. This continuing double standard raises troublesome questions for the future of the EU as the eastern members are well aware of their second-class status within the Union. With the potential for growing xenophobia in the west the divide over the direction of the EU and where it should have influence will continue to expand. As Geddes notes, when surveyed, East Europeans respond much more favourably to questions asking if the EU should become more involved in social integration (Geddes, 2008, 144). Conversely, Quintelier and Dejaeghere found that half of all young Belgians surveyed were leery of immigration and almost as many preferred that everyone stayed in their own cultures (Quintelier and Dejaeghere, 2008, 356). Most troubling for the EU is the fact that while issues surrounding intra-EU migration may not be of concern currently, they will only continue to become more problematic. As the EU continues to debate the possibility of Turkish membership into the EU, this divide between exit and entrance countries will only continue and it will fall to the EU itself to try to fix it (McLaren, 2007). The potential of Turkish membership due to religious, cultural, racial and demographic issues all will bring the intra-EU policies into the forefront of the EU. The EU needs a coherent policy in place before Turkey, or any other potential candidate state enters the next accession process.

So what should the EU do? Clearly doing nothing is not an option. Due to the Schengen Agreement intra-EU migration will not go away. The problems associated with EU social policies will only increase as the EU is forced to increasingly address issues surrounding the rights of not just migrants, but their families as well (Ackers, 2004, 390). The EU's task is not easy as states will continue to try to hold as much influence as they can over their own immigration policy. It would appear that the EU has two tracks that it can take, either separately

or in unison. This paper is not naive in the assumption that either of these recommendations could be accomplished immediately but contends that the EU must start thinking about this issue in new ways in order to avoid severe consequences in the future. The EU can address the problem practically and philosophically. From a practical standpoint the EU must start a dialogue between the larger migrant groups and the state. In the states with the largest EU-citizen migrant groups (Britain, Germany, France, and Ireland) robust lobbying and community groups are forming. They, while not able to openly negotiate on behalf of the group can advocate their concerns, whether they be economic, discrimination or social integration. Here the EU can look to an old friend for guidance, the OSCE High Commissioner on National Minorities (HCNM). While the HCNM's mandate prohibits him from working directly on issues concerning groups that are not national minorities, his use of Quiet Diplomacy could prove to be invaluable to the EU as a guide. Quiet Diplomacy requires confidentiality and impartiality, which in the highly charged environment of migration could prove to be a vital strategy (Kemp, 2001). By setting up a dialogue between groups and states and allowing them to share information, concerns and plan strategies the EU, specifically the European Commission's JHA can act as a 'middleman' in the negotiations, allowing the state to feel more in control of its migration policies but also let the migrant group know that they are not alone and their EU citizenship rights will be protected.

This leads to the philosophical change that the EU must instil in its population. It must further enshrine Citizenship rights. EU citizens must see their fellow citizens as not just from their own country, but within the Union. As McLaren states the "visionaries within the EU have some way to go still in creating feelings of being part of an European project which includes the free movement of labour" (McLaren, 2001, 102). This is a much greater problem in the west than the east. In fact, the citizens from the east already hold their EU citizenship close to their hearts. Moreover, "they are not only reshaping the demographic and labour map of the EU but also giving new empirical meaning to what constitutes having European citizenship" (Garapich, 2008, 748). Those particularly in Western Europe must also see the value and equality of European citizenship. They must see migration with the Union, no matter where they are from as economically and socially beneficial. The European Union is not just an economic engine. Its attempts at economical prosperity have turned the organization into something more. The free movement of people and the enshrining of European citizenship on all of the people therein have changed what it means to be both a migrant and a citizen. It is too late to go backwards; the only option is to try to find a way to move beyond stereotypes and xenophobia. Simply, Europeans must start acting like a union.

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