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NAVIGATING POLITICS AT THE EDGE: SAFEGUARDING THE EU'S EXTERNAL BORDERS AMID IMMIGRATION DISCOURSE

ABSTRACT

This paper investigates the nexus between the effective protection of the European Union's (EU) external policies and the increasingly politicized discourse surrounding immigration while taking France as a case study. The EU has sought to fortify its external borders to manage migration flows, mitigate security risks, and uphold Schengen Area principles. However, these efforts have been accompanied by political debates and polarization, as member states grapple with divergent interests, values, and approaches to immigration governance. This abstract examines the rise of the politicization of immigration and the new challenges facing the EU's border protection measures, considering factors such as rising nationalism, populism, and external pressures. Through a systematic review of relevant academic literature and policy documents, this paper aims to discern patterns and trends in EU immigration discourse over time. By critically examining the language and messaging used by past politicians, it seeks to elucidate the evolution of attitudes and policies towards immigration within the EU. This comparative analysis provides valuable insights into the underlying factors shaping contemporary immigration discourse and policy trajectories. Additionally, by drawing on historical perspectives, this paper aims to contextualize current debates and shed light on potential future developments in EU immigration governance.

Keywords: Politicization, immigration, policies, France, borders

1. INTRODUCTION

EU migration policy has become a hotly debated issue in international and European politics, with numerous interpretations, perceptions, and narratives. The EU's role in migration policy has been a contentious topic for decades, with earlier waves of migration sparking discussions and policy changes. However, the current debate feels particularly heated due to the surge in migration from the Middle East and Africa starting around 2015. This influx coincided with a rise of populism in

Europe, leading to a strong politicization of the issue and intense debate about the EU's role and power in managing migration. This paper investigates the EU's role and power in terms of migration policy and the politicization process of the EU immigration policies.

It is highly argued that the EU is internally divided in this regard, the divisions within the European Union regarding migration are multifaceted and extend beyond simple political disagreements. While mainstream political forces may share similar approaches to migration, significant divisions persist based on various factors. Geographical disparities play a crucial role, with Southern and Eastern European countries often serving as primary entry points for migrants, leading to different perspectives compared to Northern and Western European counterparts. Economic factors also contribute, as countries with stronger economies prioritize attracting skilled workers, while economically weaker nations focus on regulating migrant influxes to protect domestic labour markets. Cultural and social attitudes vary across member states, influencing integration policies, while historical legacies and colonial ties shape perceptions of responsibility towards migrants. Furthermore, debates over migration intersect with discussions about national sovereignty and identity, with some countries emphasizing border control and identity preservation. These divisions underscore the complexity of migration politics within the EU and the challenges of reaching consensus on comprehensive migration policies despite shared overarching goals.

On the one hand, proponents of more liberal immigration policies, including many economists, present compelling arguments for why the EU requires more immigrants. One such reason is that the European population is ageing, which suggests that pension systems are under stress. Immigrant inflows are advantageous in this context as they may moderate the rate of ageing and, as a result, reduce pressures on the pension system. On the other hand, several European countries have substantial levels of anti-immigrant sentiment. According to Boeri,¹ negative attitudes towards immigration are first and foremost related to the impression of a monetary burden. Some Europeans are concerned that immigrants would drain state resources as recipients of large social transfers implemented in Europe to combat social marginalization. As a result, in addition to tightening migration laws, numerous national governments are restricting migrants' access to welfare.

The following examination of questionable practices regarding development and human rights is also indicative of the rhetoric-reality gap. This research will

¹ Boeri, T., *Immigration to the land of redistribution*, IZA Discussion Paper No. 4273, 2009, p. 1 - 42.

conduct a thorough analysis of the disparate positions held by member states and investigate internal disputes within the Union over immigration policy. The present paper aims to examine the many interests of European Union member states, including economic, social, and security considerations that have a substantial bearing on immigration regulations. The study aims to examine how these divergent national interests intersect or coincide, posing challenges or promoting agreement in the development and implementation of EU immigration regulations. It would also highlight how these nuances impact public discourse and political narratives both inside and beyond the EU, so contributing to the politicization of these policies.

2. THE INSTITUTIONAL FRAMEWORK OF THE EU IMMIGRATION POLICIES

First and foremost, the institutional arrangements and framework of EU migration and asylum policy need to be demonstrated, laying the groundwork for understanding the EU's role as an actor and power. Migration policy is a shared competence of the EU and the Member States, which means that both can pass legally binding legislation. It started with the 1985 Schengen Agreement, which abolished internal borders and established a common external EU border, requiring shared management², shaped internal migration policy. The Maastricht Treaty and the Amsterdam Treaty granted later the EU competence in the matter, with the 2009 Lisbon Treaty refining the division of competencies.³ The 1999 Tampere Presidency Conclusions, which established the goal of "establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention" (European Council, 1999), was a critical step as well. The Global Approach to Migration and Mobility was revised in 2011 and established the framework for international migration cooperation. Its four pillars are "legal migration and mobility, irregular migration and human trafficking, international protection and asylum policy, and maximizing migration and mobility's development impact."⁴ While EU laws establish frameworks for asylum, border management, and integration within member states, agreements with third countries play an important role in managing migration flows at their

² Faure, R.; Gavas, M.; Knoll, A., *Challenges to a comprehensive EU migration and asylum policy*. Overseas Development Institute, 2015.

³ European Parliament, Directorate-General for Internal Policies of the Union, Neframi, E., Division of competences between the European Union and its Member States concerning immigration, European Parliament, 2011.

⁴ European Commission, 2011., See: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/global-approach-migration-and-mobility-gamm_en, 23 May, 2024

source and along transit routes. These agreements often encompass various aspects, including cooperation on border control, readmission of irregular migrants, development aid, and diplomatic dialogue. Two types of agreements regarding migration governance between the EU and third countries are under the Global Approach: Mobility Partnerships and a Common Agenda on Migration and Mobility (CAMM). However, there are several reasons why the EU is perceived as a deeply divided actor on this issue.

For starters, the institutional structure creates conflict. In the case of migration policy, the European Commission has the authority to enact specific measures and negotiate agreements with third-party countries. However, the Council must agree, and Member States can decide whether to sign the Mobility Partnerships or accept a certain number of migrants, limiting the Commission's power. The policy agendas of the two institutions do not always coincide, as the Council prefers a more restrictive approach than the Commission. The Council, as an intergovernmental institution, is influenced by home affairs ministries, which in turn act on the Member States' often sceptical and negative perceptions of migration in their respective domestic policies.⁵

These feelings are amplified in the sensitive policy area of migration, which has significant implications for national sovereignty. On the other hand, international negotiations on migration policy are complex and frequently require issue linkage, which is problematic because the Commission does not always have full authority over other policy areas. When interests do not align, as in the EU's migration negotiations with other countries, issue linkage, defined as "the simultaneous discussion of two or more issues for joint settlement"⁶, is required. Typically, the EU seeks to cooperate on the readmission of irregular migrants, frequently including third-country nationals due to difficulties in determining a migrant's citizenship, which is marked by non-reciprocity and thus asymmetric interests. As a result, additional incentives are required to encourage negotiations and agreements.⁷ However, due to the nature of the competency division, the task of providing significant mobility incentives falls to Member States that may be hesitant to do so⁸ and this complicates negotiations even more. Furthermore, divergent attitudes towards migration can be found in Member States' domestic

⁵ Hampshire, J., *Speaking with one voice? The European Union's global approach to migration and mobility and the limits of international migration cooperation*, Journal of Ethnic and Migration Studies, 42(4), 2016, p. 571-586.

⁶ Poast, P., *Issue linkage and international cooperation: An empirical investigation*, Conflict Management and Peace Science, vol. 30, no. 3, 2013, p. 287.

⁷ Jurje, F., Lavenex, F., *Trade agreements as venues for 'market power Europe'? The case of immigration policy*, JCMS: Journal of Common Market Studies, year 52, no. 2, 2014, p. 320-336.

⁸ Hampshire, *op. cit.* note 5, p. 571-586.

politics. They experience varying levels of migration depending on historical ties and geographic location, which, in combination with labour market structures and demographics, influences their need for migration and thus their policies.⁹ The interests of Mediterranean countries, particularly Spain, Italy, and Greece, which have been heavily impacted by migrants arriving by sea, differ greatly from those of others who do not want to increase solidarity mechanisms. For example, one of these controversial policies and laws is the Externalized immigration policies and the Dublin Regulation.

2.1. Politicization through Externalized Immigration Policy

In practice, externalizing migration allows the EU to reduce its responsibilities and legal obligations at the expense of migrants and asylum seekers' lives. Externalization also highlights the gap between the EU's rhetorical commitment to norm promotion and the realist pursuit of its interests. This paradox is especially evident in the case of Turkey. Human rights violations and violations of democratic principles in Turkey are publicly condemned (European Commission, 2021). In the 2016 EU-Turkey Statement, the EU used incentives such as visa liberalization, the prospect of EU membership, and financial aid to reach an agreement. This allows the EU to avoid responsibility by facilitating the return of all irregular migrants who arrived on Greek islands from Turkey (European Commission, 2016b). The human rights implications are severe: Turkey does not recognize non-Europeans as refugees, and only Syrian nationals are eligible for temporary protection¹⁰, leaving individuals in a precarious position.

The question is whether the EU is then responsible for human rights violations occurring outside of its borders as a result of externalization presents a conundrum. There isn't a single, widely recognized legal framework that specifies how much the EU is legally liable for human rights abuses brought about by externalization policies that take place outside of its boundaries. However, the case of the European Convention on Human Rights (ECHR) creates a complex situation regarding externalization. While Article 6 of the Treaty on European Union (TEU) expresses a commitment to human rights, the EU hasn't fully joined the ECHR enforcement system. This results in an accountability gap, where the EU might avoid direct responsibility for human rights violations during externalization. However, the European Court of Human Rights rulings hold EU member states accountable for violations by partner countries, creating an uncertain legal

⁹ *Ibid.*

¹⁰ Frelick, B.; Kysel, I. M.; Podkul, J., *The impact of externalization of migration controls on the rights of asylum seekers and other migrants*, Journal on Migration and Human Security, year 4, no. 4, 2016, p. 190-220.

landscape. These externalization practices also damage the EU's reputation and limit its leverage to push for human rights reforms in partner countries. The stalled accession process between the EU and ECHR, fuelled by concerns about sovereignty and institutional fit, further weakens the bloc's ability to hold itself and its partners accountable. To move forward, the EU must reconcile its human rights goals with migration control. This could involve reinvigorating the accession process, strengthening human rights standards in externalization agreements, and increasing transparency to address potential violations. Ultimately, the EU needs a sustainable approach to migration management that respects human rights.

When it comes to other issues involving the EU's externalization initiatives, courts and other legal authorities may interpret and implement international law differently. While some advocate for a more expansive view of the EU's responsibilities, highlighting its duties under human rights legislation, others assert that it may be difficult to hold the EU legally accountable for extraterritorial abuses because of intricate political and jurisdictional considerations. Legal perspectives may differ and these topics are frequently debated by courts, international organizations and legal scholars. Therefore, the precise legal boundaries and liabilities regarding the EU's responsibility for human rights violations occurring outside its borders due to externalization remain subjects of discussion and legal interpretation as the EU's assistance in wrongful acts can only be condemned if the conditions were known, which is difficult to prove.¹¹ Similarly, non-governmental organizations (NGOs) and the UN High Commissioner for Refugees have criticized provisions such as the problematic 'safe third country' regulation, which allows the EU to deny asylum to those who have previously travelled through other countries deemed safe.¹² At best, highlighting this "defensive exclusion more than inclusive-cooperative security or strong support for human rights and democratic norms",¹³ can be interpreted as very contingent liberalism, exposing the EU's realist side.

As a result, externalizing migration allows the EU to reduce its responsibilities and legal obligations at the expense of migrants' and asylum seekers' lives. Externalization also highlights the gap between the EU's rhetorical commitment

¹¹ Vara, J. S.; Matellán, L. P., *The Externalisation of EU Migration Policies: The Implications Arising from the Transfer of Responsibilities to Third Countries*. In T.M.C. Asser Press eBooks, 2021, p. 315–331.

¹² Borchelt, G., *The safe third country practice in the European Union: A misguided approach to asylum law and a violation of international human rights standards*, Columbia Human Rights Law Review, vol. 33, no. 2, 2002, p. 473-526.

¹³ Smith, M.H.; Youngs, R., *The EU and the global order: Contingent liberalism*, The International Spectator, vol. 53, no. 1, 2018, p. 53.

to norm promotion and the realist pursuit of its interests. Delving deeper into the details of the externalization of EU migration policy reveals a complex web of challenges and implications. One critical aspect is the reliance on third-country partnerships, often with nations in North Africa, the Middle East, or Sub-Saharan Africa, to stem migration flows before they reach EU borders. These partnerships typically involve providing financial assistance, technical support, and capacity building to strengthen border control, enhance asylum systems, and tackle migrant smuggling and human trafficking networks. However, such collaborations raise significant ethical, legal, and practical concerns. For instance, there are questions about the accountability and transparency of these arrangements, as they may lack clear mechanisms for oversight and monitoring of human rights abuses. Reports of migrants being subjected to violence, extortion, and exploitation in transit countries highlight the risks associated with externalization.

Furthermore, externalization strategies often rely on deterrence measures to dissuade migrants from embarking on perilous journeys to Europe. This may involve intercepting migrant boats at sea, conducting joint maritime patrols, or establishing processing centres in third countries. Critics argue that these measures prioritize border control over protection obligations, potentially leading to violations of international law, including the principle of non-refoulement. This can be seen in the case of Libya, externalization of EU migration policy has raised significant concerns about human rights violations. Libya has a well-documented history of human rights abuses, including reports of torture, arbitrary detention, and exploitation of migrants. Externalization efforts have involved cooperation with Libyan authorities to intercept migrant boats at sea and prevent them from reaching EU borders. However, this collaboration has led to migrants being detained in overcrowded and unsanitary detention centres, where they are subjected to abuse, extortion, and inhumane conditions. Many migrants lack access to legal representation and face prolonged detention without proper judicial oversight. The reliance on Libya as a partner in migration management has exacerbated human rights abuses and undermined efforts to protect the rights and dignity of migrants. Moreover, externalization can exacerbate existing inequalities and power dynamics between the EU and third countries, as negotiations may be driven by EU interests rather than mutual cooperation. There are concerns that externalization agreements may serve as a form of political leverage or bargaining chip, leading to the imposition of conditions that undermine the rights and dignity of migrants. Another critical issue is the lack of long-term solutions inherent in externalization strategies. While they may temporarily reduce migration pressures at EU borders, they fail to address the root causes of migration, such as poverty, conflict, and climate change. Without comprehensive approaches that address these underlying factors, externalization merely serves as a stopgap measure that

perpetuates cycles of vulnerability and instability for migrants and host communities alike.

In summary, while the externalization of EU migration policy may offer short-term benefits in terms of border control and migration management, its long-term implications raise serious ethical, legal, and humanitarian concerns. As such, there is a pressing need for a more holistic and rights-based approach to migration governance that prioritizes human dignity, protection, and solidarity across borders. This duplicity is especially evident in the case of Turkey as mentioned. Human rights violations and the breaking democratic principles in Turkey are publicly condemned (European Commission, 2021). In the 2016 EU-Turkey Statement, the EU used incentives such as visa liberalization, the prospect of EU membership, and financial aid to reach an agreement. This chasm also exists in migration policy. The rhetoric emphasizes the importance of migrant-centred policies that prioritize human rights and dialogue (European Commission, 2011). In its discussions with African partners, the EU claims to be focusing on migration management and creating opportunities for mobility and legal migration. In practice, the restriction of irregular migrations is more important. As a result, the EU prioritizes its interests in Mobility Partnerships with other countries. Its commitment to creating opportunities for legal migration remains ambiguous, whereas its demands for border management and readmission from other countries are very specific and concrete.¹⁴

2.2. The Dublin Regulation and the Complexities of EU Asylum Politics

Europe's one of the main issues regarding immigration is its struggles to see itself as a full-fledged actor in the international arena. The reasons for this void are well known: rather than sharing a common understanding of what the European Union's role is or should be in the world, the 27 Member States hold opposing views, depending on their respective histories or political, diplomatic, or economic clout in the world. If we look at the "largest" European countries, their positions on the concept of "European power" - because this is the issue at hand - are all extremely different: Often hesitant (Germany), and increasingly ambiguous from France's perspective, even though it has championed this cause in the past. In the face of so many contradictions, the European Union frequently appears as an absent or ambiguous actor. Even without attempting to replace its members' national diplomacy, which would be unrealistic, Europe appears to struggle to establish a complementary foreign policy to that of the States.

¹⁴ Zanker F., *Managing or restricting movement? Diverging approaches of African and European migration governance*, Comparative Migration Studies, 7(17), 2019, p. 1-18.

The Dublin regulation, which is responsible for examining asylum applications was supported by several countries like France that defended the principle of the first-entry country being liable for processing asylum claims. This regulation, however, has been criticized for placing a disproportionate burden on countries like Greece, Italy, and Spain, leading to debates and tensions within the EU about burden-sharing and reforming this system. France has actively participated in talks and negotiations around the Dublin Regulation at EU forums. Through these interactions, France has backed the regulation's duty allocation principles and participated in discussions about how to put them into practice. Position in EU Summits and Council Sessions: French delegates have advocated for the Dublin Regulation and talked about its implementation at EU summits and Council sessions. They are trying to get member states to agree on upholding the regulations' fundamentals.

Overall, the EU's involvement in the externalization of migration policy through controlling immigration demonstrates a self-interest approach. As a result, Mobility Partnerships, or CAMMs, are means of externalizing because other states take on the responsibility of readmitting migrants, tightening border controls, or establishing migration centres. This practice raises several ethical concerns. At its core, the goal is to "prevent migrants, including asylum seekers, from entering the legal jurisdictions or territories of destination countries or regions or making them legally inadmissible without individually considering the merits of their protection claims".¹⁵

To deepen our comprehension of this approach, France serves as a pertinent case study for elucidating the disjunction between policy rhetoric and politicized discourses.

3. POLITICIZATION AND THE NEW IMMIGRATION BILL IN FRANCE

3.1. On a National level

Given its long history and varied cultural legacy, France has always struggled with the complicated problems relating to immigration laws and their politicization. Being a country at the intersection of Europe and having a transcontinental colonial heritage, historical, social and political factors have influenced France's immigration policies. Immigration discussions have been crucial to French

¹⁵ Frelick, B.; Kysel, I. M.; Podkul, J., *op. cit.* note 10, p. 190 - 220.

identity, national security, and social cohesion from the post-war period to the present.

France's shortages of labour during World War II led to the country's post-war reconstruction efforts being fuelled by the recruitment of foreign labours, mostly from former colonies in North Africa and sub-Saharan Africa. This signalled the start of a surge of immigration that would have a significant long-term influence on French politics and society. However, the immigration wave also increased hostilities, sparking discussions about multiculturalism, integration and national identity. As a result, different immigration laws were enacted by succeeding French administrations with the goals of controlling immigration, encouraging assimilation, and resolving social injustices. The challenges of immigration have been navigated, yet French immigration laws have frequently become entangled in controversy and politicization. This goes back to the fact that France's immigration policies exhibit a remarkable dynamism, characterized by frequent reforms occurring roughly every 2-3 years since the 1980s. This legislative churn, documented by the Brookings Institution, creates a landscape of uncertainty for immigrants aiming to settle in France. For instance, a skilled worker navigating the process under one set of regulations might suddenly face entirely new requirements just a few years later, impeding their integration prospects. Public opinion on immigration in France mirrors this complexity, with reports suggesting both a rise in negativity towards increasing immigration levels, as well as a growing positive sentiment. This ongoing debate underscores the challenge of striking a balance between openness and concerns over economic and social impacts. For a deeper understanding of this issue, resources such as French government websites providing details on current immigration policies, reports by the French Observatory for Migration Studies (OFCE), and polls conducted by reputable institutions like the Pew Research Centre offer valuable insights into evolving public attitudes and policy dynamics.

In recent years, the politicization of immigration has intensified, fuelled by factors such as globalization, terrorism threats, and the resurgence of nationalist movements. Debates over immigration have become increasingly polarized, with competing narratives shaping public discourse and political agendas. From debates over religious attire to discussions on asylum and border control, immigration remains a contentious and divisive issue in French politics. Some of these immigration policies that generated debate and controversy are related to legislation and regulations, such as changes to deportation and asylum procedures. For instance, the new law called the "Law for Strengthening and Controlling Immigration and Integration", also known as the "LOMINI" for its French abbreviation was passed in December 2023 and aims to control immigration and improve integration in France was considered by lawmakers to be a questionable

law that threatens to limit the rights of asylum seekers and migrants. The draft law is scheduled to be debated in the French Senate beginning November 6, 2023, and was sent to the National Assembly in December. The bill was introduced in February by the government, but the debate was postponed in March due to a lack of support in parliament (Immigration Et Intégration - Sénat, n.d.).¹⁶

One of the law- affected areas is the Right of Soil (*jus soli*) vs. Right of Blood (*jus sanguinis*). Before December 2023, any child born on French soil automatically became a French citizen at age 18, regardless of their parents' immigration status. This was the traditional form of *jus soli*. As of December 2023, a new immigration law partially dismantled the automatic path to citizenship. Now, children born in France to at least one foreign parent who was not born in France need to apply for citizenship between the ages of 16 and 18. They must also fulfil residency requirements during their childhood and meet other conditions. It is important to indicate that this applies only to children with one foreign parent not born in France. If both parents were not born in France, the child still automatically becomes a citizen under the older rule. Parts of the new immigration law, including the changes to *jus soli*, have been struck down by the French Constitutional Council. The final verdict may still be pending. It's difficult, however, to say definitively whether further changes to *jus soli* are planned. The current government has expressed support for the current system, but the issue remains politically charged.

Also, the current family reunification policy where France allows spouses, registered partners, and minor children of legal residents to apply for family reunification visas has witnessed more rest tightens the criteria for family reunification, making it more difficult for some families to qualify. This has been criticized by immigrant rights groups, who argue that it will further strain family ties and lead to more irregular immigration.

Some of the point of the 2023 bill contain other concerns such as:

- Provisions to weaken existing safeguards for both foreign nationals ordered to leave France and those forcibly removed from the country.
- A provision that allows the withdrawal or refusal of a residence permit for someone who violates "the principles of the Republic."
- Provisions to limit asylum seekers' right to appeal and administrative procedures relating to migrants.
- Inclusion of a limited provision to end migrant child detention under the age of 16, which would not protect children in French overseas territories, particularly Mayotte, or those detained at borders or airports.

¹⁶ Immigration et intégration - Sénat. (n.d.). Sénat. <https://www.senat.fr/dossier-legislatif/pjl22-304.html>, 23 May, 2024

The draft law would allow authorities to issue a departure order even if a person falls into a category or categories protected by existing law. Existing safeguards apply to personal and family circumstances, such as those who arrived in France before the age of 13, have a long-term residence in France, or are the spouse or parent of a French national. ("France: Immigration Bill Threatens Rights," 2023).¹⁷

According to Human Rights Watch, the draft law would allow authorities to disregard these safeguards if the foreign national's behaviour is deemed to be "a serious threat to public order," despite the bill's use of the terms "serious threat" and "public order" (France: Immigration Bill Threatens Rights, 2023). The bill would also eliminate protections for expulsion, which is an administrative measure used to remove a foreign national from French territory. An expulsion order can be issued under current law against a foreign national living irregularly in France who is deemed a "serious threat to public order," including if they demonstrate behaviour considered detrimental to the "fundamental interests of the state," "engage in terrorism," or "encourage discrimination, hate, or violence." Foreign nationals are currently protected from expulsion in the same way that they are protected from an order to leave France. The bill broadens the circumstances under which people in those protected categories can still be expelled if they are deemed a "serious threat to public order," removing one of the few safeguards for those in the so-called protected categories. A person can be expelled under current law if they have served at least a 5-year prison sentence. Anyone convicted of an offence punishable by a 5-year prison sentence could be expelled under the proposed law, even if they received a much shorter sentencing to the contentious nature of this legislation.

The French Constitutional Council also reviewed the proposed legislation and identified specific measures that violated fundamental rights principles. These measures included restrictions on family reunification for certain immigrants and limitations on access to social benefits for undocumented immigrants in specific situations. Due to the Council's objections, the government was forced to revise the law, removing these unconstitutional provisions. Consequently, the final version of the law passed in January 2024 was significantly less restrictive than originally proposed. It now focuses on managing foreign worker stays and offering a pathway to documented status for some undocumented immigrants in specific labour sectors. This case demonstrates the importance of checks and balances

¹⁷ France: Immigration Bill Threatens Rights, Human Rights Watch, November 6, 2023, See: <https://www.hrw.org/news/2023/11/06/france-immigration-bill-threatens-rights>, 23 May, 2024

within a legal framework, particularly when navigating sensitive topics like immigration policy.

3.2. On the EU level

The immigration policies of the European Union are becoming more politicized due to the impact of the nation's immigration priorities and concerns at home on EU-level debates. France has historically had a big say in how EU immigration policies are shaped and affected, and it has also done a lot to politicize those policies. France's participation in EU immigration policies has frequently been influenced by its security interests, internal issues, and geographic location as a migrant front-runner. France has made it explicitly the necessity of strict border controls and security protocols inside the European Union. The country's position on EU immigration laws has been impacted by problems including organized crime, terrorism, and the perceived dangers of uncontrolled migration. These worries frequently result in calls for more stringent border surveillance and security-focused measures, which can polarize discussions over migration inside the EU. In the current landscape, countries like Sweden and Germany, historically known for their more open immigration policies, have witnessed a notable shift towards embracing stricter anti-immigration stances. Political parties such as the Sweden Democrats and Alternative for Germany (AfD) have gained traction by advocating for tighter border controls and reduced immigration rates. This change can be attributed to a variety of factors, including rising concerns about cultural assimilation, economic strain on social welfare systems, and perceived threats to national security. As a consequence, these policy shifts have had profound effects on the respective countries, leading to heightened social tensions, increased polarization within communities, and reshaping the political landscape as populist movements gain momentum.

Despite the controversy of the new immigration bill of France in 2023, it does not directly affect EU immigration and immigration policies as it applies only to national legislation within France. However, it can indirectly influence the broader conversation and approach to immigration within the EU in several ways. The French bill, being controversial and seen as restrictive by some, can fuel discussion and criticism of similar tendencies in other EU countries. This could lead to calls for reforms and stricter immigration policies across the bloc. The potential domino effect also is considered an indirect factor since some EU countries might see the French bill as a precedent and introduce similar legislation, tightening overall immigration regulations within the EU.

Furthermore, the focus on controlling irregular migration within France could indirectly push for strengthening internal EU borders, impacting the free movement of people within the Schengen and it could affect also migration patterns within the EU. Non-EU immigrants who are unable to obtain legal status in France may attempt to move to other Schengen countries, potentially leading to increased pressure on internal borders.

On the other hand, the emphasis on integration measures in the French bill might inspire other EU countries to prioritize similar policies aimed at fostering social cohesion among existing migrant populations. However, it is important to emphasize that the EU has its own separate immigration framework which member states must adhere to and that France's national law cannot override these EU regulations. There are diverse views on immigration within the EU, therefore, the French bill might not be universally welcomed or replicated. Eventually, the ultimate impact of the French bill on broader EU immigration policy will depend on various factors, including ongoing political debates and future legislative initiatives.

4. CONCLUSION

When it comes to migration policy, the EU is more of a realist, self-interested power than the 'Normative Power Europe' that it likes to portray itself as a civilian actor promoting universal values and human rights.¹⁸ This criticism is not limited to migration but also to other issues, forming a pattern. For example, the EU proclaims to be a supporter of human rights, peace and democracy and thus has human rights clauses in treaties. Those, on the other hand, are used selectively and rarely in countries where the EU has interests. Realist interests include historical ties, commercial interests, such as energy provision, or security concerns, as some nations are perceived as allies in the fight against terrorism. As a result, from a realist standpoint, sanctions become a foreign policy tool that is used only when there are aligned interests rather than promoting liberal norms regardless of potential personal gains and losses.¹⁹ As a normative actor, the EU has a poor compliance record and because of the public commitment to norm promotion, this rhetoric-reality gap is more pronounced than for other actors.²⁰

¹⁸ Manners, I., *Normative power Europe: A contradiction in terms?*, JCMS: Journal of Common Market Studies, year 40, no. 2, 2002, p. 235-258.

¹⁹ Del Biondo, K., *Norms or interests? Explaining instrumental variation in EU democracy promotion in Africa*, Journal of Common Market Studies, year 53, no. 2, 2015, p. 237-254.

²⁰ Carbone, M., Keijzer, N., *The European Union and policy coherence for development: Reforms, results, resistance*, European Journal of Development Research, year 28, no. 1, 2016, p. 30-43.

Tensions exist within the institutional arrangement as a result of competing interests at the supranational and intergovernmental levels. As it is a shared competence and Member States retain important capacities, the Union's power is weakened, especially in negotiations requiring issue linkage. Reluctance to pool sovereignty, disparities in domestic attitudes towards migration, and competing narratives exacerbate the divide. More importantly, on this policy issue, the EU fails to be the normative, liberal power that it is frequently portrayed as, instead promoting its interests. This realist behaviour is visible in the disparity between migration rhetoric and political standpoints which demonstrates the role of politicization. Furthermore, development funds are being misappropriated for security purposes, and aid is being made contingent on migration cooperation. The externalization of migration policy has serious implications for human rights. As a result, how normative considerations of morality and universal values are sacrificed in favour of self-interest will be investigated.

The politicization of EU immigration policies emerges as a complex interplay of divergent national interests, internal divisions within the Union, and evolving socio-political dynamics. This research has scrutinized the intricate web of factors contributing to the multifaceted nature of immigration policymaking, offering crucial insights into the EU's approach to managing one of its most contentious issues. At its core, the European Union's immigration policies grapple with the amalgamation of member states' politically diverse interests. Economic concerns, such as labour market demands and demographic shifts, often collide with social considerations encompassing cultural preservation and integration challenges. Simultaneously, security imperatives fuel debates surrounding border control and the management of irregular migration. These competing interests, often shaped by historical, geographic, and socio-economic factors, culminate in internal divisions within the Union.

Europe must be able to define a small number of goals that are aligned with its most pressing interests as the Union's actions risk being inconsistent. At the moment, Europe must make choices and focus its efforts where they are most needed: restoring stability to a volatile Neighbourhood, "reviewing" a transatlantic partnership that requires a new dynamic as we approach a change in the White House (the 2024 elections), and determining the type of relationship (not naive but realistic) to develop with Russia in the context of the Ukrainian crisis and other future uncertainties.

This research illuminates the stark disparities among member states, manifesting in varying attitudes toward immigration. Northern and Western European nations, with robust economies, tend to prioritize labour market needs and are comparatively more open to immigration. Conversely, some Eastern and Southern

European countries, grappling with economic fragility and different socio-cultural landscapes, exhibit more stringent immigration stances, emphasizing border security and sovereignty. These divergent perspectives catalyze heated debates within EU institutions, hindering a consensus on unified immigration policies. Disagreements frequently surface during negotiations, impeding the swift enactment of comprehensive strategies. As a result, the EU often navigates through a patchwork of policies, compromises, and temporary solutions rather than presenting a cohesive and enduring approach to immigration management. Moreover, the politicization of EU immigration policies extends beyond internal deliberations. It reverberates through national political arenas and public discourse, shaping electoral agendas and influencing public opinion. Political actors strategically utilize immigration as a rallying point, amplifying narratives that resonate with their constituents. This further deepens the polarization within member states and across the Union, impacting not only policy formulation but also societal cohesion and trust in EU institutions.

In conclusion, the research underscores that the politicization of EU immigration policies is not solely a consequence of external pressures or global migration trends but an intricate interplay of divergent national interests, internal divisions, and evolving socio-political dynamics. Understanding and addressing these complexities are imperative for the European Union to navigate this contentious issue effectively. A concerted effort toward fostering dialogue, seeking common ground, and balancing diverse interests is crucial to moving towards more cohesive, inclusive, and sustainable immigration policies within the EU.

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