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Geostrategy

What's at Stake in the EU Elections: Tackling Europe's Gordian Immigration Knot

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By Jacob Kirkegaard | March 6, 2024

Immigration is once again at the top of many European voters' agenda in this parliamentary election year. EU policymakers are racing to reform asylum rules before the European elections. The new European Parliament must continue to balance the economic need for more workers in an ageing Europe with the need to maintain voters' trust in their governments' ability to control external borders and facilitate only legal inward migration.

Few issues combine the economic importance and political explosiveness of immigration, and probably none exposes the shortcomings of the EU's distributed sovereignty model more brutally. National elections are frequently determined by parties' stance on immigration. But in an EU dependent on the functioning of the frictionless internal market, plausible practical solutions to immigration issues must be found at the EU level. Correspondingly, immigration will play a key role in this year's European Parliament elections, as polls suggest political families skeptical of more immigration to the EU will gain seats. Unless the newly elected parliament assists national governments in tackling Europe's Gordian immigration knot, this trend seems likely to continue.

Analysis of acutely controversial issues benefits from a common factual foundation. First, the EU's population is ageing. Eurostat's [baseline 2023 population forecast](#) shows the EU27 working-age population (15–64) declining by 7%, or almost 20 million, by 2040. This forecast assumes a net inward migration of about 19 million. However, the Eurostat forecast that assumes zero future net migration sees the EU27 workforce declining by a whopping 35 million—a 13% decline—by 2040. In other words, Europe's need for workers is so great that it already assumes it will receive more than a million annually going forward.

Demographers' assumptions about future net migration levels are based on recorded historical levels of net inward migration to the EU27 in prior years. Consequently, Eurostat's forecast reflects the [EU27 average](#) of over one million new legal migrants (including legalizations of earlier illegal arrivals) annually in the 21st century—a level above the annual issuance of US green cards. The good news for EU political leaders, then, is that the European legal immigration system is both attractive and working well. The challenge is to scale it up further amidst accelerating ageing of the population and rising public concerns about illegal and opportunistic inward migration.

Second, the pandemic lockdowns demonstrated the importance of keeping the EU's internal borders open, effectively removing the ability of national governments to police their own borders. This decision transfers the principal border control challenge to the EU's external border, and transforms it from a national to an EU-level policy issue. The gradual build-up of the EU-funded European Border and Coast Guard Agency (EBCGA) to [2,500 border guards](#) deployed in 2023 to assist national enforcement agencies at EU external borders illustrates this increasingly shared responsibility.

Third, it remains a legal reality in the EU that most immigration policy decision-making power, a core manifestation of statehood, rests with member states. They decide matters such as eligibility for

citizenship, short- or long-term residency, employment authorization, family reunification, asylum status, or eligibility for deportation to a safe country of return. As a result, the EU's immigration policy is a hodgepodge of differing national rules, incentivizing many would-be migrants to relocate to the most hospitable national jurisdictions in the EU.

Before June 2024: The Need for a New Migration and Asylum Pact

In recent years, the number of irregular crossings of the EU's external border by third-country nationals without valid entry papers has again begun to rise, [reaching approximately 380,000 in 2023](#)—the highest number since 2016. Given that they are often followed by requests for asylum status, the increase puts particular stress on this channel of immigration to the EU. With all EU members signatories to the [1951 Refugee Convention](#) outlawing the return of a refugee to a country where they face serious threats to life or freedom, determining which member state is responsible for examining asylum applications is a hotly contested policy area. The so-called [Dublin Procedure](#), which among other things dictates that most asylum applications must be launched and carried out in the first EU country of arrival—except in the limited cases of airport arrival, almost invariably an EU member with an external border—has governed this process since the late 1990s. As the number of self-proclaimed refugees crossing EU external borders has risen sharply, the Dublin procedure has become increasingly unenforceable.

Reforming the Dublin Procedure is scheduled to be the last major policy act agreed by the current European Parliament, with [final adoption of a new set of recently agreed regulations](#) expected in April this year. The new [Migration and Asylum Pact](#) aims to have asylum seekers treated more uniformly across the EU. It includes new rules for Eurodac (the EU fingerprint database for asylum-seekers), a new asylum procedure regulation streamlining the border screening process with common standards for the rights of the asylum-seeker, and a new asylum and migration management regulation largely replacing the current Dublin Procedure and, crucially, introducing a new “solidarity mechanism” aimed at easing the burden placed on frontline states. The pact also lays out new force majeure rules for how member states should act in a crisis situation at the external border.

Together with earlier agreements on revising the rules for EU's asylum reception conditions, qualifications, and common guidelines for safe resettlement (deportation), this package of new immigration-related legislation represents the largest reform of EU asylum regulations in more than 20 years, and arguably brings it into the 21st century with its permanently higher inflows of asylum-seekers. That this is set for a final vote just a couple of months before the European parliamentary election highlights both the political importance of this reform—elected officials will not want to face voters without having “done something” on asylum inflows—and the political controversies associated with it, given that the legislative reform work started as far back as 2016.

After the Elections: The Challenge of Implementation

Achieving further harmonization of EU asylum rules is a small first step toward a common EU immigration policy, with member states remaining firmly in charge of aspects of asylum conditions, employment-based migration, family reunification, and other channels of inward migration. Given the political potency of these issues, it does not seem likely that the incoming parliament will seek to introduce EU-level regulations on these topics. Instead, the focus will be on implementing the new asylum rules, completing the build-up of the EBCGA to its target 10,000 standing force by 2027, and increasing the common EU budget funding for the management of irregular entries across the EU's common external borders.

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