MIGRATION AND ASYLUM IN EUROPE
AND
EU-CANADA RELATIONS

Project funded by the European Commission
Directorate-General for External Relations
Relations with the US and Canada

TRAINING SCHOOL

The Reframing of the
EU External Border
Risk, Ethnicity and Nationality

ABSTRACTS AND SHORT BIOS

16 & 17 February 2011
Centre for European Policy Studies (CEPS)
Place du Congrès 1, 1000 Brussels, Belgium
**FIRST PANEL: VISAS AND EU EXTERNAL RELATIONS**

**Federica Infantino** is a PhD candidate in Political and Social Sciences at the “Université Libre de Bruxelles” and the “Ecole des Hautes Etudes en Sciences Sociales” (Paris). Her research interests include the implementation and the enforcement of the Schengen visa policy analyzed in a comparative perspective and apprehended as a form of border control. The experience of bordering of both Member States’ agents and visa applicants’ are taken into account along with interactions between border control enforcement and border control evasion. She has previously conducted a short fieldwork research on some aspects of this topic for her master dissertation completed at the “Università degli Studi di Napoli L’Orientale”. In September 2009, the journal Champ Penal/Penal Field published an article focused on this research: “La frontière au guichet. Politiques et pratiques des visas Schengen à l’Ambassade et au Consulat d’Italie au Maroc”. In 2010, she worked for the Centre Jacques Berque (CNRS/MAE) in Morocco in a research program focused on sub-Saharan migrants. She undertook a fieldwork research on the economic and social paths of integration of sub-Saharan students in the context of the Moroccan urban society. A collective publication is forthcoming.

**Title of the paper** Bordering at the Window: Schengen Visas policies and allocation practices at the Italian Embassy and Consulate in Morocco

**Abstract:** This contribution aims to analyze the European migration policy from an unusual point of view: applicants’ interviews and accounts about Schengen visas’ allocation practices at the Italian consular posts in Morocco. According to my hypothesis, Schengen visa represents a tool of the European migration policy whose rationale is risks prevention and reduction. Such objectives are achieved only if control is dislocated to the places of departures of potential migrants. Therefore, Schengen visas are defined as instruments supposed to dominate migrants’ flows (JO 313/02), and block strangers deemed “undesirable” even before their arrival on the European territory. The logic of Schengen visas is strictly interrelated with borders mobility.

During a field research carried out in Morocco in 2009, I’ve tried to identify the practical details of the passage from the definition of “risk” groups to the activity of processing every single visa application. Fieldwork pushed me to move my research outside the window. Data analysis shows numbers of architectural and procedural blocking devices, of filtering devices (technologies and regulations) and processes of externalisation to private agencies (outsourcing). Finally, I could stress avoidance mechanisms as consequences of those blocking and filtering devices: the emergence of formal and informal practices to bypass the border at the window.

**Oleg Korneev**, born in 1983, is postdoctoral research fellow at the Centre for International Studies and Research (CERI – Sciences Po) in Paris since September 2010. His research is supported by the grant from the City of Paris. He has received his M.A. in Sociology and Social Anthropology from Central European University, Hungary (2006), his M.A. in International Relations (2005) and his Ph.D. in History (2009) from Tomsk State University, Russia. He has
also been visiting doctoral fellow at the Chair InBev-Baillet Latour, Institute for International and European Policy, Faculty of Social Sciences, Catholic University of Leuven, Belgium in 2006-2007. His main research interests include migration processes in Eurasia, European Union immigration policy, Russian immigration policy, EU-Russia cooperation in justice and home affairs, EU and Russian migration management strategies in Central Asia.

Title of the paper: **Borders Guarded by the East: Co-opting Russia for the EU Migration Management Strategy and Its Consequences for Central Asia**

Abstract: Since early 1990-s Russia has started paying significant attention to migration problems. This attention, manifested in the growing securitization of migration sphere, was obviously caused by immigration waves provoked by serious geopolitical turmoil of the late XX century, following the dissolution of the Soviet Union. However, a major policy change – Russian immigration policy acquiring an external dimension – happened at a later point in time and coincided with the steep intensification of the EU-Russia cooperation in justice and home affairs. Such a coincidence has led some researchers to ask questions about the scope of the EU influence on Russian immigration policy. Anyhow, lacunae are still numerous. This is the case for various soft security issues in the EU-Russia relations that are still much understudied, compared to the whole volume of research done in this field. And this fact is somewhat paradoxical, when one observes that the intertwined issues of migration management and external polices, as well as both the EU’s and Russia’s changing roles in their respective “near abroads” constitute a top priority on the EU agenda. This paper will try to tell a story about the EU attempts to transform Russian immigration and border-guarding strategy – for the EU needs in the first place, but also for the benefit of Russia as it seems to some of the observers – and about the consequences of this policy for the Central Asian region.

Laura Robbins-Wright is a first-year MPhil/PhD student in Government at the London School of Economics and Political Science. Her current research focuses on the relationship between refugee protection and the preservation of human rights as a global public good, and how complementary forms of protection such as resettlement could serve as a responsibility sharing model for the European Union. Her other research interests include the dynamics of European Union asylum policy, the externalisation of migration controls, and the evolving migration-security nexus. Laura has a Master of Arts in European Political and Administrative Studies from the College of Europe in Bruges, Belgium and an Honours Bachelor of Arts in History and Political Science from the University of Toronto in Canada.

Title of the paper: **Rationalising Canadian and EU Visa Policies: A dual case study approach**

Abstract: The paper examines how Canada and the EU have sought to resolve the protracted disagreement brought on by their fundamentally disparate approaches to visa policy. Whereas Canadian visa policy is a classic example of ‘remote control’, EU visa policy is driven by the core principals of equality and solidarity and European Commission efforts to maintain legitimacy by fulfilling its mandate to secure reciprocal visa agreements. The paper attempts to construct a rationale for Canada’s past decisions to lift and impose visa requirements on Hungary and the Czech Republic based on Canada’s visa review criteria and author interviews with Canadian and EU officials. It
argues that while Member States have made important strides economically and in human trafficking and minority rights since the collapse of communism, official statistics confirm that the number of asylum claims from these two countries has exceeded Canadian thresholds. Though discussions with Canadian officials have been largely bilateral, the Commission has endeavoured to earn its keep by maintaining pressure on this issue and moving forward with the expansion of a common visa policy. The paper concludes that in order to resolve this issue, all parties must continue to demonstrate credibility in their communication and formal dialogue.


Title of the paper: Reframing the EU Visa cooperation with third countries: policy convergence in the visa liberalisation process in Eastern Europe

Abstract: The EU visa policy constitutes one of the main issue areas of the Justice and Home Affairs external dimension, in particular in Eastern Europe, where the abolition of the visa regime has been included in the framing of the migration agenda. Nevertheless, much of the EU attention has focused on security-related issues such as the conclusion of readmission agreements or the reinforcement of the external border. This article looks at the policy convergence processes underlying the visa liberalisation reforms that are currently being implemented. In other words, what kind of norms the EU is asking third countries to adopt before the abolition of the visa regime. The article proceeds as follows. First, it analysis the EU provisions on visa policy and existing tools such as the visa facilitation agreements. Second, it assesses the reforms in terms of policy convergence undergone in the visa liberalisation process in the Western Balkans. Third, it sets the scene of the current processes to lift the visa requirements in Eastern Europe, i.e the Eastern Partnership countries and Russia. Overall, the article shows that the policy convergence proposed in this visa liberalisation process is mainly towards norms from international organisations like the Council of Europe.
DISCUSSANTS & CHAIR

Didier Bigo is Professor of International Relations (and Maître de conférences des universités) at Sciences-Po Paris, Professor at King’s College London and Researcher at CERI/FNSP. He is co-editor with Rob Walker of the new ISA journal *International Political Sociology*, published by Blackwell. He is also Director of the Center for Study of Conflict and editor of the quarterly journal *Cultures & Conflits* published by l’Harmattan and edited once a year in *Alternatives: Global, Local, Political*. Professor Bigo works on critical approaches to security in Europe and the relation between internal and external security, as well as on sociology of policing and surveillance. He analyses the relations and tensions between international relations, politics and sociology.

Mark B. Salter is an associate professor at the School of Political Studies, University of Ottawa. He is editor Mapping Transatlantic Security Relations: The EU, Canada, and the War on Terror, Politics at the Airport, and Global Policing and Surveillance: borders, security identity with Elia Zureik. He is the sole author of Rights of Passage: the passport in international relations and Barbarians and Civilization in International Relations (also published in Chinese). Recent research appears in *Geopolitics, Citizenship Studies, International Political Sociology, Alternatives, European Journal of Social Theory, the Canadian Journal of Political Science* and the *Security Dialogue*. He has received a National Capital Educator’s Award and the Excellence in Education Prize at the University of Ottawa. In 2008, he was Visiting Fellow at University of Cambridge. Salter has also consulted with the Auditor-General of Canada, Transport Canada, the Canadian Air Transport Security Authority, the Transport Committee of Parliament, the International Civil Aviation Organization, and the OECD.

Elspeth Guild is Jean Monnet Professor of European migration law at the Radboud University Nijmegen (The Netherlands). She is also Senior Research Fellow at the Centre for European Policy Studies (CEPS) in Brussels and a partner at the London law firm Kingsley Napley. She is a Visiting Professor at the London School of Economics (LSE) and teaches in the Department of War Studies at King’s College London. She has acted as Special Adviser to the House of Lords and is a member of the European Commission’s expert group on the policy needs for data on crime and criminal justice.
SECOND PANEL: INTERNAL ISSUES RELATED TO BORDERS, MIGRATION AND ROMA

Leonhard den Hertog (NL, 1986) obtained his LLM degree in 2010 after completing the Legal Research Master in European and public international law at the University of Utrecht. He is particularly interested in EU migration policy, external relations law and development cooperation. Prior he worked as research assistant for professors at the University of Utrecht and of Amsterdam on European constitutional law. Furthermore he worked for the European Commission in Addis Ababa (Ethiopia) on issues of development cooperation and civil society. Since October 2010 he is a PhD student within the EXACT programme: a so-called Marie Curie Initial Training Network on EU external action (Commission-funded research programme). His joint host universities within this network are the University of Cologne and of Edinburgh. His PhD thesis assesses securitisation and the rule of law in the policy fields of EU migration, counter-terrorism and development cooperation. In addition, in the course of his EXACT years he will work as a research assistant at CEPS (Centre for European Policy Studies, Brussels) and the IWE (Institute for World Economics, Budapest). He plans to obtain his PhD degree by 2013.

Title of the paper: Fundamental rights and the extra-territorialisation of EU migration policy: a contradiction in terms?

Abstract: The proposed paper analyses potential challenges to fundamental rights stemming from Frontex joint operations executed within third States' territories. These operations are a clear illustration of the extra-territorialisation of EU migration policy. The emphasis of the Stockholm Programme on cooperation with third States in the fight against illegal immigration on the one hand and the unequivocal support for human rights and the rule of law on the other hand seem to be in an uneasy relationship. Analysis of international and European law evidences that substantive as well as procedural elements of fundamental rights are under pressure. These relate, *inter alia*, to the absence of effective judicial protection and asylum application avenues and to risks of chain *refoulement*. The paper argues that if executive action is extra-territorialised by the Union and its Member States, they should seriously consider coupling those efforts with an effective fundamental rights regime. However, *in casu* such a move may have serious trade-offs for the efficacy of pre-border surveillance. Put in a larger perspective this may signal a fundamental dilemma for the EU with constitutional implications.

Zsolt Körtvélyesi holds an MA in Legal Studies (Szeged U., 2006) with specialization in French law and European studies. He started his PhD studies in the same year at the Constitutional Law Department (Szeged U.). He obtained an MA degree on Nationalism Studies (Central European U., Budapest, 2009), and started his SJD studies at the Comparative Constitutional Law Program at CEU in 2010. He worked in a law firm in Budapest for three years and in the Office of the Hungarian Parliament for 18 months (Independent Police Complaints Board), was teaching international law at the King Sigismund College, and he was
involved in a research project on the legal notion of 'public interest' at the Hungarian Academy of Sciences. He is now involved in a research on dual citizenship, and co-authored a report on external citizenship: The Politics of External Kin-State Citizenship in East Central Europe, with Szabolcs Pogonyi and Mária M. Kovács (EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies in collaboration with Edinburgh University Law School, Comparative Report, RSCAS/EUDOCIT-Comp. 2010/6, Badia Fiesolana, San Domenico di Fiesole (FI), Italy, October 2010). He published articles on minority rights, data protection, property rights, freedom of assembly, policing, and constitutional law.

**Title of the paper:** Patterns of External Citizenship Regimes on the Eastern EU Border: from Hungary to Greece

**Abstract:** As shown by comparative studies, the strength of cross-border cooperation often depend on the ethnic factor. Furthermore, such connections are often considered as part of diaspora politics, and not of the general migration regime. This context gets even more blurred when members of kin-minorities get automatic access to citizenship, regardless of their place of residence. This also means that once naturalized, they are exempted from (circumventing) the general visa and immigration regime of the EU. On the Southern-Eastern border of the EU, especially on the Balkans, this practice seems to have become widespread. In 2010 Hungary made a decisive step towards this regime, which provoked a Slovak response banning multiple citizenship in certain cases. The security aspect is evident if we take the case of the Russo-Georgian conflict where the argument of protecting ‘our nationals’ appeared to legitimize Russian involvement. Where do these extensions of citizenship, the virtualizing of borders, on ethnic grounds, lead us to? Are there international (citizenship or minority rights) standards that provide guidelines? The paper will seek to answer these questions by giving an overview of available documents, contrasted with the realities in the region.

**Lidia Balogh** holds three MAs: Nationalism Studies (CEU, Budapest, 2009), Communication Studies (JATE, Szeged, 1999), Hungarian Language and Literature (JATE, Szeged, 1998). Currently, she is a PhD student at ELTE (Budapest), Film-, Media and Cultural Theory Doctoral Program, her research topic is: „Ethnic Affiliation as Sensitive Data in the News Media - from a Comparative Approach”. As a freelance researcher, she participated in numerous projects e.g. of the Research Institute of Ethnic and National Minorities, Hungarian Academy of Sciences, and of the RAXEN Program of the European Union Agency for Fundamental Rights (e.g. contribution to the annual national reports on racism and xenophobia, thematic study on racist and related hate crimes). Besides this, she has been working for the MONA Foundation for the Women of Hungary since 2004, currently she is communications manager of a project (funded by the Open Society Institute) entitled “Improving Support, Protection and Redress for Survivors of Rape and Sexual Violence in Hungary”, and co-ordinator of a project (supported by the Embassy of the Kingdom of The Netherlands, Budapest) entitled “Developing interdisciplinary cooperation and improving legislation for enhanced victim protection and more effective combating of sexual exploitation and trafficking in persons, especially women and children, for the purpose of sexual exploitation”. Between 1998-2002, she worked as a documentalist for the Metropolitan Library of Budapest, Department of Sociology.

**Title of the paper:** Trafficking for the Purpose of Sexual Exploitation as an Emerging Phenomenon in Europe: The Case of Roma Women from Hungary
Abstract: Hungary received Tier 2 status in the 2010 ‘Trafficking in Persons Report’ of the U.S. State Department; however, the situation as regards to trafficking and sexual exploitation is quite severe and has worsened over the past years in Hungary. The majority of victims belong to marginalized groups, i.e. Roma or minors in state care institutions.

According to local law-enforcement and NGOs, Hungarian citizens make up 25-30% among prostitutes Amsterdam’s red light district and 98-99% of street prostitutes in Zürich. The overwhelming majority of these women – exploited and often abused by pimps – are perceived to be of Roma ethnicity. Furthermore, victims of internal trafficking tend to be brought from the disadvantaged regions of Hungary, where Roma are overrepresented, to the wealthier parts of the country. The main obstacle to study the situation is the lack of reliable and/or publicly available data. As for the ethnic aspect, data protection laws strictly limit the handling of ethnic data. The Roma in Hungary, and throughout Europe, already suffer of discrimination and stereotyping, so this is a sensitive issue, indeed. However, from a sceptical point of view, the lack of data collection might be also due to the fact that if there is no official data on a certain issue, then this is an excuse for the state to not to address it.

Jonathan Zaragoza Cristiani PhD Candidate of Social and Political Sciences at the European University Institute and Master of Social and Political Sciences at the Universitat Pompeu Fabra. Also he has worked as researcher assistant at the EMILIE Project: A European Approach to Multicultural Citizenship. Legal, Political and Educational Challenges, funded by the European Commission Sixth Framework Programme. At present he is researcher and administrative coordinator of the “FRONTERAS Project: “Political Theory of the Borders: Policies and movement of people in the Euromediterranean” funded by the Spanish Ministry of Science and Innovation (CSO 2008 - 02181 /CPOL), and is member of the GRITIM-UPF (Interdisciplinary Research Group in Immigration). Its lines of research and its thesis are the externalization of migration policies and Global Justice from an empirical and normative point of view.

Title of the paper: The Spanish-Moroccan Cooperation in Migration Management

Abstract: Since 1991, with Spain signing the Schengen Treaty, which obliges third-state nationals to request visas in order to enter in the EU, the migration flows from Morocco to Spain have become an important issue of study and a conflictual element in the relations between these two countries. This bilateral relation has been conditioned by two important factors. On the one hand, the different problematic issues that relate Spain and Morocco since the independence of Morocco in 1956, and, on the other hand, the influence of the EU on the Spanish Moroccan relations, since the entrance of Spain in the European Community in 1986 in as we will see different conflictual issues that relates them, including migration. The aim of this study is to analyze the evolution of the migration cooperation between Spain and Morocco, as well as the reasons and consequences for its “success”. In the first part I will analyze how the bilateral and international context has influenced Spanish-Moroccan relations. In the second part, I will describe the different stages of Spanish-Moroccan cooperation on migration management and explain the main reasons that have conditioned its evolution. Finally, I will present the consequences of this cooperation related to irregular migration flows.
coming from Morocco and the emission of visas for Moroccan nationals. By analyzing these two indicators, I expect to analyze, first, to what extent these efforts and resources are effective and getting real results in controlling irregular migration, and second to what extent this EU/Spain-Morocco cooperation is promoting legal migration.

**DISCUSSANTS & CHAIR**

**Nando Sigona** is Senior Researcher at the Refugee Studies Centre and at the ERSC Centre on Migration, Policy and Society (COMPAS), both at the University of Oxford. His research focuses in particular on three research areas: forced migration and EU policy and practice for Third Country Nationals and refugees; citizenship, undocumentedness and the anthropology of legal status; and Romani politics and social exclusion in Italy and Europe. He has worked as researcher and consultant on a number of research projects funded by the UK Home Office, the EU Refugee Fund, OSCE, Refugee Housing Association, Barrow Cadbury Trust, Joseph Rowntree Foundation, and Paul Hamlyn Foundation. Nando is also co-founder of OsservAzione, an independent action research group working on anti-Gypsyism and racial discrimination in Italy. His publications include: ‘Migration routes and strategies of young undocumented migrants in England: a qualitative perspective’, *Journal of Ethnic and Racial Studies*, (jointly authored with Alice Bloch and Roger Zetter), 2011 forthcoming; Romani mobilities in Europe, special issue of the Journal of Ethnic and Migration Studies (co-edited with Peter Vermeersch), 2011 forthcoming; Romani politics in contemporary Europe (co-edited with Nidhi Trehan), Palgrave 2009; Refugee community organisations and dispersal in the UK (co-authored with David Griffiths and Rogeer Zetter), Policy Press 2006. Further info: http://nandosigona.wordpress.com

**Judit Tóth** (PhD, associate professor of law at the Dept. of Constitutional Law – University of Szeged, HU). She has 25 years experience in the legal practice and worked as a legal adviser to the ministries (justice, interior, social, environment), to the Parliament, the Prime Minister’s Office and the Ombudsman. She is also a senior research fellow at the Hungarian Academy of Sciences (Institute for Minority Research since 2000-, and Institute for Political Sciences in 1990-2000) conducting research. She has published widely on refugee, migration and comparative constitutional law as well as enlargement policy. She has worked in international research teams on migration and human rights issues since 1991, as partner in numerous CEPS projects.

**Sergio Carrera** is Senior Research Fellow and Head of the JHA Section at CEPS. He was also a visiting lecturer at the University of Kent in Brussels, and an external expert on immigration and integration for the European Economic and Social Committee and the Committee of the Regions. Carrera has also acted as an external expert for the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) in the fields of migration and integration. He holds a PhD in migration and integration from the Faculty of Law of the University of Maastricht, where he previously obtained an LL.M on ‘European, International and Comparative Law’. With over five years of experience in managing large-scale research projects, Carrera has participated in the management of various trans-European and international projects, such as ELISE (European Liberty and Security) and CHALLENGE (Changing Landscape of European Liberty and Security), funded by the Fifth and the Sixth Framework Programmes of the European Commission’s DG Research respectively. He has also participated in the management of framework research contracts for the provision of external expertise on JHA to the European Parliament’s LIBE Committee.