

## Stigmatisation of EU mobile citizens: a ticking time bomb for the European project

*Andreia Ghimis, Alex Lazarowicz and Yves Pascouau*

The 2013 European Year of Citizens was profoundly marked by escalating attacks against one of the EU's major achievement for EU citizens: freedom of movement. In April 2013, Home Affairs Ministers from Austria, Germany, the Netherlands and the UK were party to a letter claiming that "a significant number of new immigrants draw social assistance in the host countries, frequently without genuine entitlement, burdening host societies' social welfare systems". This letter laid the groundwork for a "battle plan", presented by David Cameron in November, which aimed to make the free movement of persons "less free" and put forward the idea of capping "EU migration". Furthermore, in December, the German conservative Christian Social Union (CSU) took up a similar petty political discourse.

After the end of the transitional period for Romania and Bulgaria on 1 January 2014, the debate continues with Chuka Umunna (British Labour Party) proposing to restrict the freedom of movement to highly skilled EU citizens and to citizens in possession of a firm job offer. Alongside this, the German Chancellor, Angela Merkel announced the formation of a committee to investigate "poverty migration" in Germany. This wave of resentment has been more recently followed by the UK Prime Minister David Cameron, expressing his intention to re-negotiate EU law in order to be able to withdraw child benefits from EU citizens working in the UK, citing Polish citizens working in the UK as an example. Seeing this as a stigmatisation of the Polish population, the Polish foreign minister, Radoslaw Sikorski, qualified Cameron's discourse as "unacceptable". The debate over limiting freedom of movement has continuously escalated and reached a worrying level. With the EP elections approaching in May 2014, this debate is likely to become worse.

### ***Calling EU citizens "migrants" to blur the picture and decrease rights***

The EPC has already drawn the attention to the risks engendered by labelling citizens as "migrants" in this public debate. It should once again be emphasised that, under EU law, providing that EU citizens fulfil the conditions set by the Treaty of the European Union and the secondary legislation, they have a right to work and reside in any other EU Member State. This derives from the fact that freedom of movement is one of the four EU fundamental freedoms and a core element of the concept of EU citizenship. Nevertheless, the extensive rights awarded to mobile EU citizens are retained as long as they do not become a burden for the social assistance system, or a threat to the host Member State.

A migrant – a "third country national" in EU jargon – living in a Member State is authorised or has the right, depending on their status, to reside in this Member State. They are also entitled to social benefits which are, in some respects, more limited than the ones received by nationals of that country and other EU citizens. In legal terms, a distinction exists between the two categories. Blurring the lines between them is aimed at instilling the idea of EU citizens as migrants. Once this muddying of the waters is complete, it is then easier to propose a restriction of the rights EU citizens enjoy by aligning them with aliens' rights.

### ***From myths to facts #1 – mobile EU citizens are not benefit scroungers***

In order to support the goal of restricting rights for EU citizens, the new fashion is to depict EU mobile citizens as social benefit scroungers. However, the supposed existence of "social benefit tourism" contrasts starkly with reality. A recent European Commission report shows that the majority of mobile EU citizens move to other Member States for employment purposes. Furthermore, the migration research unit at University College London suggests that in comparison to UK nationals, recent immigrants are 45% less likely to receive state benefits or tax credits. Migrants also benefit a country's economy: for example the OECD demonstrates that in its' member countries, immigration actually contributed to a GDP growth of 0.3% on average between 2007 and 2009.

Despite this evidence – which is supported by a series of other reports – and in order to dissuade EU citizens (especially Romanians and Bulgarians) from coming to their countries, the UK government and the German CSU want to re-negotiate EU freedom of movement rules in order to introduce a suspension from accessing social services during the first three months of residence. However, the motivation behind this proposal is questionable, if not redundant, as the possibility already exists under EU law (Directive 2004/38/EC). Member States are not obliged to grant social assistance to economically non-active citizens during their first three months of residence in the host country. Moreover, they are not obliged to grant social assistance to first-time jobseekers.

In addition, this stereotypical conception of new mobile citizens as benefit scroungers should be strongly denounced when it addresses, however indirectly, the Roma population. Roma people that have the nationality of a Member State are EU citizens, and should therefore be entitled to freedom of movement. Having in mind EU values, demonising the Roma minority is a stain on the fabric of European society. Moreover, such an attitude has a broader impact; it portrays the Roma minority as representative of the entire Romanian and Bulgarian population, and amplifies naming and shaming practices. The division between first and second class EU citizens has nevertheless rightly been condemned by the President of the European Commission in his recent speech in Strasbourg.

### ***From myths to facts # 2 – no tidal wave of Bulgarian and Romanian citizens in 2014***

The wrongly estimated number of Poles that moved to Britain in 2004 led politicians opposed to freedom of movement to claim that their countries will see large masses of Romanians and Bulgarians swarming their countries in 2014. However, today's situation is far different from the one encountered in 2004 and is unlikely to have the same impact. Indeed, in 2004 only three Member States – UK, Ireland and Sweden – granted free labour market access to the nationals of the eight acceding countries, whereas at the beginning of 2014 the remaining nine Member States opened their labour markets to Romanian and Bulgarian nationals. Furthermore, even among the nine EU countries that maintained their restrictions until January 2014, several transitional measures have been “lightened”. For instance, France established a list of nearly 300 professions which Romanians and Bulgarians could exercise without having to seek prior authorization even before 2014. Hence there should be no fear of a Romanian and Bulgarian tidal wave in the remaining EU Member States which opened their labour markets on the first of this month.

In addition, the earlier opening of the labour market to Romanians and Bulgarians by the other Member States has not – with the exception of Spain – resulted in any major inflows. It should also be outlined that the fears currently being voiced regarding “waves” of EU citizens arriving in other Member States can be compared with the worries expressed by EU leaders with the arrival of Tunisians in Italy after the Arab spring. Here again, the rhetoric used for EU citizens is similar to that used for third country nationals, which is hardly a good sign.

### ***Trying to negotiate the unnegotiable***

Freedom of movement sceptics want the re-negotiation of EU citizens' right to free movement. However, a reform of these rules would face important legal obstacles. The introduction of a cap on the number of EU citizens entitled to move to the UK could only happen through the re-negotiation of the EU Treaties. Given the strong attachment of several Member States to the freedom of movement and the requirement of a unanimous decision, this is unlikely to happen.

Alternatively, reducing social benefit rights would imply a modification of EU secondary law. In this case, EU rules should be discussed following the co-decision procedure. However, the EP will be a major obstacle in this regard. It has already expressed its reluctance to entertain attempts at curbing the principle of free movement. Furthermore, there is no common thirst for revision in the Council.

### ***Mainstreaming an extremist tone and demolishing EU foundations***

The tensions derived from these political statements can lead to several alarming consequences. Firstly, the attractiveness of such populist driven considerations for voters, is leading to their adoption by mainstream political parties. However, their flirtation with such extreme positions plays with fire as the anti-EU mobility rhetoric is likely to pave the way for the electoral success of far-right and anti-EU extremist parties in the forthcoming EP elections.

Secondly, the foundations of the European integration process rest on the principle of free movement. By undermining it, politicians are contributing to the demolition of more than sixty years of progress in the sphere of EU mobility. With this time bomb ticking over freedom of movement, it is important to make clear that destroying one of the foundations of an ever-closer union would start a negative spill-over effect that could affect the entire European project.

***Andreia Ghimis is a Programme Assistant, Alex Lazarowicz is a Junior Policy Analyst, and Yves Pascouau is a Senior Policy Analyst and Head of the European Migration and Diversity Programme, at the European Policy Centre (EPC).***