

# The external dimension of the EU's migration policy : different legal positions of third-country nationals in the EU. : a comparative perspective

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## Propositions

accompanying the dissertation *The External Dimension of the EU's Migration Policy. Different Legal Positions of Third-Country Nationals in the EU. A Comparative Perspective* written by Katharina Eisele

- 1.) A common EU migration policy, which applies to all third-country nationals on equal terms, is not in place today and may, as an objective to be achieved, even be considered as utopian when considering the current highly fragmented EU framework for migration law and policy.
- 2.) EU immigration law stipulates asymmetrical sets of rights for third-country nationals, which jeopardise coherence, transparency and legal certainty. An EU immigration code could address these issues by consolidating existent rules in one document and by making such rules more transparent for migrants.
- 3.) The introduction of the EU's Global Approach to Migration and Mobility is a step into the right direction. At the present time, however, this approach is arguably neither global nor balanced nor mobility-focused.
- 4.) The concept of an "external dimension" of EU migration policy is tautological: when people cross borders for the purpose of migrating from one country to another, this process has by nature an international, external component - and so does the policy governing the latter process.
- 5.) The wake-up calls, which the Court of Justice gives now and then to the Member States with its dynamic and timely interpretation of Union law, are to be welcomed. Such calls revitalise the principle of institutional balance as stipulated in Article 13(2) TEU.
- 6.) The rise of anti-immigrant and populist sentiments across the European continent is alarming and requires strong countermeasures on national and European level alike. In this context, it is to be welcomed that the EU has adopted the Charter of Fundamental Rights providing for a human rights' catalogue that is, to a large extent, applicable to everyone.
- 7.) A basic principle in law says *pacta sunt servanda*. It is worth recalling that this principle applies to the agreement that was signed by Paul-Henri Spaak, Gerhard Schröder, Maurice Couve de Murville, Emilio Colombo, Eugène Schaus, Joseph M.A.H. Luns and Feridun Cemal Erkin on 12 September 1963 in Ankara establishing the association between the EEC and Turkey.
- 8.) Eight days prior to this, on 4 September 1963, the German-French statesman Robert Schuman passed away. As a man with a vision of a unified Europe, he laid the foundations for the European Union as we know it today. On 9 May 1950 he stated: "*L'Europe ne se fera pas d'un coup, ni dans une construction d'ensemble: elle se fera par des réalisations concrètes, créant d'abord une solidarité de fait.*" 63 years later, his words are more relevant than ever.
- 9.) The EU as a *sui generis* supranational organisation is difficult to understand for its citizens. Therefore, it is even more important that the EU is represented, in its relations with third countries, in a visible and coherent way.
- 10.) The Erasmus Programme that was introduced in 1987 to promote student mobility in Europe is one of the greatest achievements of the EU. Taking into account that understanding among nations is key for the emergence of a European identity and for the EU to develop as a "Citizens' Europe", the EU should consider introducing an equivalent scheme for high school students.
- 11.) Writing a PhD is like preparing for a marathon: motivation and endurance is everything, the training schedule changes countless times, one's patience is tested and sweating and stumbling is part of the deal. But just before the finishing line you smile because you know it was all worth it.