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IMPROVING US AND EU IMMIGRATION SYSTEMS

Opportunities for Transatlantic Cooperation on International Migration

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Introduction

The transatlantic relationship is among the most significant partnerships between wealthy nations in immigration policy. While cooperation between the European Union (EU) and United States is, of course, far surpassed by the intra-EU or US-Canada relationships, the sheer size of the North Atlantic economic space and the number of workers and travelers who circulate within it make dialogue on migration both necessary and inevitable.

Despite some significant differences in their social models, demographic circumstances, and the sending countries that dominate their migration flows, the European Union and United States face similar pressures: publics often skeptical about migration's benefits, strong underlying pressures for migration from neighboring developing countries and the need to manage porous borders effectively, concerns about certain immigrant groups' economic and social integration, and the imperative to reap the economic benefits of immigration more fully.

The European Union and the United States also rely on each other to attain a number of policy objectives. This is clearest in the case of travel and border security. But a set of promising measures to facilitate labor mobility across the Atlantic would also require international coordination; and there is substantial scope for "soft" cooperation, including the sharing of operational knowledge and practices in migration management. Importantly, comparable levels of economic development mean that, for the most part, it is possible for the two sides to collaborate and negotiate as equals, without some of the asymmetries that hamper efforts elsewhere at cooperation on immigration.

I. Facilitating Travel While Maintaining Security

The most concrete area of EU-US cooperation in the field of human mobility, and the one that has generated the greatest policy energy, is without doubt information sharing for the purpose of travel and border security. Over the past decade, states have been developing a new border architecture, the purpose of which is to manage the risks of terrorism, transnational organized crime, and illegal immigration, while facilitating mobility for the vast numbers of international travelers who enter and leave their territory every day.¹ Various innovations characterize this new infrastructure: the collection, sharing, and processing of enormous amounts of data about individual travelers; an emphasis on the secure verification of identity (notably through the use of biometrics); and a greater measure of international cooperation on border control and information sharing.² The purpose of these policies is to allow countries to anticipate risks by receiving data before travelers arrive at their borders (and increasingly, before they can board an airplane); to allow more intensive but also more rapid and cost-effective screening of all travelers; and to reallocate labor-intensive screening resources from the vast majority of less "risky" individuals to the few potential threats.³ By their nature, these policies require international coordination and cooperation, both between countries and with third parties such as international airlines.

EU-US cooperation on security measures has taken place both at the political level with the signing of formal international agreements and at an operational level (for example, in the form of a working arrangement signed between Frontex and the US Department of Homeland Security in 2009). The most high-profile measures have been the evolving series of agreements between the European Union and

1 Robert Holzmann, Johannes Koettl, and Taras Chernetsky, *Portability regimes of pension and health care benefits for international migrants: An analysis of issues and good practices* (Geneva: Global Commission on International Migration, 2005).

2 Ibid.

3 To date, the United States has driven the development of new screening practices and technologies, but the European Union, Canada, and others are also increasingly turning to personal traveler information to assist their travel and border control efforts.



the United States (and subsequently with other countries) designed to prevent the misuse of individual travelers' data and protect the rights of those whose data are collected and processed.⁴ These agreements are under renegotiation in 2011, and will probably form the core of transatlantic cooperation efforts until they are successfully completed. Progress has been slow, however, not only as a result of persistent differences between EU and US approaches to implementing data protections, but also because of differences between political actors within both the European Union and the United States.⁵

Border security officials often talk about the need to both promote security and facilitate mobility. However, more progress on facilitation will be needed in the future, if publics are to remain convinced that border security and information-collection policies provide tangible benefits. Transatlantic cooperation could help to make this a reality — for example, by making registered-traveler schemes more widely accessible to EU and US nationals. Efforts to do this would build on the existing but so far limited experience of cooperation between the United States and the Netherlands, the FLUX partnership.⁶

At an operational level, meanwhile, dialogue on the technologies and policies used to secure US and EU borders provides opportunities for mutual learning (especially since many of the systems under development in the European Union and the United States are similar). And technical coordination to allow interoperability between the still-evolving border management technologies, processes, and systems, could help to ensure that incompatibility does not stymie future efforts to exchange information and cooperate on border security.

II. Facilitating Labor Mobility between Transatlantic Nations

Flows of people across the Atlantic for work and business are substantial in both directions. Transatlantic labor migration is predominantly “high-end,” comprising businesspeople, scholars, researchers, and a wide range of other professionals. (Indeed, European-born workers in the United States are among the country's highest earners).⁷ Although labor mobility has been neglected in the transatlantic dialogue, policies to facilitate these flows — in both directions — could bring economic gains on both sides of the Atlantic.

First, licensing and credentialing requirements in individual occupations create a substantial barrier to the movement of professionals. These requirements differ between countries (and sometimes even within countries, between subnational jurisdictions). Even where concrete differences are minor, practicing in another jurisdiction may still be difficult, requiring complex and time-consuming certification and licensing procedures. The mobility chapters of free trade agreements often seek to create processes for mutual recognition of qualifications among professional and licensing bodies.⁸ These

4 For a detailed review, see Paul De Hert and Rocco Bellanova, *Transatlantic Cooperation on Travelers' Data Sharing: From Sorting Countries to Sorting Individuals* (Washington, DC: Migration Policy Institute, 2011), www.migrationpolicy.org/pubs/dataprocessing-2011.pdf.

5 Papademetriou and Collett, *A New Architecture for Border Management*.

6 Under the Fast Low Risk Universal Crossing (FLUX) Alliance, the United States and the Netherlands allow US citizens who become Global Entry members to apply for the Dutch Privium program so that they may enjoy the benefits of both registered-traveler programs. See US Customs and Border Protection (CBP), “U.S., Netherlands Announce 1-Stop Enrollment Pilot for Expedited Trusted Traveler Program,” (news release, April 5, 2010), www.cbp.gov/xp/cgov/newsroom/news_releases/national/04052010.xml.

7 Xiaochu Hu and Madeleine Sumption, *Scientists, Managers, and Tourists: The Changing Shape of European Mobility to the United States* (Washington, DC: Migration Policy Institute, forthcoming).

8 One current example is the EU-Canada Comprehensive Economic and Trade Agreement (CETA), currently under negotiation. This agreement seeks to smooth access to a wide range of professions throughout Canadian provinces and EU Member States.



provisions can be controversial where they have the effect of opening wealthy-country labor markets to nationals of lower-wage nations. However, there is much greater scope for EU-US cooperation on this issue, since it could represent an agreement among equals for a genuinely two-way movement of highly skilled workers within a gradually expanding circle of professional occupations. In the United States, an agreement of this kind would build upon the experience with “TN” visas created under the North American Free Trade Agreement.

Second, a clear rationale exists for further action to increase the portability of benefits for workers who divide their careers between countries. Currently, a complex web of bilateral social security and totalization agreements seeks to enable labor mobility by avoiding the double payment of social security taxes and making the entitlements that workers earn portable between countries. These agreements cover primarily pensions, but some also cover health benefits.⁹ However, their scope is often limited and their provisions vary widely by country.¹⁰ Even private benefits such as tax-deferred private pensions can be difficult to transfer between countries. The creation of a simpler, fully transparent, and more complete framework for transferring earned entitlements, both public and private, across the Atlantic would be a valuable investment of both time and political capital.

III. Other Forms of Transatlantic Cooperation

Security concerns — in the form of information-sharing and data-protection agreements — have dominated the transatlantic conversation in recent years. However, the scope for greater informal and operational support is substantial, not least because the United States and EU Member States face a broadly similar set of challenges, from refugee protection and cooperation with sending countries, to ensuring the social and economic integration of newcomers, and effectively managing legal migration and visa systems.

The EU-US Migration Dialogue, agreed to in 2010, aims to bring together policymakers from both sides of the Atlantic (at a range of levels) to discuss some of these broader questions, exchange ideas, and identify areas of potential cooperation. These areas include skills recognition, managing legal migration, policies towards unaccompanied children, and asylum and refugee resettlement. The Migration Dialogue provides a potential venue for training officials in areas requiring technical expertise (such as anti-fraud or asylum processing); for sharing operational-level information about the approach to returning failed asylum seekers to their countries of origin or disrupting human-trafficking networks; and for consulting with each other in advance of multilateral meetings on migration issues with other countries (such as the Global Forum on Migration and Development).

If these efforts prove useful and thus continue to receive support, the next decade could see the beginnings of a broader and more productive transatlantic partnership on immigration matters across the board.

9 The United States has bilateral social security and taxation agreements with Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, South Korea, Sweden, Switzerland, and the United Kingdom, spanning a period of three decades. See Internal Revenue Service (IRS), “Totalization Agreements,” (Washington, DC: IRS, 2010) www.irs.gov/businesses/small/international/article/0,,id=105254,00.html.

10 Holzmann, Koettl, and Chernetsky, *Portability regimes of pension and health care benefits for international migrants*.



IV. Conclusion

Migration links sending, transit, and receiving countries, as well as immigrants, host communities, and employers, in an intricate web of interdependence. Addressing the challenges of the next decade will require the cooperation of all of these actors. It will also require thoughtful policy decisions, consistent implementation, and above all, flexibility and the willingness to continually evaluate and adapt policies in response to changing circumstances.

In many ways, the transatlantic relationship represents the “low-hanging fruit” of international cooperation because the symmetries between the European Union and the United States are so great. It presents clear potential benefits for both sides, including the opportunity to engage as equals and the potential to serve as a laboratory for each partner’s cooperation with other regions of the world. Moreover, the United States and the European Union and its Member States can learn a lot from each other in all aspects of international migration, and they have even more to share with other nations. Whether they choose to do so is the only remaining question.

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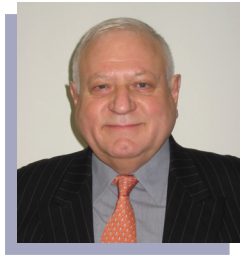


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The Migration Policy Institute is a nonprofit, nonpartisan think tank dedicated to the study of the movement of people worldwide. MPI provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic and thoughtful responses to the challenges and opportunities that large-scale migration, whether voluntary or forced, presents to communities and institutions in an increasingly integrated world.

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