

Strengthening and Safeguarding Free Movement within the European Union and the Future of Schengen

Resolution submitted by: JEF Political Commission 2 – Internal European Policy

In recent years, the reintroduction of border walls and fences within Europe has undermined the Schengen Agreement in both spirit and practice. The reimposition of borders within Europe has come at a time precisely when the European Union needs to think more ambitiously about how to ensure equality of access for European citizens to the economic and social benefits wherever they live, work, or study. Moreover, the rising anti-migration sentiment in Europe has damaged the European Union's image as a defender of human rights and rule of law. Its approach and attitude to refugees and migrants coming from outside of the territory of the EU is fundamentally flawed and in need of a more ambitious, federalist, solution.

JEF Europe,

- A. *Recognising* free movement of persons in the EU as one of the four important pillars of the Single European Market that constitutes one of the core achievements of European integration so far;
- B. *Reiterating* that the free movement of EU workers is a fundamental principle of European law enshrined in Article 45 of the Treaty on the Functioning of the European Union and developed by EU secondary legislation, such as Regulation (EU) No 492/2011 which requires equal treatment with regard to social advantages, and the Case law of the Court of Justice;
- C. *Noting* with appreciation that the Schengen Agreement has led to positive intercultural exchange, cooperation and development in multiple Euroregions;
- D. *Noticing* that the future of Schengen and non-restricted free movement in the EU has been strongly affected by the inability of EU member states to commonly manage the external borders and a united approach to the immigration of non-EU citizens;
- E. *Noting* with consternation that despite the European Commission's best efforts to prevent the use of internal border controls through its procedural guarantees¹, these controls still exist within the EU;
- F. *Concerned* by the inability of the Dublin III regulation, which places many of the costs and responsibilities associated with migration on the EU's external border countries, to meet the demands of contemporary global migration;

¹https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_factsheet_updated_schengen_rules_en.pdf

G. *Further concerned* by the reasons EU Member States use to justify the reintroduction or prolongation of temporary internal border controls still reflecting crisis-mode policy-making on migration, asylum and borders often explicitly and erroneously linking the (secondary) movements of migrants to terrorism. In this perspective, it makes the Member States reiterate the use of extraordinary measures (such as the state of emergency in France) which threaten the protection of human rights;

H. *Deeply concerned* about the construction of border fences which challenges the very fundamentals of the Schengen Agreement and the European Project as a whole;

I. *Rejecting* the negative and destructive discourse driven by some political forces and leaders about the so-called refugee crisis, and the labelling of free movement as "welfare tourism";

J. *Deploring* that European citizens living in another Member State are still very much in a situation where not everyone living within the Union enjoys equal rights and that their rights vary largely according to their respective national citizenship, given that social rights are tightly coupled with the latter;

K. *Recognising* citizens' lack of information regarding their rights in the labour market/workplace;

L. *Observing with concern* that the European Integrated Border Management (EIBM) system does not replace the old intergovernmental and non-integrated model of border control and surveillance;

JEF Europe, therefore,

1. Demands the full re-establishment of the freedom to travel within the Schengen area without restrictions as soon as possible;

2. Calls upon the Member States to implement a coherent and effective federal border policy with adequate financial capacities to achieve their mandate of fully respecting EU borders and the asylum acquis, as well as the EU Charter of Fundamental Rights;

3. Demands that the EU and its Member States continue fostering development and exchange in Euroregions;

4. Estimates that the establishment of a common policy for the protection of external borders, based on more cooperation in security and information exchange is important to guarantee free movement without restrictions in the Schengen area;

5. Urges Member States to strengthen their efforts in moving a common European asylum system (CEAS) forward, guaranteeing a fair, human and controlled migration to the EU's territory as a crucial part to prevent future threats to the freedom of movement of EU citizens while giving non-EU citizens a transparent framework and secure migration paths to the EU;

6. Demands European leaders accept and implement the reform of the Dublin Regulation as voted for by a large majority of the European Parliament in November 2017;
7. Asks the Commission, the European Parliament as well as the Member States to clearly refute common misconceptions about free movement by fully pointing out already existing possibilities within European law that allow for nuanced approaches to cross-border migration;
8. Urges that the Schengen area is to be protected and guaranteed and thus should be separated from negotiations related to external policies and Member States' home affairs which lay beyond the scope of articles 25-29 of the Schengen Border Code;
9. Demands that all physical walls, fences, and barriers of any sort established between EU Member States be torn down, noting the negative messages such obstructions send and the dark connotations of their historical predecessors;
10. Demands all EU institutions to continue to support measures aimed at improving free movement of people, such as the free movement of workers and increasing workers' mobility;
11. Instructs the European Commission to be given more appropriate tools for stricter control of the suspensions of the Schengen Agreement made by Member States and push eventually for suspensions of the Schengen Agreement to no longer be within the competences of a Member State;
12. Further instructs the European Parliament together with the European Commission to continue improving the rest of the four freedoms including incentives for an easier movement of capital, improving business services within the European Economic area (EEA) and a better management of the fiscal and non-fiscal barriers when moving goods;
13. Demands that Member States respect the social rights of all citizens who have the right to freely move within the area of free movement of people and thus help to concretely implement and guarantee the European Pillar of Social Rights;
14. Demands European leaders protect and strengthen citizens' social rights. Setting up a European Mobility Fund, similar to the European Social Fund, should be part of this effort to alleviate Member States' burden that results from a high influx of mobile citizens;
15. Proposes minimum social security schemes on the European level including an unemployment insurance or a pension fund as stated in the resolution "Advancing the European Union's Social Dimension";
16. Clearly rejects and asks Member States to reject any plans to restrict mobile citizens' social rights since they go against the aim of an equal standard of living in the EU and present a burden to free movement;

17. Demands that citizens are informed about their rights by innovative means involving school education² about cross-border voting rights and making access to such information easily available for mobile citizens;

18. Demands that Member States guarantee, encourage and facilitate the vote for EU citizens residing in that MS regardless of their nationality;

19. Proposes to provide a framework for public authorities responsible for voter registration to exchange information for effective organisation of elections, to prevent voter fraud and double voting, based on the highest European data protection standards;

20. Demands the integration, as soon as possible, of Romania, Bulgaria and Croatia in the Schengen Area.

² See the resolution “Strengthening European Citizenship Education”