The European Parliament and the 'Returns' directive: The end of radical contestation; the start of consensual constraints?

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Abstract

In 2008, the European Parliament and the Council approved a new directive that sought to regulate and harmonise the standards of deportation. The 'Returns' directive raised criticisms from various fronts but it also confirmed the European Parliament as a new actor in the field. The EP, thanks to its new co-legislative powers, became an active promoter of EU-wide policies seeking to remove irregular immigrants from the territory. Interestingly, before turning into a co-legislator the EP had led a sustained opposition to the policies formulated by the Council in this field, with a clear bias towards security: a preference for legislating in the area of irregular immigration at the expense of regular immigration as well as securitising external borders has turned the EU into a circle of exclusion where entrance is pre-empted and deportation promoted. The 'Returns' directive, is in this sense a perfect example to analyse the effects of co-decision. A double-edged sword, co-decision has eliminated a direct source of contestation and made it more difficult to stop proposals feeding this circle; however, it has also given a chance to introduce subtler constraints on Member States, making the end result slightly more favourable for third-country nationals than what it might have been otherwise.

The European Parliament and the 'Returns' directive: The end of radical contestation; the start of consensual constraints?[1]

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In June 2008, the European Parliament (EP) and the Council of the European Union (Council) approved a new directive that sought to regulate and harmonise the standards of deportation. The 'Returns' directive raised criticisms from various fronts but it also confirmed the European Parliament as a new actor in the field. Interestingly, before turning into a co-legislator the EP had led a sustained opposition to the JHA policies formulated by the Council. From the outset, JHA policies were dominated by a bias towards security, especially since the attacks of 11 September 2001. A clear preference for legislating in the area of irregular immigration at the expense of regular immigration as well as securitising external borders has created a circle of exclusion in the EU where entrance is pre-empted and deportation promoted.

The 'Returns' directive is in this sense a perfect example to analyse the effects of co-decision on the attempts at contestation in and by the EP. The directive aims at harmonising national conditions dealing with the voluntary or compulsory return of irregular immigrants. It also regulates the conditions for detention while awaiting removal in cases where it is suspected that the person will abscond. The negotiations to reach an agreement between the Council and the EP were lengthy and they were ultimately led by a culture of consensus. This culture, promoted by co-decision, impeded some political groups in the EP to contest the proposal as they might have done in the past. However, co-decision also gave an opportunity to check the most radical Member States and raise standards. A double-edged sword, co-decision has eliminated a direct source for contestation and made it more difficult to stop proposals such as the 'Returns' directive; however, it has also given a chance to introduce subtler

[1] An earlier version of this working paper has been presented at the summer school on 'Old and New Borders in Europe', organised by the Centre Marc Bloch Europa (Berlin) and Universität Viadrina (Frankfurt/Oder) and at the 'International Conference: Deportation and the Development of Citizenship', organised by the University of Oxford. I wish to thank all participants for the insights as well as the three reviewers for their comments and advice.

constraints on Member States, making the end result slightly more favourable to third country nationals than what it might have been otherwise.

This paper will examine the role of the European Parliament in the area of irregular immigration and borders as well as its capacity to contest the established rationale dominating this policy-area. In order to understand the mechanism available to the EP, I will first present how decisions are made in the EU and what are the culture prevailing among decision-makers. Second, I will examine how the EU has constructed a circle of exclusion preventing the entrance of migrants and promoting their exclusion and what has been the role of the EP in this development and finally I will examine the example of the 'Returns' directive to understand the changes in the dynamics of contestation effected since 2005.

The EP as a source of contestation: policy-making in the EU and the culture of consensus

In order to understand the opportunities offered to the European Parliament to contest specific policies, it is necessary to explain how policy-making works in the EU and what is the role of the EP in it. It is also necessary to underline the behavioural culture framing negotiations and interactions among policy-makers.

The European Parliament has evolved rapidly since the 1990s. Once seen as a 'talking shop', the EP has now a say in most policy areas, especially those that are ruled by co-decision. This decision-making procedure, introduced by the Treaty of Maastricht in 1992 and modified in a substantial way in the Treaty of Amsterdam in 1997, gives to the EP a power to co-legislate together with the Council of the EU, where the ministers of the 27 Member States gather. Essentially, this means that in those areas where co-decision applies, Member States cannot take decisions alone but have to find a compromise with the EP. This, in itself, is a source of power for the EP that can now influence substantially those proposals issued by the European Commission. The EP can thus give its opinion, propose amendments and even block legislation if no agreement is possible.

However, in spite of such extended powers having been given to the EP, the institutional structure and culture of the EU limits the capacity of the EP to act and block legislation when its positions is at odds with the one of the Council. Co-decision has developed a new culture of consensus among the institutions. This culture existed already in the Council (Hayes-Renshaw & Wallace, 2006), but it has now been extended to inter-institutional relations, most importantly to negotiations between the Council and the EP. High majority thresholds and a culture of shared responsibility have created a culture of consensus-seeking where Parliament and Council try to avoid stumbling blocks by developing informal contacts and starting negotiations early in the decision-making process (Rasmussen, 2007; Settembri & Neuhold, 2009; Shackleton, 2000).

The change towards shared legislative powers is generally perceived as positive, at least from the point of view of the EP. However, co-decision is not always positive in terms of contestation, reducing the chances for the EP to act as a check and balance. Although this may seem counter-intuitive – given that the only directly elected EU institution has now more right to participate in decision-making – the structure of the system leads towards a reduction of political conflict and political alternatives. This reduction is related to both how politics work and how policies are formulated in the EP since the introduction of co-decision.

First, co-decision increases the chances that a grand coalition will be necessary to pass legislation. High thresholds mean that the two largest groups in the EP are essential to ensure that a majority is reached. This, in turn, discriminates large groups over smaller political groups, that become marginalised or captive, i.e. always depending on the larger groups to see their modifications accepted (Farrell & Héritier, 2003). As a consequence, policy alternatives become subjected to a centripetal move that reduces radical choices or proposals challenging the mainstream (Burns & Carter, 2009; Kreppel & Tsebelis, 1999).

This change in the decision-making culture of the EU is essential to understand the chances that the EP currently has to oppose legislation and even change the established rationale in a given policy field. Before co-decision was introduced, i.e. under the

consultation procedure, the EP could be more confrontational because its opinion would most probably be ignored by Member States in the Council (Jupille, 2004). In this sense, when the EP did not share the policy rationale held by the Council, it could pursue strategies of contestation, acting as a policy advocate rather than a policy-maker. With the change to co-decision, such behaviour is often too costly in electoral or political terms or unacceptable in the institutional culture in which the EP acts. With this evolution in mind, it is interesting to analyse the opportunities of the EP to act as a source of contestation in the field of irregular immigration, the policy area where the 'Returns' directive was developed.

Challenging the mainstream? Migration and border policies before and after 2005

Legally, the 'Returns' directive is based on article 63(3)(b) EC Treaty, i.e. under the irregular (illegal) immigration provisions, but in practice the directive was drafted and negotiated in a much wider context that concerns not only migration issues but also the construction of a common Schengen border. In this sense, returning migrants is only the last step of a long circle of exclusion that draws an inside and an outside to EU borders. Restrictive policies have existed in most EU Member States since the 1970s. They have sought to limit the entrance or the establishment of new migrants in the country by limiting their access to residence permits, family reunification or refugee status. Yet, what is new with the Europeanisation of migration and border policies is not the nature of exclusion but its modalities. Since the context has changed with globalisation, Europe's size and weight play now a major role in its relation with other international actors. It actively uses these assets to externalise control by exporting its own conceptions and instruments of control, mostly using an extensive array of external policies. In a way, European borders have lost their physical connotation to move beyond the continent and get closer to the source of the 'problem'. Controls have moved to the point of origin, not just through traditional methods, such as the creation of 'black lists' for countries requiring Schengen visas, but also involving the private sector, mainly travel agencies and carriers (Council of the European Union, 2001). The latter are now responsible for controlling who is ultimately allowed to travel to the Schengen area and have thus become an "ancillary border police" (Zolberg, 2002: 289).

Yet, private entities might prove even more restrictive than states, especially when there is an economical risk involved in their decisions.

Indeed, the objective of most EU policies is to translate exclusion at the source; namely, before migrants arrive at the external border. For instance, the Union has promoted the creation of 'safe-third countries lists' or the introduction of a 'first country clause' into the Dublin Convention dealing with the designation of the member state responsible for processing asylum requests (Council of the European Union, 2003). 'Safe-third countries lists' deny those asylum-seekers coming from countries considered as safe the right to have their demand examined. The second mechanism transfers asylum-seekers to the first EU country they have crossed, denying them the right to choose their country of destination.

The result is an increase in the obstacles put to asylum-seekers, making it more difficult not only to claim protection but even to have their case examined before national authorities. The motivation behind these clauses aims not only at reducing refugee numbers, but also at sending a message to the countries of origin, stating that reaching the borders is not sufficient to obtain protection. Similarly, restraint in visa deliverance also pursues a double objective: by limiting the deliverance of permits, the 'sending' society receives a 'restriction message'; while at the same time it effectively limits the number of people allowed to cross the border. "Getting a visa represents the first barrier or filter for certain TCNs [*third country nationals*] wanting to enter the European Union" (Melis, 2001, p. 133). In order to promote the image of sovereignty, the EU tries to not only control who enters but also who is allowed to stay. By inserting irregular migrants into the sphere of criminal law, some national laws have created a population that incarnates the outsider, an element that has to be controlled and managed (Guild & Bigo, 2003). This has led to put an emphasis on irregular immigration, especially on instruments allowing for their retention and expulsion from the territory (Rodier, 2005). Expulsion measures have been one of the most successful issues of the EU's migration policy. Indeed, in this area, the emphasis has been on making expulsion more efficient and improving voluntary departure, while at the same time not excluding forced return (European Commission, 2002: 8). Expulsion from the territory has thus become the corner stone of the EU's migration policies, especially

those aiming at reducing the number of irregularly staying migrants. Without return, the sense of these policies is lost (Council of the European Union, 2002: 9). In order to implement these measures, the EU has also promoted measures of coordinated return, such as common return flights (Council of the European Union, 2003, 2004).

Finally, the circle of exclusion has been completed with the promotion of guidelines to determine the point of origin or transit of migrants (Council of the European Union, 2002: 14) and readmission agreements; i.e. multilateral agreements ensuring that third countries will accept those individuals that are returned either to their country of origin or to a country that they have transited[2] (Bouteillet-Paquet, 2003). In this sense, one can see that a full legislative circle follows migrants throughout their migratory journey. EU migration policies manage their journey from their point of departure until their removal from the territory, although their stay in the Union is still controlled by national policies. Yet, the management of their trajectories is not understood as a means of protection but from an exclusionist and deterring intention, which contradicts the democratic and humanitarian values that are supposed to characterise European societies (Melis, 2001: 212).

In front of this rationale, shared by Member States, and thus the Council, and partially by the Commission, the EP has for a long time acted as a policy advocate, proposing a more liberty-oriented rationale. It was especially the committee on civil liberties and justice and home affairs (LIBE) that acted as policy advocate and contested the policy rationale developed by Member States both in their domestic arena and at EU level. EP Committees are central to policy-making in the EU, since they are the main forum to discuss legislation and draft amendments or opinions (McElroy, 2006). Discussions in plenary, where the EP meets as a whole, very rarely discuss proposals in detail and only in very special cases are amendments proposed at this stage (Neuhold, 2001). It is therefore in committees that policy contestation is more likely to occur.

[2] The EC has since 1995 inserted readmission clauses inside association and cooperation agreements, for instance with the ACP countries, but since 1999 this policy has been abandoned and the Community is negotiating readmission agreements with several countries. It has already concluded agreements with Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Hong Kong, Macao, Montenegro, Moldova, Russia, Serbia, Sri Lanka, Ukraine and Pakistan (Monar, 2001, p. 37).

Indeed, the LIBE committee is a perfect example of such phenomenon. Reputed for its liberty-oriented positions, the committee has been behind some of the most vocal criticisms to the Council regarding civil liberties and human rights (Acosta, 2009). This has led to long-fought battles, especially in the field of data protection. Its fight against the introduction of *Passenger Name Records* (PNR) is a good example. The committee's fear that such records would serve the purpose of profiling, i.e. to find suspicious patterns or links among individuals, considering thus certain passengers as a threat (Brouwer, 2009: 2), has led the EP to challenge PNR agreements in the European Court of Justice (Joined Cases C-317/04 and C-318/04 *Parliament* v *Council and Commission* [2006] ECR I-4721). More generally, statements affirming that "respect for human rights does not have the same democratic protection in the EU as respect for the internal market" (European Parliament, 2002, p. 18) were to be found in different forms in LIBE reports. This very active and clearly confrontational stance against the prevailing policy rationale employed by Member States has thus made of the committee one of the clearest advocates for an alternative policy rationale. To the extent that the EP has followed the policy recommendations of the committee, this reputation has been attributed to the EP as a whole and not only to the LIBE committee.

Returns directive: contesting no more?

In 2005, co-decision, was extended to most areas dealing with borders and migration issues. In practice, this means that the EP is now, together with the Council, equally responsible for the outcome of legislation. Given this new mode of governance, what is the position of the EP in relation to migration and border policies? Most observers (see for instance, Peers, 2005) expected that the intervention of the EP would help reverse the general trend in legislation, taking a step towards more liberal forms of border and migration policies. However, four years later, these expectations have not been fulfilled and the outcomes of the legislation that has been agreed jointly by the Council and the European Parliament still prioritise security over civil liberties. This reversal in the EP's values is especially acute in those issues determining the understanding of irregular immigration policies. In fact, these issues have proved particularly easy to accommodate within previous trends in policy-making because formerly central actors in the EP did not have a strong view on immigration issues (Lahav & Messina, 2005).

The result is that the EP is now fully involved in the promotion of a circle of exclusion and participates in the formulation of policies pre-empting the entry of migrants and promoting the expulsion of irregularly staying third-country nationals. Although the number of new legislative measures passed under co-decision in the field of irregular immigration and borders is limited, it is apparent that all of them show a consistent trend towards more consensual and centripetal policy outcomes. The Schengen Borders Code (European Parliament & Council of the European Union, 2006) and the 'Sanctions' directive (European Commission, 2007a) offer examples of this tendency, however it is the 'Returns' directive (European Parliament & Council of the European Union, 2008) that presents the clearest case of value change.

The 'Returns' directive aims at harmonising national conditions dealing with the voluntary or compulsory return of irregular immigrants, that is, the periods of time during which irregular immigrants may voluntarily decide to go back to their country of origin as well as the stipulations to issue removal decisions, forcing third country nationals to leave the country. The directive also regulates the conditions for detention while awaiting removal in cases where it is suspected that the person will abscond. The purpose of the directive is clearly restrictive. Those that hoped for a directive introducing a higher protection of human rights and a harmonisation of Member States practices have been severely disappointed (Baldaccini, 2009). Most provisions are left to the discrepancy of Member States and except for some few issues (see below), the result keeps in line with the policy rationale of the Council.

Of the main six issues that created tensions between the EP and the Council, one can argue that four were eventually decided in favour of the Council, while only in two was the EP partially successful in raising standards (Acosta, 2009). First, the directive does not apply to those immigrants who have crossed a border irregularly and are apprehended or who are refused entry at the border (article 2). Member States can thus deport those immigrants who are not covered by the directive without applying the minimal guarantees ensured by the directive (Baldaccini, 2009). The scope of the directive clearly favours the position of Member States, although as I will show later, this position was shared by the rapporteur (i.e. the MEP in charge of a report and thus of inter-institutional negotiations) as well. Second, the process leading towards a

voluntary or forced removal raises issues in relation to the countries where migrants are deported – not just countries of origin but also of transit (article 3) – as well as to the possibility to deny or shorten the period of voluntary departure by arguing that there is a risk that the person will abscond (article 7). Third, the introduction of a re-entry ban of up to five years (or longer if the person in considered a public danger) is compulsory for those immigrants that are subjected to a forced departure but can also be issued in cases of voluntary return (article 11). Therefore, the incentives to choose this last option are very much reduced and the introduction of a re-entry ban might reinforce in the future irregular migration (Baldaccini, 2009, p. 9). Finally, the EP was also unable to change the provisions on detention. Although the Commission's proposal was more restrictive, since immigrants awaiting removal would *have to* be detained (European Commission, 2007b, Article 14), the choice left now to Member States does not solve the controversy of detaining individuals that have not committed any crime. Migrants can be detained for up to 18 months; there is no need for a judicial decision, an administrative decision is sufficient (article 15). Allegedly, the harmonisation of a detention period aimed at decreasing the length of detention foreseen in some national legislation. However, in practice, the directive will offer more chances to increase the length of detention rather than to shorten it (Acosta, 2009; Baldaccini, 2009).

The two other issues where the EP was more successful refer to the provisions for unaccompanied minors and the procedural safeguards included in the directive. The mention of the former would have probably been avoided by Member States, thus it can be said that the EP effectively raised the standards for minors (Acosta, 2009, p. 35), including some provisions on the need to offer education and ensure that the institutions where they are retained are adequate for people of their age (article 15 (a)). However, as regards procedural safeguards, the success of the EP was more moderate. It was successful in introducing free legal assistance for those that could not pay for it, but this provision is again subjected to national laws on legal aid. Besides, the final version does not envisage an automatic suspensive effect and remedies might be sought before administrative bodies, instead of judicial bodies (article 13).

The directive was submitted to the EP plenary for approval on 18 June 2008. This vote was the first chance offered to the EP as a whole to issue an opinion on the proposal.

Under co-decision, a proposal can be passed during the first reading if it receives a simple majority of votes. Hence the importance of informal meetings with the Council to find an agreement that can be passed in the EP at this stage. The 'Returns' directive was adopted by a large majority of 369 votes in favour, 197 votes against and 106 abstentions. No new amendments were passed, since by doing this the agreement reached with the Council would have been undermined. However, taking into account the long-term practice of contestation in Justice and Home Affairs, how to explain such a U-turn in the values of the EP? Why was it unable (or unwilling) to challenge the rationale of the directive and push for a second and if necessary a third reading (conciliation procedure)?

Some have explained the result through concomitant explanations. Acosta, for instance, alludes to pragmatism (better to have something than nothing at all), fear [*sic*] of the French presidency (supposed to have more restrictive outlooks on immigration), pressure from national governments on MEPs and procedural constraints (namely the difference between simple majority necessary for the first reading compared to the absolute majority required for the second reading) (Acosta, 2009). However, such explanations diminish the structural impact of co-decision on the whole area and not just on a specific directive. The 'Returns' directive is not the exception but rather conforms to a new pattern of first-reading agreements in JHA issues.

Certainly, the explanations given above can explain part of the EP's behaviour. It is true that the EP had a special interest to see this piece of legislation passed. It preferred to have a common EU policy rather than just national policies presenting very broad discrepancies. Indeed, it seems that most Member States would have preferred the status quo and therefore negotiated from a stronger position. However, such an explanation is not sufficient to understand the extent of compliance. If the EP would have had such a strong position on those issues and had been committed to raising human rights standards, they could not have accepted a final outcome that went so far away from its values.

Thus, explanations lay elsewhere: it is the change in the patterns of behaviour imposed by co-decision as well as a broader need to comply with a new image and a new role

that explain the change. First of all, co-decision opens the door to new strategies for individual and collective actors that were previously ineffective. Marginalised actors, when in a core position, can shift outcomes and facilitate negotiations. Secondly, a broader context of institutional change provides a new set of priorities and demands a new behaviour from individuals and groups.

Thus, primarily, co-decision introduces a culture of consensus largely dependent on committees and more precisely on rapporteurs. Debates take place in committee, but it is the rapporteur who is in charge of negotiating the details of each legislative proposal and who has to make sure that the compromise reached will be acceptable for a majority of members both in the committee and the plenary. In the case of the 'Returns' directive, the rapporteur, Manfred Weber, was a member of the EPP-ED (European People's Party – European Democrats), the right-wing group of the EP. It is considered that the EPP-ED has relatively similar standpoints to those of the Council (Hix & Noury, 2007). Therefore, it can be considered that the directive was a chance for the rapporteur and its political group to change the confrontational behaviour of the LIBE committee and seek a more consensual approach to migration policies. Indeed, a political advisor of the EPP-ED has declared that the group wishes to find an end to the 'Christmas wishing lists' included in past LIBE reports and be more pragmatic (Speiser, 2009).

In consequence, it seems that the change to co-decision has been used by the EPP-ED to overcome its somewhat marginalised or silent position in the LIBE committee. The committee was previously dominated by a left-wing bias (Hix & Noury, 2007) that made it very difficult for right-wing members to change the overall policy position of LIBE. The 'Returns' directive was then a good opportunity to redress this bias and bring it closer to the more centripetal pattern present in most policies functioning under co-decision. Indeed, in issues such as detention and the scope of the directive, the EPP-ED group acknowledges an agreement with the position of the Council. They argue, for instance, that the directive will reduce the detention time in some countries (although as seen above, this does not seem to be accurate) and that the scope of the text is appropriate. For instance, in relation to the latter, the rapporteur, Manfred Weber (EPP-ED), shared the opinion of the Council that it is the right of Member States to decide

who crosses the border and who does not, and in consequence who can and who cannot receive benefits and safeguards. Thus, the directive should "not just apply to anyone who is five kilometres away and waves his [sic] hands and says 'I want to fall under this directive'. Either you are in or you are out" (Speiser, 2009).

Such proximity of the policy positions of the Council and the rapporteur explain that an agreement could be found and that it was not diametrically opposed to the Council's wishes. If one adds the tendency to engage in informal meetings, reuniting very few actors, to the centrality of the rapporteur in co-decision negotiations, it is understandable that the final agreement was more suitable for the Council and the conservative members of the EP than for the previous left-wing coalition dominating the LIBE committee.

However, the mere presence of a right-wing rapporteur is not enough to account for such a large majority during the first reading votes. Certainly, the EPP-ED was the largest group in the EP, but it still needed the support from other groups. It is thus thanks to the votes from the liberals (ALDE) and part of the socialist group (PES), that the directive could be adopted. This support is however surprising since both groups had been at the core of the long-standing left-wing or pro-civil liberties coalition (Hix & Noury, 2007). Although some reasons outlined before can account for the decision of these groups to vote in favour of the agreement, the main reason behind their behaviour lies in the broader institutional context. Certainly, the decision of ALDE was partially based on pragmatism, since the liberals wanted to have a legislative text on 'Returns'. Similarly, the explanation behind which national delegations of the PES decided to vote for or against lay probably on national pressures. The Spanish delegation for instance (and possibly the British and German delegations as well) seem to have received some pressure from the national government (Acosta, 2009, p. 38). However, wider institutional reasons seem to have influenced the decision of the groups too.

In fact, the 'Returns' directive was the first legislative text in the field of irregular immigration to be negotiated under co-decision. Besides, as explained above, the EP had more interest in seeing the directive adopted than the Council. This meant that the LIBE committee had to be flexible enough to convince the Council first that it was

worth having a directive on 'Returns' and second that the committee was a serious, committed partner that would work towards finding an agreement that would satisfy both the majority in the EP and Member States (Dragutin Mate in European Parliament, 2008b). Therefore, as Speiser (interview, 2009) openly expressed it, the rapporteur of the LIBE committee realised that they could not start negotiations with the same radical posture that they used to have under consultation because in that situation the Council would say: "'listen if you are coming with such unrealistic proposals and unrealistic demands, we just give up on it because the current situation is not problematic for us, we do not need at all price this European harmonisation. We keep people in prison as long as we like, we send home who we like and in which way we like and as long as this is in accordance with our own constitutions, don't bother us'". It was important thus to demonstrate that the EP and especially the LIBE committee, previously an outlier in inter-institutional relations, had learnt the culture of consensus required by the co-decision procedure. The EP had to show that it took co-decision seriously, that it was grateful of the extension of powers accorded by Member States, especially in a policy field seen as very sensitive for national interests.

With political groups polarised on migration issues and the institutional pressure to behave appropriately in order to ensure that the EP would have a chance to extend its powers of co-decision in the future, the Parliament was not in a position where it could convince the Council to change the substance of the proposal diametrically. Rather, some of the committee members, and most importantly the rapporteur, shared the position of the Council, making it even more difficult for the left-wing groups to engage the Committee into an upheaval of this policy area. Having more power to co-decide did not provide more opportunities for those at the margins to introduce an alternative understanding of migration and borders.

Conclusion

What does the 'Returns' directive tell us about migration policies and the chances to contest embedded policy rationales at the EU level? First, that it is quite improbable that migration and border policies will become more open and liberty-oriented in the near future. It is quite clear that the 'circle of exclusion', pre-empting entrance and promoting expulsion is here to stay. The stress put on restrictive policies, focusing on

the before and after the border, has left other more constructive policies such as legal immigration and integration measures lacking. The new work programme for Justice and Home Affairs (Stockholm programme) emphasises such dynamics. In relation to 'returns', for instance, it underlines that "an effective and sustainable return policy is an essential element of a well-managed migration system within the Union. The European Union and the Member States should intensify the efforts to return illegally residing third-country nationals" (Council of the European Union, 2009, p. 67). In this sense, it reaffirms the circle of exclusion, by considering as priorities for EU immigration policies: the organisation of regular immigration only if the reception capacities of each member state are taken into account, the return of irregular immigrants to their country of origin or transit in order to control irregular immigration, the reinforcement of border controls so as to make them more effective as well as the extension of cooperation with countries of origin and transit in order to stop migration flows (Council of the European Union, 2009, p. 61). In short, the Stockholm programme aims at pre-empting entrance, externalising controls and promoting exclusion from the territory.

This circle of exclusion has very definite repercussions for the EU. JHA policies do not only have an effect inside the EU territory; they can also cause the estrangement of third-country nationals, since these policies shape the perception of the EU that third countries construct. With such a potential to create positive or negative reactions, it is important to examine who is responsible for shaping policies and who can challenge and contest this policy rationale. If until 2005 any possible blame or criticism could be directed mostly towards the Council, this is not the case anymore. The European Parliament has become responsible in equal parts for the output of legislation. Certainly, the outcomes are the product of long and difficult negotiations striving to find a consensus that can be accepted by multiple parts, mainly Member States and EP political groups. Yet, given the strong position that the EP had before 2005 and its long-standing commitment to protecting civil liberties, it is surprising that it has not strived to change this policy area in more diametrical terms.

The reasons behind this inability to produce changes are probably multiple but the example of the ΄Returns' directive point at two possible explanations. First, it is possible that the previous consensus in the LIBE committee was more apparent than

real. A new procedure, co-decision, has opened new opportunities to groups, such as the EPP-ED, that were previously ignored in the committee. Second, it also appears that members of the committee value more highly the necessity to achieve consensus, to produce legislation and to show their capability when negotiating with the Council and the Commission than the necessity to produce a visible change in the direction of the policy area. The renewed right-wing majority of the EP and the presence of new members in the LIBE committee lead to think that the patterns of contestation present in the past are probably gone. Certainly, as in the case of the 'Returns' directive, JHA legislation will probably be more balanced and include more safeguards than when Member States had the right to decide alone. However, a radical U-turn toward more liberty-oriented policies does not seem conceivable, at least in the near future.

References

Acosta, D. (2009). The Good, the Bad and the Ugly in EU Migration Law: Is the European Parliament Becoming Bad and Ugly? (The Adoption of Directive 2008/15: The Returns Directive). *European Journal of Migration and Law*, *11*(1), 19-39.

Baldaccini, A. (2009). The Return and Removal of Irregular Migrants under EU Law: An Analysis of the Returns Directive. *European Journal of Migration and Law*, *11*(1), 1-17.

Bouteillet-Paquet, D. (2003). Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and Its Member States. *European Journal of Migration and Law*, *5*, 359-377.

Brouwer, E. (2009). Towards a European PNR system? Questions on the Added Value and the Protection of Fundamental Rights. Study requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE). Retrieved from:

http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=24151

Burns, C., & Carter, N. (2009). Is Co-decision Good for the Environment? An Analysis of the European Parliament's Green Credentials. *Political Studies*. doi: 10.1111/j.1467-9248.2009.00782.x

Council of the European Union. (2001). *Council Directive of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985. 2001/51/EC, Official Journal, L 187/45*.

Council of the European Union. (2002). *Proposal for a Return Action Programme,*

14673/02.

Council of the European Union. (2003). *Council Regulation of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. 343/2003/EC, Official Journal, L 50/5*.

Council of the European Union. (2003). *Council Directive of 25 November 2003 on assistance in cases of transit for the purposes of removal by air*. *2003/110/EC, Official Journal, L 321/26*.

Council of the European Union. (2004). *Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders*. *2004/573/EC, Official Journal L 261/28*.

Council of the European Union. (2009). *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*. *16484/1/09 REV 1*.

European Commission. (2002). *Communication from the Commission to the Council and the European Parliament on a community return policy on illegal residents, COM/2002/0564 final*.

European Commission. (2007a). *Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals*. *COM/2007/249 final*.

European Commission. (2007b). *Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals*. *COM/2007/249 final*.

European Parliament. (2002). *Report of 4 October 2002, on the Commission proposal for a Council framework decision on attacks against information systems, A5-0328/2002*.

European Parliament. (2008). Debates - Common standards and procedures in Member States for returning illegally staying third-country nationals, 17 June 2008, CRE 17/06/2008 - 4. Retrieved from:

http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20080617+ITEM-004+DOC+XML+V0//EN

European Parliament, & Council of the European Union. (2006). *Regulation of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)*. *562/2006/EC, Official Journal, L 105/1*.

European Parliament, & Council of the European Union. (2008). *Directive of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, 2008/115/EC. Official Journal, L348/98*.

Farrell, H., & Héritier, A. (2003). Formal and Informal Institutions Under Codecision: Continuous Constitution-Building in Europe. *Governance*, *16*(4), 577-600.

Guild, E., & Bigo, D. (2003). Les relations entre acteurs, les tendances technologiques et les droits des individus. *Cultures & Conflits, 49*. Retrieved from:

http://www.conflits.org/index939.html

Hayes-Renshaw, F., & Wallace, H. (2006). *The Council of Ministers* (2º ed.). Houndmills: Palgrave Macmillan.

Hix, S., & Noury, A. (2007). Politics, Not Economic Interests: Determinants of Migration Policies in the European Union. *International Migration Review, 41*(1), 182-205.

Jupille, J. (2004). *Procedural Politics: Issues, Influence, and Institutional Choice in the European Union*. Cambridge: Cambridge University Press.

Kreppel, A., & Tsebelis, G. (1999). Coalition Formation in the European Parliament. *Comparative Political Studies, 32*(8), 933-966.

Lahav, G., & Messina, A. M. (2005). The Limits of a European Immigration Policy: Elite Opinion and Agendas within the European Parliament. *Journal of Common Market Studies, 43*(4), 851-875.

McElroy, G. (2006). Committee Representation in the European Parliament. *European Union Politics, 7*(1), 5-29.

Melis, B. (2001). *Negotiating Europe's immigration frontiers*. The Hague: Kluwer Law International.

Monar, J. (2001). The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs. *Journal of Common Market Studies, 39*(4), 747-764.

Neuhold, C. (2001). The 'Legislative Backbone' Keeping the Institution Upright? The Role of European Parliament Committees in the EU Policy-Making Process. *European Integration online Papers (EIoP), 5*(10). Retrieved from: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=302785

Peers, S. (2005). Transforming decision making on EC immigration and asylum law. *European Law Review, 30*(2), 285-296.

Rasmussen, A. (2007). Early conclusion in the co-decision legislative procedure. *MWP working paper, European University Institute, 31*. Retrieved from: http://hdl.handle.net/1814/7635

Rodier, C. (2005). Les camps d'étrangers, dispositif clef de la politique d'immigration et d'asile de l'Union européenne. *Migreurop*. Retrieved from: http://www.migreurop.org/article801.html

Settembri, P., & Neuhold, C. (2009). Achieving Consensus Through Committees: Does the European Parliament Manage? *Journal of Common Market Studies, 47*(1), 127-151.

Shackleton, M. (2000). The Politics of Codecision. *Journal of Common Market Studies, 38*(2), 325-342.

Speiser, M. (2009, January). (EPP-ED Political Advisor), interview.

Zolberg, A. R. (2002). Guarding the gates. In C. Calhoun, P. Price, & A. Timmer (Eds.), *Understanding September 11*. New York: The New Press.

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