Peter Bußjäger/Christian Gsodam

**Migration and the European Union: Multi-Level-Governance as a Solution —
Executive Summary and Conclusion**

The two publishers wish to conclude this volume by way of a summary and the following conclusions:

In his introduction, *Christian Gsodam* focuses on migration policy as a constantly growing European task. The article analyses the European legal framework for migration policy and explains the current reform proposals of the European Commission. If the European Union wants to end the migration crisis, the Union, the Member States, regions and local authorities have to, despite their many political lines of conflict, realise that no level of government alone will be able to solve the problems linked to migration.

Peter Bußjäger discusses in his article "Municipalities, Regions, States, Europe: Migration and multi-level-governance' how a cross-cutting issue like migration affects different levels of decision-making. Integration, understood as the result of successful migration, is a typical field of *multi-level governance.* Different European, national, regional and local legal competences form the framework conditions for the development and implementation of this policy. To make integration a success each of the layers has to do both assume its responsibility and cooperate actively with the other political layers.

International cooperation and migration is the subject of the article by *Michael Spindelegger and Martin Hofmann*. In order to achieve a Pact on Asylum and Migration, the EU and its Member States have to make a number of longer-term priorities. These include, inter alia, developing a new common vision on international protection of refugees and people in need, improving the protection of the EU's external borders and the Schengen area, making return policy more effective and building a proactive labour migration policy.

Anton Pelinka writes on "Migration: The major challenge for the Union". Migration is taking place and cannot be ignored. The European Union, as a political system in which borders have become less important, is a sort of political laboratory offering opportunities to develop an effective political and legal management of migration. According to *Pelinka*, the Union has still a long way to go from currently too-temporary approaches to effective, definite and state-like solutions. Given what is at stake, this development is necessary and in the interest of all Europeans.

Gudrun Biffl describes in her article 'Migration as a leitmotif for change' the increasing complexity of global change, which creates uncertainty, tensions and conflicts in our societies. This new reality will remain on the agenda and we need to address it and to cope with it. The author invites to seize the multiple opportunities of this new situation. Modern migration leads to very diverse societies creating a sort of "superdiversity" which we need to embrace in order to manage it.

In their article 'From Tampere to Evros: Lessons for a protection system fit for a globalised world. For the many, not for the few' *Peter Webinger, Tobias T. Molander and Victor W. Jensen* present a series of concrete measures which aim at establishing an effective asylum system,

securing the Union's external borders, preventing that migrants die in the Mediterranean and implementing the rule of law.

Asylum law is the subject of *Stefan Mumelter's and Bernadette Zelger's article on* "Challenges in Asylum Law Procedures — A Practitioner's Perspective". The paper focuses on the role Article 8 of the European Charter of Human Rights, the protection of private and family life, plays for rulings on asylum cases in court. As there is no uniform standard applicable to each case, judges have to strike the right balance between all interests involved in every single ruling.

How federal laws can affect the policy of subnational entities is the subject of the article written by *Sandra Saywald-Wedl*. Taking the example of the Steiermark, a region in Austria, she analyses the interaction between the federal government and the region in the field of asylum policy. Asylum law is a federal competence in Austria. However, the implementation of federal laws influences in many ways the regional competences and alters how Austrian regions can use and implement their own constitutional competences, in particular in the area of social protection.

Natasha Ghulam and Margit Kreuzhuber deal with labour migration, the "Austrian Rot-Weiss-Rot Karte" and the "EU Blue Card". Their article shows that these initiatives have been milestones in the area of labour migration to Austria that need to be further developed. The coronavirus pandemic must not make us forget that the lack of a qualified labour force in Europe will increase in the future due to demographic reasons as Europe's population is shrinking. To secure Europe's long-term economic success, it is essential to enhance Europe's competitiveness now by attracting the best minds and highly qualified people.

Petra Hirschler, Amila Širbegović und Sibylla Zech deal with "Spatial Development and Migration: discussions, actions and new approaches to urban and spatial planning." Space and urban planning will have to address migration in the future. The events of the migration crisis in 2015 have effectively changed planning. Many temporary projects have shown urban and space planning can be important vectors for integration. Politics, public administration, urban planners and civil society organisations have to cooperate to ensure that migration is not perceived as a danger but as an opportunity for all, both in urban and rural areas.

Elisabeth Alber and Verena Wisthaler analyse in their paper on 'Immigration and Integration Policy in South Tyrol', the legal framework, the political discourse and the local practices in the field of migration. According to the authors the South Tyrolean integration policy, which is characterised by tensions between autochthonous minorities and by a growing migratory diversity, can deliver important lessons to be learned by other regions in Europe. The implementation of the objectives of integration policy has been fragmented and slow. Anti-immigration parties at central and provincial level in Italy heavily influence the political discourse. This impedes the sustainable development of an effective governance of migration and integration at regional level.

Benno Elbs presents in his article "Resource or barrier? On the role of religion for migration and integration" what he calls the "Convivenz" model. "Convivenz" means sharing life, learning from each other and celebrating life. "Convivenz" opens a space for a broad community of life, learning and celebration. The experience of difference is not seen as an

obstacle, but as an opportunity to learn and to grow. Exchanges with people of other origins and other religious beliefs are key factors for the peaceful coexistence of cultures and religions, rather than delineating them.

In his paper on "Cities - key actors of integration" *Christoph Reinprecht* writes that by reconsidering their potential role and autonomy, municipalities can strengthen their position. They can resist restrictive national policies and create new room for manoeuvre in the areas of migration and integration. The importance of the local level is growing not least in the context of increasing transnational mobility and a more restrictive national migration policy. While nation states close their borders, cities can keep their gates open by creating welcoming and inclusive communities.

Based on the various articles of this volume, the publishers would like to make the following recommendations:

1. **Recognise migration as such**
   Migration is a reality, it is inevitable and will always take place. It cannot be prevented but controlled. Migration poses the challenge of achieving integration.

2. **Migration creates change**
   This can be legitimately perceived as a danger and/or opportunity. In any case, the debate should not be ideological but based on facts and open to the other's argument.

3. **Distinguish between free movement of people within the EU from migration**
   The free movement of persons within the EU must be distinguished from migration, including in the political debate. The achievements of the free movement of persons in Europe must be protected and must not be affected negatively by the migration debate. The European citizens' rights must be clearly distinguished from issues of asylum and economic immigration to the EU.

4. **Scaling up partnerships with third countries and fighting trafficking in human beings**
   The issue of migration is decided in Africa and Asia. The European Union, but also its Member States, regions and cities, need to invest more in partnerships with stakeholders in the countries of origin of migrants. This means increased and targeted use of funds by the different levels of government. This requires working with the diaspora communities in Europe and providing assistance on the ground through concrete reconstruction and return projects. Trafficking in human beings must continue to be tackled collectively in the countries of origin, on migration routes and in Europe.

5. **The need for a European vision**
   Migration requires important competences to be exercised at European level to enable common European action. This action needs a forward-looking vision, which is linked to the values of the Union. The European Union must secure its external borders and ensure that law is enforced. It must, in its own interest, allow orderly and legal migration and develop effective and human-rights-compliant mechanisms that guarantee international protection for refugees and those in need.

6. **Migration and integration as tasks in a multi-level-governance system**
   Both policy areas are typical examples for *multi-level-governance*. The tasks linked to these policies cannot be assigned to one level of decision-making alone, but require a coherent and coordinated interaction between local, regional, national, European and international levels. The European Union must therefore not only negotiate migration policy between Member States and the Union. Regions and local authorities have to be actively involved and consulted in particular on the issue of EU internal borders (e.g. in the forthcoming Schengen Forum).

7. **Multiple roles of regions and municipalities**
   Migration and integration are challenges for regions and municipalities. It is at these levels that integration has to be achieved. There is a need to improve interaction on the ground between the authorities implementing asylum law and the institutions delivering social protection. In order to share best possible experiences, regions and municipalities need to connect across Europe and make greater use of existing networks and platforms such as the European Committee of the Regions' "Cities and Regions for Integration of Migrants".

8. **Protection of the right to asylum and administrative discretion**
   The European Union must put its values into practice. The right to asylum must not be undermined or reduced in any way. Balancing interests related to the private and family life of the people concerned is an important instrument in asylum and migration law. The legal bases must be clear and not open to challenge under the rule of law. Public authorities implementing asylum law must have the necessary discretion to issue balanced and human decisions.

9. **Labor migration**
   For demographic reasons, Europe will need more skilled workers in the future. It is important to ensure that European countries and regions have the adequate legal and political tools to attract a skilled workforce. Regions and cities should be involved in the European Union's proposed talent pools and professional partnerships with third countries through regional action plans.

10. **Integration and living together**
    Integration is achieved when coexistence takes place and commonality prevails. This cannot be achieved solely by laws and state institutions. Civil society is a key actor in this. Associations, churches, religious communities, social partners, individual companies and political parties have to contribute to this objective. For example, decisions on how workers are involved in the internal organisation of companies, local education programmes, inter-religious dialogue or participatory democracy at local level are important for the integration of migrants. The recently presented EU Integration Plan 2021-2027 is an excellent example of multi-level-governance that is to be implemented jointly by state and civil society actors.