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PROBLEMS AND CONTRADICTIONS OF MIGRATION POLICY IN MODERN EUROPE

The article discusses the general trends of the modern migration processes and the features of the European migration policy. The authors consider problems related to the correlation of rights and freedoms of indigenous people and migrants.

Key words: *migration processes, migration policy, labor migration, adaptation, internal political split.*

“...Migration is a topic that makes almost everyone defend their point of view” [5. P. 12]. It is difficult not to agree with this statement of the famous economist P. Collier. The attitude of people to the problem of migration is determined by many factors, including the economic situation in the country as a whole, the current situation in the labor market, the prevalence of nationalist views, the angle of coverage of this topic in the media, prevailing stereotypes and, of course, personal circumstances and experience gained as a result of contacts with the migrants.

Today migration is an objective, inevitable component of globalization. Like all globalization processes it generates a number of problems, the solution of which is ambiguous in its consequences. One of such problems is the problem of correlation of the rights and freedoms of the indigenous people and those of the migrants.

Based on the definition set out in the European Convention on human rights, migrants are people who move from their country of residence or citizenship to another country. Relocation may be for economic reasons, the desire to be educated, to be saved from natural disasters caused by climate change, or to avoid persecution, human rights violations, threats to life or bodily integrity, war or social unrest [1]. The reasons for their displacement are directly related to the in-

ternational legal protection guaranteed by the International Convention, which has been ratified by 145 countries. ILO estimates that approximately 90 per cent of migrants are economic migrants and their families and only 8 per cent are refugees and asylum-seekers. Under international law, migration is seen as the realization of inalienable human rights and freedoms. However, as the world experience of recent years shows, an attempt to ensure the realization of the right to freedom of movement simultaneously to tens or even hundreds of thousands of people inevitably entails a violation of the rights of others, both newcomers and indigenous people.

No country in the world can accept an infinite number of visitors. At the same time, uncontrolled migration has serious social, economic and political consequences for all countries involved in the migration process. As for the indigenous population, their discontent is not only related to the economic consequences (“weaning” of potential jobs, payment of benefits to refugees, provision of medical care, provision of municipal housing, sport halls and hospitals for temporary accommodation, fear of new types of infections, etc.). No less irritating is the policy of local authorities, within the framework of multiculturalism, restricting the indigenous population in their manifestation of national or ethnic characteristics.

Today, in some European cities there is a ban on Christmas trees, snowmen or postcards wishing a merry Christmas. The motives of the authors of such bans on the traditional Christian holidays and similar innovations are clear, they wish to reduce the degree of social tension, as the majority of migrants and refugees arriving in Europe profess Islam. However, as practice shows, such extreme forms of political correctness can cause the opposite effect, they strengthen the so-called “every-day Islamophobia.” Unfortunately, recent events in New Zealand confirm this.

Another trend in the development of the modern world, affecting attitudes to the migration processes should be noted. This is not only an increasing social polarization, which manifests itself in the huge gap between the poverty and the wealth, but also an ideological split between the main part of the population and the political and economic elite in their relation to the problem of migration. New contradictions appear between the elites and the masses as a result of globalization of economy and actual transformation of the states into huge markets. If in the 19th and the first half of the 20th centuries, the population consisted of nationalist elites and masses relatively indifferent to nationalism, moreover, gravitating to the ideas of socialism and internationalism, since the end of the 20th century, the situation is changing. Now the privileged class becomes the bearer of the ideology of multiculturalism and post-nationalism and the other layers gravitate to solidarity on a national basis, to the endless, spurred by the media, search for signs of belonging to “our” nation. That is, “now we are dealing with nationalist masses and cosmopolitan elites” [7. P. 78].

Migration policy tends to fluctuate between the “open door policy,” advocated by business structures, and the “closed door policy”, which is more attractive to

the wider population, guided by the interests of preserving jobs and cultural identity. And if “healthy” nationalism manifests itself in the form of maintaining cultural norms that emphasize the boundaries of collective identity, the “unhealthy” nationalism instantly reacts to any economic deterioration in the country with the growth of anti-migrant sentiments [2. P. 378]. The latter, coupled with the deterioration of the financial situation, accelerates the process of marginalization of migrants, which has a negative impact on the functioning of society as a whole.

In Germany, the initiative of the incumbent Chancellor A. Merkel on the unlimited reception of migrants not only contributed to the fall of her own political authority but also, in fact, split the German society, which until recently was a reliable support for local politicians. The popularity of the party “Alternative for Germany” and PEGIDA movement (Patriotic Europeans against the Islamization of the Old World) is growing. Their supporters, worried about their national identity, put forward the requirements to restrict and tighten the state policy in matters of reception and integration of migrants and refugees [11. P. 100-105].

Similar demands are made by representatives of various parties and movements, including: the National Front party (NF) in France; Five Star Movement in Italy; the United Kingdom Independence Party (UKIP); People’s Party Our Slovakia; the Norwegian Progress Party (NPP), Danish People’s Party (DPP), Swedish Democrats (SD); the Finns Party; Swiss People’s Party (SPP); Jobbik party in Hungary, Patriotic Front (PF) in Bulgaria, etc.

The actively growing discontent of the indigenous population raises the question of the search for forms and ways of adaptation of different communities and adoption by them of cultural values of the host country. The results of the study of this problem give reasons to identify some problems.

The results of the study show that the bigger is the community, the worse its representatives assimilate, maintaining contacts mainly with their compatriots and distancing from all “alien” cultural norms, which does not contribute to a higher level of trust on the part of the local people. At the same time, the stronger is the community, the bigger is the flow of newcomers, potentially ready to join it. In addition, “modern migrants, unlike their predecessors, do not run away from the danger where their eyes look, but act on the basis of information obtained not only from the media, but also from the formal and informal information networks of ethnic communities that have arisen due to the spread of the Internet and mobile communication” [6. P. 417-420].

In this regard, and in order to prevent the transformation of a closed ethnic community into a pillar of religious fundamentalism, the new European migration policy includes a “package of programs for the adaptation and integration of migrants and their families to a normal life”. However, the experience of this approach led to the abandonment of the policy of adaptation at the end of the last century due to its inefficiency.

The reasons why people (both local population of the host country and migrants) are increasingly trying to emphasize their national, ethnic and religious

specificity some authors associate with the contradictions between the principles of cost-effective life and “rational” culture that does not fill a person’s life with spiritual meaning and culture of individual groups [3. P. 79-84].

In this regard, the answer to the following legal and ethical question is of great importance in the formation of migration policy strategies: whether migrants are full participants of the cultural dialogue, whose opinion should be respected by the local population and whose inalienable human rights should be ensured by the state, or the priority should be given to the protection of the interests of indigenous people.

It is also not possible to use the international experience in this situation, due to the ambiguity of the decisions taken. This is quite clearly manifested in the solution of the domestic conflict over the dress code. In the spring of 2018, eight countries of the European Union (Austria, Belgium, Bulgaria, Denmark, France, Germany, Italy and Spain) adopted laws prohibiting wearing headwear and clothing covering the face in certain places (primarily traditional Muslim clothing for women). In addition, the European court of justice allowed employers to impose prohibitions on the wearing of hijabs in the workplace. And in 13 EU countries religious clothing is prohibited in some private or public places, including educational institutions. However, in the UK, Norway and Sweden there is no such ban. As there is no tool that would measure the degree of social tension, depending on the permissive or prohibitive ethnic dress code.

One thing is obvious, in the world where visual images and external forms are more important than the essence and content, the brighter and more noticeable are the differences between the cultures of migrants and indigenous people, the lower is the level of trust between them, and the more difficult is the processes of adaptation and assimilation.

The results of the concept of multiculturalism, popular in Europe for a long time, which was based not only on the recognition of the right, but also on the possibility for the migrants to use their native language and maintain their customary cultural norms, proved to be very doubtful. Thus, in Swedish schools migrant children were offered an additional opportunity to preserve and develop their native language, no matter how rare it was. It was believed that only respect for the culture of the newcomers can generate their interest and desire to learn and adopt new rules of the host country. However, the practice has proved failure of both this concept and its opposite form, a “melting pot”. And this is so not only with regard to migrants: the Brussels strategy of “grinding” ethnicity into a single European nation has also proved to be completely untenable.

As for today’s migrants in the second and third generations, they show their cultural characteristics demonstratively and violently in contrast to their own parents. For example, migrants from Bangladesh, living in the UK, do not allow their children to eat in school canteens, the menu of which does not include Halal dishes, and their females actively wear burqas. The paradox it is not a custom in

their historical homeland. Everything would be much easier if the clash of cultures ended with discussions about “outfits”. The terrorist attacks in Paris were committed by second-and third-generation migrants.

Perhaps one of the reasons for the failure of the “supra-ethnic” or “supranational” concepts of social order is that they are the creation of an industrial society of mass production and mass culture.

The peculiarity of modern migration processes is the merger of several flows: legal, illegal economic migration and refugees. It is obvious that the latter two create the greatest problems.

According to the UN and IOM of 258 million international migrants 78 million, at least, “visited” the EU [8]. Over 1.2 million refugees arrived in the EU in 2015 alone. About 50 000 suspects of involvement in the radical Islamic groups “slip” through the EU countries as a result of the migration “crisis.” 88% of the surveyed migrants admitted that they had been “assisted” by illegal channels of transportation [12].

According to the media of Austria, Switzerland and Germany, during only 2 weeks in March-April 2017, 190 attacks with the use of cold weapons and the participation of migrants were detected and recorded. In Germany, asylum seekers on average commit 15 times more violent crimes, sexual assaults and rapes than Germans (local people and long-term residents with a migration background). In Austria, cases of rape committed by migrants more than doubled in one year [13].

The purpose of this article is not an analysis of criminal statistics, so we have limited ourselves to some impressive indicators. In addition, to date, obtaining objective data reflecting crime among migrants is quite difficult. Thus, according to the European researchers, since 2016 there is a special ban on the placement in police and other information messages of data indicating the number of offenses committed by migrants, as well as clarifications of their ethnicity. And this is perhaps one of the most obvious manifestations of the “taboo” on the topic of migrants.

Referring to the statement of the representative of the Department of Justice of Vienna, the number of “real” Austrians convicted of rape is negligible. There are huge problems with other cultures [13]. In Germany, a regular report by the German Federal criminal police office (Bundeskriminalamt) shocked the German public. It follows that the number of serious crimes committed by migrants, including murder and rape, increased in 2017 by 30% compared to 2016. In 2017, about 40 thousand Germans were victims of crimes committed by migrants. The report was ignored by the leading media and the government of Germany, in this connection, the party Alternative for Germany accused the authorities of concealing the true scale of crimes committed by migrants. At the same time, the OSCE Office for Human Rights and Democratic Institutions (ODIHR) and the non-governmental organization Human Rights First are conducting studies on acts of violence caused by intolerance and hatred of ethnic minorities and migrants.

The European Commission against Racism and Intolerance regularly publishes factual information on such crimes, as well as relevant recommendations

for combating them in its reports [10. P. 55]. This is explained by the fact that the Western human rights organizations traditionally were engaged in the protection of human rights outside their territory, for example, in the third world or in the post-Soviet space, but not in their own country. Therefore, the internal work of European human rights organizations focuses mainly on the protection of the rights of migrants. Unfortunately, there is no experience in protecting the rights of citizens within their countries.

The problems that arose as a result of the migration wave of 2015 in Europe, that has already been named by researchers the largest since wave the World War II, convince that the situation when the time, speed and size of migration depend to a greater extent on the decision of potential migrants themselves is unacceptable. These processes should be monitored and coordinated, including at the interstate level.

However, despite the fact that globalization turns to one degree or another, almost any state into a multinational, not everyone is ready to bear responsibility for the on-going processes taking place, including the fate of their own citizens. "The authorities of the countries – sources of migration – do not control the rate of emigration or the rate of return of the migrants and therefore depend in this regard on the control measures used by the authorities of the countries receiving migrants" [5. P. 12].

The problem of the relationship between the human rights of the migrants and those of the local population remains open despite the adoption in December 2018 in Marrakech of the UN Global Migration Compact, further approved by the UN General Assembly, which determines the prospects for the development of the migration legislation. The Compact has provoked fierce debate, resistance and rejection on the part of many countries. Out of the 193 countries, the Compact was supported by 181 countries, 3 countries abstained and the US and Hungary voted against it. United States voted against it because the goals of the Compact are not consistent with its immigration law. Today, Budapest is in general one of the most ardent opponents of the migration policy of the European Union, accusing the Chairman of the European Commission Jean-Claude Juncker and American billionaire George Soros in promoting uncontrolled mass immigration to Hungary. In turn, the European Commission officially accused the government of Hungary under the leadership of Prime Minister Viktor Orban of spreading fake news about the EU migration policy [9].

Although the EU summit in Salzburg announced in September 2018 that its plans to introduce mandatory quotas for the distribution of migrants to different countries were abandoned, the Czech Republic, Slovakia, Romania and Poland also refused to join the migration Pact. In practice, this is also the position of Austria that has closed its border for the migration flows and suggested an organization of camps for the reception of refugees on one of the uninhabited Islands in the Mediterranean. This position is shared by Italy and Bulgaria, that support the idea of creating filtration camps for the reception, verification and screening of refugees intercepted in the Mediterranean, outside the EU zone. The idea of

so-called “landing platforms” is gaining popularity, moreover, the first of them is proposed to be built in Albania and Macedonia, for which it may become one of the conditions for the accession to the EU.

The Covenant embraces 23 goals related to the coordination of the efforts by the states in such matters as saving the lives of migrants, combating human trafficking, assistance in integration and elimination of discrimination, provision of accessible pathways for the regulated migration and a lot more, down to the intentions in the near future to create a document summarizing all of the key civil rights of migrants, including the right to private property, education, healthcare, fair justice, attorney services etc.

One of the points of the covenant brings us back to the topic of “taboo.” Its essence is in the “training” of journalists covering the issues of migration of the correct “terminology.” The main term to be abandoned is “illegal migrant,” which has a negative connotation, causing bad associations. And yet this document has become a legislative basis, thanks to which liberal politicians will be able to adopt their own laws to facilitate the uncontrolled influx of migrants. At the same time, countries headed by conservative, national-oriented leaders refused to sign the treaty. As a result, the document, designed to bring some clarity, actually led to a political split within the European Union.

Despite the fact that the number of newly arriving migrants is falling sharply, the EU is no longer ready for the policy of open borders, the consequences of the mass influx of the previous three years were too heavy. Today, the United Europe has no solidarity in solving the problems of migration policy, except, perhaps, one: to increase the powers of Frontex (the EU Agency for external border security). Today, efforts made, on the one hand, to protect the recognition of the equality of social minorities, determined by such characteristics as race, ethnicity, religion, and on the other hand, to preserve their identity and the system of values have become the most electorally significant product in the political market of the European Union, once conceived as a new progressive form of supranational and supranational collective identification.

The intransigence of positions on the migration issue contributes to the internal political split not only in some European countries. Large-scale forced migration caused by conflicts, disasters, climate and economic causes in recent years has “undermined” sustainable. “We do not agree with the main message of the agreement, in which migration is depicted as a phenomenon that determines the future of the globalized world, and all countries are divided into countries of origin, transit and destination,” said the head of the Hungarian Foreign Ministry Peter Szijjarto, criticizing the UN global agreement on migration. Today, it is becoming more and more obvious that poorly managed migration processes and insufficiently effective migration policy can lead to disintegration processes and serious consequences for the development of modern social systems [4. P. 43].

The question of how to avoid such a future remains open. How to respect the rights of migrants without prejudicing the rights of indigenous people?

How to organize a joint life of people who sometimes adhere to diametrically opposed norms and values? How to preserve the European values that have been developed and protected for centuries, while understanding that they are concentrated in a minority of the richest countries, to which the “poor majority” will always strive for the best share. Migration is increasingly becoming a global dilemma, material, legal, ethical and moral.

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