



## White Rose Workshop on European Citizenship and Freedom of Movement

### Programme

Department of Politics, University of Sheffield

27<sup>th</sup> and 28<sup>th</sup> June 2016

All sessions to take place in Seminar Room 216, Department of Politics, University of Sheffield, Elmfield Building, Northumberland Road, Sheffield, South Yorkshire S10 2TU

27 <sup>th</sup> June 2016	
1.15 pm	Welcome and coffee  (please eat prior to arrival or bring a sandwich!)
1.45 pm – 3.45 pm	Panel 1
	<p><b><u>Dr Stefanie Pukallus</u> (The University of Sheffield) - <i>The Juncker Commission's representation of European citizenship since 2014</i></b></p> <p>Between 2010 and 2014 Viviane Reding, then Commissioner for Justice, Fundamental Rights and Citizenship, conceptualized and publicly communicated European citizenship as having an essentially civil-legal status; that is Europeans were represented as rights-holders and as users of the Single Market. The Juncker Commission introduced the following structural change: Since 2014 citizenship no longer falls into the competencies of the Commissioner for Justice but has been added to the portfolio of the Commissioner for Migration, Home Affairs and Citizenship. This paper examines how the move of citizenship from DG JUST to DG HOME has affected the European Commission's representation of European citizenship and whether this most recent representation resonates with any of those five that have been publicly communicated since 1951.</p> <p><b><u>Professor Willem Maas</u> (Glendon College, York University - Canada) - <i>The EU's Role in Access to Member State Citizenship</i></b></p> <p>The way to become an EU citizen is by becoming a citizen of a member state. This is no different from before the insertion of EU citizenship into the treaties at Maastricht: the way to access European rights was through status in a member state. Although some European rights were available to all without regards to nationality (essentially human rights, irrespective of citizenship status), many rights -- such as free movement; still the core of EU citizenship -- were restricted to nationals of the member states. The <i>Micheletti</i> case (Case C-369/90 [1992]) established that "Under international law, it is for each Member State, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality." But what precisely does "due regard" for Community law mean? And does the transformation of common European rights into the overarching legal status of EU citizen impact the prerogative of member states to determine who their citizens are? This paper examines jurisprudence in Europe and comparatively to examine the role of central authorities in determining status in situations of multilevel citizenship.</p> <p><b><u>Professor Dora Kostakopoulou</u> (The University of Warwick) – <i>Explaining Institutional Change: The Evolution of the Case Law of the Free Movement of Persons</i></b></p> <p>(Chair) <b><u>Dr Majella Kilkey</u> (The University of Sheffield)</b></p>
3.45 pm – 4.00pm	Coffee

4.00 pm –  
6.00pm

Panel 2

**Dr Owen Parker (The University of Sheffield) – *Critical Political Economy and Europe’s ‘other’ crisis: The ethics of EU citizenship and free movement***

This paper asks to what extent the European political left is able to support free movement and an associated non-discrimination in the contemporary EU. In particular, the paper engages with the argument made by Favell (2014), that a ‘Marxisant’ scholarship that has been critical of an ostensibly neoliberal settlement in the contemporary EU is ‘emotionally cosmopolitan but viscerally nationalist’ when it comes to seeking to control and regulate markets. In a first step, the paper agrees with Favell that much critical political economy (CPE) scholarship – and many on the political left more generally – has this tendency towards a methodological nationalism that may, implicitly and sometimes explicitly, be hostile to freedom of movement and EU citizenship. However, in a second step it argues that this does not undermine a CPE literature’s important critique of neoliberalism, flexible labour markets and welfare state retrenchment which has intensified in the aftermath of the economic crisis which started in 2008. Finally, it is argued that, to the extent that the political left marries its prescriptions for greater social justice with a cosmopolitan outlook, it is best conceived not as an obstacle to, but as an important political condition of possibility for, the right to free movement and mobility in Europe.

**Professor Adrian Favell and Dr Albert Varela (The University of Leeds) - *Varieties of Capitalism, Free Movement of Labour and Immigration: The Comparative Migration Equation***

Free movement of new member state nationals after 2004 constituted a quasi “natural experiment” on the positioning of West European member states’ labour markets vis-a-vis open borders, transitional barriers, and the ensuing balance of European and non-European flows, in more-or-less migration-driven economies. On the face of it, the initial UK experiment with open borders and high levels of free market governed migration from within Europe – as an alternative to non-European immigration or irregular/segmented labour markets – might be deemed a success compared to both restrictive models (for example, the sluggish dynamics of France; the exclusionary reality of Denmark) and high level alternatives (the segmented, exploitative outcome of Germany; the unregulated marginality of EU migrants in Spain). Arguably, too, the migrants and their sending states did better from the relationship: the UK getting closer to the EU’s integration theory based on a win-win-win model of migration-development. In other words, the case would pose a reversal of the usual implicit normative hierarchy in varieties/worlds of capitalism literatures, perhaps highlighting a weakness of their methodologically nationalist assumptions. However, the UK’s policy has not proven politically sustainable, and the mid to long term outcome is in doubt. The economic crisis of 2008 and after also has proven a turning point. We will explore ways that a political economy focus on varieties of capitalism and its search for an enlightened national market economy might be assessed by evidence on transnational free movement in Europe, in terms of key indicators such as demographic and labour market dynamics, selection effects, welfare protection, inequalities, growth performance, and economic development/integration.

**Dr Majella Kilkey (The University of Sheffield) - *Intra-EU Mobility - an all round ‘win-win’? An examination of the labour market returns to skills of EU migrants in the UK***

In contrast to developments in recent years in some EU Member States, including the UK, the European Commission has sought to strengthen the policy infrastructure underpinning intra-EU mobility, arguing ‘[L]abour mobility is a win-win – it benefits both Member States’ economies and the individual workers concerned’ (Andor 2013). The aim of this paper is to contribute to an interrogation of the Commission’s claim of an all-round win-win from intra-EU migration. We take European nationals’ integration in the UK labour market as our point of departure, focusing on the labour market returns (e.g. pay, promotions, occupations, type of contract, hours worked, etc) to their skills. We particularly concentrate on identifying whether the patterns of labour market integration by the level of skills (high versus low skills) differs between EU migrants and UK nationals. We adopt a long-term perspective, analysing patterns of labour market integration of EU migrants over the last decade (2004-2015) in order to capture the potential impact on the relative labour market positioning of European migrants of successive waves of intra-EU mobility associated with the 2004 and 2007 Enlargements and the on-going Euro-Zone crisis. Finally, the paper compares the experiences of different groups of EU migrants relative to UK nationals; specifically, nationals from ‘old’ EU member states, Southern European nationals, 2004 Enlargement nationals and 2007 Enlargement nationals. The empirical analysis uses standard multivariate regression techniques to a harmonised pooled cross-sectional dataset of quarterly UK-LFS data.

**Authors**

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**(Chair) Dr Deirdre Conlon (The University of Leeds)**

7 pm	Dinner and drinks at the York Pub ( <a href="http://www.theyorksheffield.co.uk/">http://www.theyorksheffield.co.uk/</a> )
<b>28<sup>th</sup> June 2016</b>	
9.00 am – 11.00 am	Panel 3
	<p><b><u>Dr Roxana Barbulescu (The University of Southampton) - <i>Citizenship without social rights? EU migrants' access to welfare rights in comparative perspective</i></u></b></p> <p>Intra-EU migrants have a unique set of rights within the Union compared with other non-citizens because of the principle of freedom of movement. Access to welfare is part of these rights yet harmonisation has been weaker in this area than in others given EU's fewer competences in social affairs. As a result, member states have more discretion in being more inclusive or, on the contrary exclusive in giving access to welfare to EU citizens (Sainsbury 2012, Schierup, Hansen and Castels 2006). In the aftermath of the economic recession and confronted with possible new migration from the new member states, some countries have taken measures to make it more difficult for EU migrants to access welfare including withdrawing access altogether to some types of social assistance while others have maintained their status quo. This paper surveys the recent policy responses of four member states with respect to EU migrants' access to welfare rights. It builds on a four-country comparison –UK, Germany, Sweden and Spain – four member states that have received large numbers of EU migrants, that have different welfare traditions and a different relationship with the EU. The paper finds remarkable little convergence and great dissonance in the recent policy responses of the member states and examines the causes of this variation. Finally, the paper discusses the political consequences of such transformations for EU citizenship.</p> <p><b><u>Dr Emma Carmel (The University of Bath) - <i>Logics of selectivity: interpreting the social (security) rights of free movers from principle to practice</i></u></b></p> <p>This paper presents some first results from the TRANSWEL project, a transnational comparative project examining the portability of social security in the European Union, through 4 transnational case studies. It examines the logics of inclusion, exclusion and inequality which are inscribed in the joint EU-member state regulation of access to, and portability of, social security for intra-EU migrants. The transnational case studies are: Bulgaria-Germany, Estonia-Sweden, Hungary-Austria, and Poland-UK. The key findings show how sedentarist conceptions of social rights are embedded in migrant-receiving countries' regulatory practices. More than this, this paper shows how member states use EU portability regulations - the globally most sophisticated transnational social security regulation on the rights of migrants - in ways which directly subvert its formal protection of transnationally mobile people, and which specifically exclude particular categories of migrant from access to social protection.</p> <p><b>Authors</b>  Dr Emma Carmel, University of Bath  Dr Bozena Sojka, University of Bath  Dr Kinga Papież, University of Bath</p> <p><b><u>Dr Michael Blauberger (The University of Salzburg) - <i>Enter at your own risk. How Austria and Germany administer the free movement of EU citizens</i></u></b></p> <p>Whereas the right to move freely in the EU was originally reserved to workers, it has been extended to all EU citizens through Treaty reforms, secondary legislation and the jurisprudence of the European Court of Justice (ECJ). Recent political controversies about alleged “benefit tourism” and a new “reactionary phase” (Spaventa 2015) of ECJ citizenship jurisprudence, however, have resulted in significant restrictions regarding EU migrants' access to national welfare systems. These logics of “opening” and “closure” (Ferrera 2005; Martinsen and Vollaard 2014) are both present – and conflicting – in the day-to-day implementation of EU free movement rules by national administrations. On the one hand, even though EU citizens' right to reside abroad may be made conditional on having “sufficient resources”, national immigration authorities often effectively favor opening – e.g. by not expelling EU migrants without sufficient resources, or by not controlling them in the first place. On the other hand, welfare authorities follow the logic of closure when denying social benefits to EU migrants whose residence status is unclear or invalid. In our contribution, we will investigate Austrian and German administrative approaches to this inherent conflict. While both approaches differ greatly, we suspect that they produce a similar effect: increasingly, EU migrants are being tolerated as residents with precarious status and without access to minimum subsistence benefits.</p> <p><b>Authors</b>  Michael Blauberger, Salzburg Centre of European Union Studies  Anita Heindlmaier, Salzburg Centre of European Union Studies</p>

	<b>(Chair) <u>Professor Adrian Favell (University of Leeds)</u></b>
11.00 am – 11.15 am	Coffee
11.15 am – 1.15 pm	Panel 4
	<p><b><u>Cecilla Bruzelius (The University of Oxford) - <i>European social citizenship in practice: the intricacies of establishing residence</i></u></b></p> <p>The right to freedom of movement gives EU citizens the right to reside in another member state. Being resident is in turn a core criteria to qualify for social entitlements in the destination member state. Focusing on access to social benefits and services at the municipal level, this presentation looks into the intricacies of establishing residence in practice. It illustrates how domestic structures and actors shape EU citizens' ability to claim residency. The talk builds on findings from an ongoing research project that explores how the local level in Germany and Sweden shapes EU citizens' ability to exercise and access social entitlements in practice.</p> <p><b><u>Cristina-Claudia Paraschivescu (The University of Leeds) - <i>Claims, Values and Limits. Romanian immigrants and Western European passports.</i></u></b></p> <p>To this date, the literature on dual citizenship has not fully engaged with the reasons why ordinary people acquire citizenship (Joppke 2007, Skulte-Ouais 2013, Szewczyk 2014). The aim of this study is to frame Romanians' practice of (non-)belonging in the host country through the meanings they attribute to a French/British passport. This paper is based on 76 semi-structured interviews conducted between September 2013 and June 2014 with Romanians in London and Paris. Firstly, it analyses from a bottom-up perspective Romanians' complexity of emotions surrounding the reasoning for taking up a French or British passport. Secondly, it investigates if/how the actual possession of a Western European passport changes the nature of their senses of belonging as a result of everyday interactions in the host country. As such, this paper looks at the ways in which exclusion and inclusion are lived by Romanian participants through their interactions with those inhabiting the community of power and can accept or reject their memberships.</p> <p><b><u>Dr Rebecca Ehata (The University of Oxford) - <i>Exercising social rights as an EU migrant citizen: interim findings from a UK study.</i></u></b></p> <p>The paper will present interim findings from exploratory research into the factors which appear to facilitate, or create barriers to, access to social rights for EU migrant citizens living in the UK. Drawing on qualitative research with both EU migrant citizens and service providers working in education, healthcare, benefits and housing, it considers the extent to which factors such as prior knowledge, personal expectations, education level, language skill, employment and economic status, and family situation influence EU migrant citizens' experiences of exercising their social rights here.</p> <p><b>(Chair) <u>Professor Andrew Geddes (The University of Sheffield)</u></b></p>
1.15 pm – 2.15 pm	Sandwich lunch provided
2.15 pm – 4.15pm	Panel 5
	<p><b><u>Professor Peter Dwyer (The University of York) - <i>Diminished citizenship? The impact of conditionality on the welfare rights of EEA migrants in the UK</i></u></b></p> <p>Migrants from European Economic Area states who wish to relocate to other EU Member States do not enjoy unrestricted access to social welfare benefits and services in host Member States. Under European Union law social assistance benefits are contingent on satisfying 'right to reside' rules which require people to be economically active and able to support themselves above the social assistance level. Furthermore, in the UK, the Conservative/Liberal Democrat Coalition government (2010-2015) introduced a number of additional conditions (e.g. 'the Genuine Prospect of Work Test, a minimum earnings threshold) that EEA nationals are now required to meet in order to be eligible for Jobseeker's Allowance.</p> <p>Against a policy backdrop of heightened welfare conditionality for EEA migrants this paper explores their</p>

interactions with Jobcentre Plus and Work Programme staff. More specifically it considers the impact of regulations at both EU and UK levels that curtail 'inactive' EEA migrants' rights to access social assistance benefits. The paper presents an analysis of new, original data generated in interviews with 32 European Economic Area (EEA) migrants resident in the UK. It is concluded that the conditionality inherent in the notion of 'Citizenship of the (European) Union', as established in 1992, and as made explicit in recent UK welfare reforms, create a diminished and restrictive version of citizenship for EEA migrants resident in the UK

**Authors**

Professor Peter Dwyer, University of York, UK  
Katy Jones, University of Salford, UK  
Dr Lisa Scullion, University of Salford, UK  
Dr Alasdair Stewart, University of Glasgow, UK

**Dr Charlotte O'Brien (The University of York) -- TBC**

Possibly something on [EU rights project](#)

**Mathew Evans (AIRE Centre)**

To talk about administrative/ deportation removals in respect of EU migrants in the UK

**(Chair) Dr Owen Parker (The University of Sheffield)**

If you have any questions about the workshop please don't hesitate to contact – Dr Owen Parker ([o.parker@sheffield.ac.uk](mailto:o.parker@sheffield.ac.uk)) or Lynzi Duncan ([lynzi.duncan@sheffield.ac.uk](mailto:lynzi.duncan@sheffield.ac.uk)).