GLOBMIG Legal and Policy Inventory
User guide

New Approaches to understanding and modelling Global Migration Trends (GLOBMIG)

The GLOBMIG Legal Inventory is based on research carried out in the context of the 48-month project "*New Approaches to understanding and modelling Global Migration Trends"* GLOBMIG). This is an interdisciplinary research project, funded by the University of Louvain (UCLouvain) within the framework of the Concerted Research Actions (ARC). Started in 2019, the project aims at developing stronger conceptual tools to better understand and model global migration patterns and investigate the implications of legal and policy reforms at a European level. To that end, the project has an interdisciplinary nature, focusing on four subjects: economics, demography, computer science and law. Teams of researchers and professors work towards the achievement of three common objectives: (I) to gain an understanding of the long-run drivers of international migration; (II) to produce integrated projections of migration, population, and global inequality; (III) to assess the effectiveness and policy coherence of the legal framework.

Achieving these general objectives requires highly integrated models of global migration patterns. The GLOBMIG project adopts a state of the art methodological approach in combining traditional and new sources of data (e.g. Big Data on cell-phone owners' mobility, worldwide opinion surveys on migration intentions, geo-referenced data on population changes, and comparative data on immigration laws and policies), in developing new methods for processing and analysing them (e.g. data mining, machine learning algorithms), and in modelling the complex interactions between international migration, internal migration, and the socio demographic, climatic, legal and economic environments. This working paper focuses on the legal aspect of the GLOBMIG research.

The GLOBMIG legal component: inventory and assessment of European law and policies

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The GLOBMIG Legal Inventory

The legal component of the wider GLOBMIG Project consists of the development, compilation and analysis of the most relevant legal and policy measures adopted within the European legal space with regard to migration management. Those measures have been classified into various categories and assessed in light of different criteria. The inventory covers a period of 40 years, organised into eight chronological phases, from 1980 to 2020.

These are, in details, the 8 different chronological periods:

Phase 1	1 January 1980 – 1 November 1993: From 1980, with the first community texts on migration policy (Decision 85/381 of the Commission and ECJ cases 281/85 ff on migration policy) to the entry into force of the Maastricht Treaty;
Phase 2	1 November 1993 – 1 May 1999: From the entry into force of the Maastricht Treaty to the entry into force of the Amsterdam Treaty;
Phase 3	1 May 1999 – 29 October 2004: From the entry into force of the Amsterdam Treaty to the signature of the Treaty establishing a Constitution for Europe;
Phase 4	29 October 2004 – 1 December 2009: From the signature of the Treaty establishing a Constitution for Europe to the entry into force of the Lisbon Treaty;
Phase 5	1 December 2009 – 30 June 2013: From the entry into force of the Lisbon Treaty to the end of the second phase of the Common European Asylum System (CEAS) with the entry into force of the Dublin III regulation;
Phase 6	30 June 2013 –13 May 2015: From the end of the second phase of the CEAS to the European Agenda on Migration;
Phase 7	13 May 2015 – 26 May 2019: From the EU Agenda on Migration to latest European Parliament elections;
Phase 8	26 May 2019 – 31 December 2024: From the 2019 European Parliament elections to 2024.

These phases have been designed according to major changes occurred at EU level (including "constitutional" changes and treaty reforms) as well as relevant passages in the area of migration law and management (such as the gradual creation and development of the CEAS). Therefore, the eight periods are not equally long. As it is conceived as a "living" instrument, moreover, the inventory is being updated on a regular basis. Every legal or policy measure included in the GLOBMIG Inventory corresponds to a line in the Excel file and contains the following information

- **Name of the act:** The legislative or policy act is entirely spelled out, including date of adoption, name of the Institution which adopted it and reference number of the document. A hyperlink is provided so that the act can be easily consulted.

- **Year:** The Inventory has a strong chronological focus, so the year of adoption criterion helps to track the increasing or decreasing of measures throughout the years.

- **Date**: The measure also brings the date of the adoption of the act (information about the entry into force of certain measure, if relevant, is given under the "name of the act" column)

- **Area/Sector.** This criterion is based on the provisions laid down under Articles 77 to 79 TFEU. Therefore, measures included in the inventory have been classified using the policy areas provided for in EU primary law. Macro areas are "Borders", "Asylum" and "Immigration".

Example

Act Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard	**Category** → Borders Article 77 TFEU	**Sub-category** → Integrated management system of external borders Article 77(2)(c)(d)

Border	The "border" category includes measures on the crossing of internal and external borders controls (regulated primarily by the Schengen Border Code) and rules on access to the EU. It also includes visa policy and legislation which facilitates or restricts the entry of third-country nationals into the EU and the work of a dedicated EU Agency, Frontex, which is responsible of ensuring safe and well-functioning external borders providing security.
Asylum	The "asylum" category includes measures that protect people fleeing persecution or serious harm in their own country. EU Member States have gradually established a Common European Asylum System.Several instruments have harmonized common minimum standards for asylum, put in place financial measure (e.g. Refugee Fund) in support of refugees and created a dedicated EU Agency, EASO. Legislation concerns, among other: how asylum decisions are taken, special support to particular categories of asylum seekers and refugees (unaccompanied minors, victims of torture), standards for material reception conditions (such as housing), the grounds for granting international protection integration measures for beneficiaries of international protection and the rules governing State responsibility for examining asylum application.
Immigration	The "immigration" category includes legislation on legal migration and integration, besides asylum law, and initiatives for cooperation with third countries on migration. Part of these legislations covers the entry and residence conditions for particular categories of immigrants (highly qualified workers, students, researchers, seasonal workers), family reunification, legislation on third-country national who are long-term residents and special legislation on EU workers legally residing in an EU State. It also includes measures against irregular migration and return as well as human trafficking and smuggling.
Mixed	Some policy and programming instruments (particularly measures of a political nature) might concern two or three categories at the same time.

- **Category/Topic.** Within the macro areas "Borders", "Asylum" and "Immigration" further specification   of the category is given following EU primary law. For instance, under "Borders" macro area, the following sub-categories are listed: internal borders, integrated management system of external borders, visa policy.

Borders	External borders
	Illegal migration
	Integrated management system
	Internal borders
	Schengen information system
	Visa policy
Asylum	Common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status
	Criteria and mechanisms to allocate responsibility for applications for asylum
	Partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection
	Standards concerning the conditions for the reception of applicants for asylum or subsidiary protection
	Uniform status of asylum, subsidiary protection and temporary protection
	Provisional measures for an emergency situation characterised by a sudden inflow
	Refugee fund
Immigration	Conditions of entry and residence, long-term visas and family reunification
	Cooperation with third countries
	Illegal immigration, return, repatriation

	Integration of legally residing third country nationals
	Judicial cooperation
	Readmission agreements with third countries

- **Authorship/Origin**. This criterion records the specific author (e.g. European Parliament, European Commission, etc.) of a given legal or policy measure. The research mainly covers the regional legal contexts of the European Union and the Council of Europe. Some national measures have also been considered and included in the inventory due to their significance, as well as some others stemming from the UN context (e.g. UN General Assembly, UNHCR and IOM). As for the EU institutional framework, besides the main institutions, the research has also monitored the activities of EU specialised Agencies such as Frontex/EBCG, FRA and EASO.

Court of Justice of the European Union
Advocate General of the Court of Justice of the European Union
Council of Europe Commissioner for Human Rights
Parliamentary Assembly of the Council of Europe
Committee of Ministers of the Council of Europe
Council
European Court of Human Rights
European Economic and Social Committee
European Commission
European Council
European Parliament
EASO
FRONTEX
EUROSTAT
European Ombudsman
Member States

Member States and third countries
EU and third countries
UN Security Council
G7 Leaders

- **Context.** This criterion identifies the legal context of adoption of the act (e.g. Council of Europe, European Union, single EU Member State, etc.). This criterion helps tracking the level where the action is taken (regional, bilateral, sometimes national upon initiative of a single Member State)

Example:

__Act__	__Author(s)__	__Context__
Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard	European Parliament, Council	European Union

Council of Europe
European Union
EU and third country
MS and third country

Inter-governmental cooperation
International forum
International summit
Member States
United Nations

- **Legal source.** This criterion classifies the single measure according to its legal hierarchy and/or typology. For classification purposes, the legal source criterion is divided into three sub-categories: EU primary law, EU secondary law (which includes caselaw), and soft law

(including policy and non-legally binding measures). The case-law covers. Given their relevance, however, some national judgments are also included in the inventory.

Example:

<u>**Act**</u>	<u>**Legal source**</u>	<u>**Type**</u>
Regulation (EU) 2019/1896 of 13 November 2019 on the European Border and Coast Guard	EU Secondary law	Regulation

Primary law
Secondary law
Soft law

- **Type.** This criterion classifies the form of both legal and non-legal measures (e.g. legal measures: regulation; directive; international agreement, etc. ; non-legal measures: communication, working arrangement, opinion, etc.)

- **Summary**. The summaries provide a short description of the measure. For legislative acts, those generally refer to the scope of the act provision, while for non-legal measures a short summary of the purpose of the act is reported. For the caselaw, in some cases we relied on caselaw summaries available in online database (e.g. EDAL).

- **Key words.** Those key words are meant to restrain the search function for concepts which are more specific than macro policy area and topics.