

# ASYLUM LAW & DEPORTATION

The Parliament of the United Kingdom is the supreme legislative body - it decided in 1973 to enter the European Economic Community and in 1992, to sign the Maastricht Treaty, thus creating the EU.

Entering into the European structures caused implications for the next 43 years of the UK's rule of law, economics, structure of society and culture, as the legal, economic and comprehensive taking into account culture, views, habits etc. migration/ immigration began.

## Immigration/ Brexit & single market access

Indeed, the invaluable influence has always had an access to a single market.

The common market, the Treaty of Rome's main objective, was achieved through the 1968 customs union, the abolition of quotas, the free movement of citizens and workers, and a degree of tax harmonisation with the general introduction of VAT in 1970. However, the freedom of trade in goods and services and the freedom of establishment were still limited due to continuing anti-competitive practices imposed by public authorities.

The lack of progress in the achievement of the common market was largely attributed to the choice of an overly detailed method of legislative harmonization and to the rule that required unanimity for decisions to be taken in the Council. According to the **Cecchini report ('The cost of non-Europe')**, presented in March 1988, this was extremely expensive for the economy, costing between 4.25% and 6.5% of GDP. In the mid-1980s political debate on this issue led the EEC to consider a more thorough approach to the objective of removing trade barriers: the internal market.

**The Single European Act entered into force on 1st July 1987**, setting a precise deadline of 31st December 1992 for completion of the internal market. It also strengthened the decision-making mechanisms for the internal market by introducing qualified majority voting for common customs tariffs, free provision of services, free movement of capital, and approximation of national legislation. By the time the deadline passed, over 90% of the legislative acts listed in the 1985 White Paper had been adopted, largely under the qualified majority rule.

The single market refers to the EU as one territory without any internal borders or other regulatory obstacles to the free movement of goods and services. A functioning single market stimulates competition and trade, improves efficiency, and raises quality.

The EU single market for goods accounts for about 500 million consumers and 21 million small and medium-sized enterprises. The EU single market for services accounts for over 70% of all economics activity in EU and similar proportion of its employment.

In conclusion, a fully functional digital single market is a crucial feature for the European business, including the British one. One must bear in mind that the EU single market promotes innovation; contributing 415 billion Euros to the EU economy each year.

The European Commission works on removing the last barriers in internal trading and preventing the creation of new ones. It applies Treaty rules prohibiting quantitative restrictions on imports and exports (vide article 34 to 36 TFEU) and manages the notification procedures on technical regulations (2015/1535).

The European Commission monitors the application of EU law and can launch infringement proceedings against EU countries that do not comply. It also monitors the functioning of the single market, producing evaluations and key economics reports. In cooperation with the local partners namely EU countries, the European Commission is organizing a series of various workshops all over the EU member nations to develop better understanding of the collaborative and shared economy, to identify the most innovative business models, to

uncover real risks and regulatory barriers, and to debate the most appropriate form of regulations.

In the case of Brexit, and taking into account the prospective intentions to limit the free movement between the UK and the EU, the option that excludes the single market access is highly probable, but is that a price that should be paid by British businesses?

On the other hand, in the case of aiming towards single market access one must bear in mind the question: who should provide goods and services? There is no unlimited movement of services and goods if there is not enough of the human factor to provide them.

The wider the access to the single market, the more business (namely trade, goods, whole range of services) develops and the more places of work are being created. Therefore a lack of access to the single market would cause an increase in unemployment as a lot of international companies have their branches in the UK and will not be able to provide their services and goods freely, thus the employees will not be needed anymore.

LM78-16

LM78-16



In addition one must bear in mind that the price of opting towards exclusion from the single market (due to the immigration factor permanently raised during the leave campaign) is much higher than the threat of increase in unemployment, and duty customs which will influence the prices for everyone living in the UK, especially in the cases of having a holiday abroad, buying a property abroad, or buying anything abroad via eBay for instance. So the question is whether the British society and British politicians are to pay the price of issuing Brexit without access to the single market as it is obvious that the British economy, particularly London, will not.

## Benefits/ Brexit/ Immigration

One of the essential factors promoted by the 'leave' campaign was the frustrating issue of benefits for migrants.

David Cameron announced victory and pledged to campaign with "all my heart and soul" to keep Britain inside the EU after the Decision of the heads of state or government, meeting within the European Council, concerning a new settlement for the UK within the EU was struck on 19th February 2016 to redraw the terms of the UK's membership.

The Decision clearly states that: "It is recognised that the United Kingdom, in the light of the specific situation it has under the Treaties, is not committed to further political integration into the European Union. The substance of this will be incorporated into the Treaties at the time of their next revision in accordance with the relevant provisions of the Treaties and the respective constitutional requirements of the Member States, so as to make it clear that the references to ever closer union do not apply to the United Kingdom."

## Leaders of the 27 member nations agreed to:

- a seven-year term for the emergency brake to restrict EU migrants in the UK claiming in-work benefits;

- child benefit payments indexed to the cost of living for children living outside the UK for all new arrivals to the UK, extending to all workers from 1 January 2020;

- any single non-eurozone country able to force a debate among EU leaders about eurozone laws – no veto;

- an unequivocal opt-out stating that EU treaty "references to an ever-closer union do not apply to the United Kingdom."

In conclusion, David Cameron was granted almost all of his demands, therefore if anybody voted to leave because of benefits for migrants, it was a result of the lack of proper information in relation to the decision made on 19th February 2016.

## Brexit/ immigration/ Dublin Regulation

In the wider perspective of the immigration issue, Brexit influences the United Kingdom's situation also in relation to immigration beyond EU borders, namely refugees and asylum seekers.

**The Dublin Regulation** - establishes which of the Member States is responsible for the examination of the asylum application. The main approach of an updated Dublin Regulation is that the country where the asylum seeker arrives has to process the application and is responsible for them. In case of Brexit, the United Kingdom will not be covered with this Regulation anymore, thus dealing and searching for a solution to such a difficult situation connected with the refugees looking for a shelter to protect their lives will be the sole initiative of the UK.



## Contact

Aleksandra Kowalik  
Kancelaria Adwokacka  
Email: [aleksandrakowalik@op.pl](mailto:aleksandrakowalik@op.pl)  
Web: [www.akowalik.com](http://www.akowalik.com)

