

Schuman Paper  
n°795  
17<sup>th</sup> June 2025

# The Schengen Agreements turn 40

Catherine WIHTOL DE WENDEN

The [Schengen Agreements](#) were signed in 1985 in a border village between Belgium, Luxembourg and Germany, chosen as a symbol of the abolition of borders. The aim of the signatory countries was to ensure the free movement of Europeans within the established territory.

## AN ONGOING PROCESS

Over time, they were adopted to prepare Europe for internal freedom of movement and external security. Freedom of movement within Europe then took precedence over external control of Europe's external borders, which has since become the essential feature of these agreements. They complemented the free movement of European workers established in 1968, eleven years after the 1957 Treaties of Rome, in which migration was not a priority issue. However, internal freedom of movement was accompanied by the strengthening of Europe's external borders, implemented through the introduction of visas for third-country nationals wishing to enter Europe, alongside the introduction of the European passport in 1986. The [so-called "Schengen" visas](#) are valid throughout the territory of the signatory countries for a period not exceeding three months. For longer stays, visas are national and valid for a single European host country. However, more than sixty countries (outside the Schengen area) are exempt from visa requirements. The institutional distinction between Europeans and non-Europeans is nevertheless becoming paramount in relation to the former legal border separating foreigners from nationals.

The Schengen Agreements were coupled with a [Schengen Convention](#), adopted by the signatory states in June 1990. Not all EU Member States were signatories at the time (the

United Kingdom, Ireland and Denmark), but the latter participated in the negotiations: the United Kingdom withdrew from the European Union after Brexit. Four countries, Switzerland, Norway, Iceland and Liechtenstein, are part of Schengen without being members of the EU.

In 1992, Article 8 of the Maastricht Treaty defines the [European citizen](#) by freedom of movement, residence and work for EU citizens, but also by the possibility for Europeans to vote and stand for election as Members of the European Parliament, including in a country other than their own when they reside there, and to vote and stand for election at local level in their country of residence even if they do not have that country's nationality. They also have the right to refer matters to the European Ombudsman and the European Court of Justice and to contact another country abroad when they do not have an embassy to represent them. European citizenship is therefore a modern form of citizenship, based on mobility and facilitated by the Schengen system, which ensures the free movement of persons and harmonises travel controls within the EU. The Schengen agreements were implemented gradually from 1995 onwards, as new countries joined the European Union: France, Germany and the Benelux countries in 1995; Italy and Austria in 1997; Spain, Portugal and Greece in 2000. In 2001, in addition to Finland and Sweden, Norway, which is not a member of the European Union, joined, followed by Iceland and Switzerland in 2008, and Liechtenstein

in 2011. Croatia joined in 2023, and Romania and Bulgaria on 1 January 2025.

The agreements now include 29 members, including 25 EU Member States (except Ireland and Cyprus), as well as Switzerland, Norway, Liechtenstein and Iceland. A process is underway for Cyprus.

France's six ultra-marine regions are not part of Schengen or the European territory (PTOM). However, the Azores, Madeira and the Canary Islands, which are close to Europe, are.

### THE SCHENGEN INSTRUMENTS

The instruments are mainly oriented towards the [control of the borders](#) of the Schengen Area: the [Schengen Information System](#) (SIS), for the computerised recording of fingerprints of those who have entered the Schengen area, used to identify undocumented migrants who have re-entered European territory, asylum seekers who have been refused asylum and criminals who are no longer allowed to enter the countries of [the Schengen area](#). Recently in 2023 it was [revised](#).

The Integrated External Surveillance System (SIVE) is a border control system around Europe that operates along the Mediterranean coast, particularly off the coast of Spain, and was adopted at the 2002 European summit in Seville. It has had the effect of shifting the flow of migrants, which used to be heavy around Gibraltar, to other crossing points.

The Dublin agreements on the Europeanisation of asylum at European level were adopted in 1990 to prevent multiple applications to several European states ('asylum shopping') and differences in responses between states. Acceptance or rejection of refugee status now applies to all Member States of the European Union. These agreements were supplemented in 2002 by [Dublin II](#), under which asylum seekers' applications must be processed in the first EU country they enter. Adopted to ensure 'burden sharing' between countries receiving large numbers of applicants (Germany, Austria) and those

receiving few (Eastern Europe), this mechanism has had the effect of returning applicants to countries on Europe's external borders ([particularly in the south](#)) under the 'one stop, one shop' principle. These are the people who have been 'Dublined'. Several EU Member States have been condemned by the European Court of Human Rights for returning asylum seekers to Greece, as less than 1% of applications were followed by recognition of refugee status. In 2014, the [Dublin III agreements](#) maintained this system, which has turned southern European countries into Europe's 'border countries', as they receive most of the [asylum seekers](#) with the sorting centres set up during the Syrian crisis - the "hot spots" - subject to flexibility, particularly with regard to minors and those who have real and strong links with their families in another European country.

The [EURODAC system](#) seeks to prevent multiple asylum applications. This system of fingerprinting asylum seekers entering the European Union, adopted in 2000, aims to prevent applications from the same person under different names, in order to deter fraudsters.

The [Frontex](#) agency, more familiarly [the European Border and Coast Guard](#) agency, established in 2004 with a budget of €6 million, was created after the end of Operation Mare Nostrum in Italy in 2013, when then Prime Minister Enrico Letta took the initiative to rescue shipwrecked migrants off the coast of Lampedusa. The country rescued more than 140,000 people in one year before handing over search and rescue operations in the Mediterranean to Frontex. The agency now has an annual budget of €900 million, with its main function being to control Europe's external borders, particularly in the Mediterranean. However, the controversy surrounding 'push backs' (boats pushed back out to sea) between Turkey and Greece, for which responsibility is still being determined, led to a change of director at the agency and to surveillance by drones and helicopters, rather than by rescue boats operated mainly by associations such as SOS Méditerranée and other NGOs.

All agreements are part of the Schengen acquis in EU law, which constitutes the legal and institutional framework of the European Union. However, Member States may [temporarily](#) reintroduce controls within Europe in the event of a crisis, such as in 2011 during the Arab Spring and in 2015 during the Syrian crisis, or in the event of a [threat](#), such as in 2024 in [eight](#) Member States.

The [European Pact on Immigration and Asylum](#), adopted in April 2024 takes up most of the provisions relating to European immigration and asylum policy, without being an agreement. It is a roadmap setting out the Union's policy guidelines, but it deals mainly with asylum and does not cover migration policy, which weakens its scope of action, as asylum and immigration are linked. Its restrictive approach, which was difficult to negotiate, did not bring an end to the Dublin agreements. This was despite the fact that it had been announced that these agreements would be reformed because they were not working properly. The long-standing European objective to harmonise asylum policy is proving difficult to implement, given the diversity of responses from Member States depending on the profiles of asylum seekers, despite the fact that [the European Union Agency for Asylum](#) has sought to harmonise asylum law. The Pact will enter into force in 2026 and the Commission just made an [interim report](#).

Outside Europe, the Schengen system of strengthening external borders has led to the emergence of buffer zones, transforming the countries on the southern shore of the Mediterranean into countries of immigration and transit. The border is sometimes reinforced, as Europe signs bilateral and multilateral agreements with these countries to externalise its borders (prohibiting migrants on their territory from leaving) and to return undocumented migrants further and further away from Europe's borders, with countries in the Sahel and the Middle East. Significant sums of money are allocated to these agreements, such as, for example, with [Tunisia](#), in exchange for return and development policies, without any assessment of the results obtained in relation to the cost of control.

Europe, whose population is in decline, is pursuing a security policy at its external borders that is increasingly being promoted by Member States, but at the cost of thousands of deaths in the Mediterranean Sea, which has been transformed into a vast graveyard, largely due to organised trafficking by criminal networks of smugglers operating in the area. In 2016, the photo of three-year-old Aylan Kurdi, found drowned on the beach in Bodrum after his parents fled Syria in an attempt to reach Europe, shocked public opinion and pricked the conscience of many. During his trip to Marseille in autumn 2023, Pope Francis denounced the trivialisation of indifference towards the situation at the Mediterranean's external borders. Elsewhere, Belarus' attempts to put pressure on the Polish border in the east by massing asylum seekers driven out by conflicts in the Middle East, which began in 2021, have clearly been exploited to weaken the Union.

\*\*\*

While the Schengen agreements represent an extraordinary step forward in the removal of borders for Europeans, they seem to have worsened respect for human rights around Europe's external borders in a climate of rising fears and assertive nationalism.

The Schengen agreements were drawn up at a time when many European decision-makers believed that large-scale labour migration was over following the industrial crisis, that migrants from the South would return to their countries and that Europeans, thanks to their mobility, would replace non-European migrants. None of these scenarios came to pass, and the Schengen agreements, which were experimental in nature, were maintained. They allow for remote border management and externalisation through visas granted in European consulates in the countries of departure.

The migration crisis provided an opportunity to suspend open borders between European countries signatory to Schengen in 2011 and 2015 (Italy/France in Ventimiglia) and in Eastern Europe and

the Balkans in 2015, where several countries such as Hungary, the Czech Republic and Poland closed their borders, a clause provided for in the Schengen Code in the event of a threat to security, for a limited period.

The fact that some European countries waited before implementing the agreement, such as Italy and Spain, and that others closed their borders during the refugee crisis led to a number of adverse effects: Southern Europe's attractiveness to undocumented migrants until 1997, lack of solidarity between European countries in 2015, increasingly obvious links between visa requirements and the development of a transit economy circumventing visas in the Mediterranean Sea.

Should Schengen be abolished? No, because the agreements allow freedom of movement, settlement and work, a prelude to European citizenship, established in 1992, which is a considerable advance for all those who live across borders in Europe (frontier workers, students, traders, tourists and senior citizens). However, it is necessary to re-examine the [European Policy for the Control of the external borders of Europe](#), which is often ineffective and dangerous, subject to strong migratory pressure.

---

**Catherine Wihtol de Wenden**

Emeritus Research Director at the CNRS

You can read all of our publications on our site:

**[www.robert-schuman.eu/en](http://www.robert-schuman.eu/en)**

Publishing Director: Pascale JOANNIN

ISSN 2402-614X

The opinions expressed in this text are the sole responsibility of the author.

© All rights reserved, Fondation Robert Schuman, 2025

---

THE FONDATION ROBERT SCHUMAN, created in 1991 and acknowledged by State decree in 1992, is the main French research centre on Europe. It develops research on the European Union and its policies and promotes the content of these in France, Europe and abroad. It encourages, enriches and stimulates European debate thanks to its research, publications and the organisation of conferences. The Foundation is presided over by Mr. Jean-Dominique Giuliani.