STRATEGIC FILE

Migrants 'R' Us: Recommendations for a Sound European Migration Policy

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The response of Europe, easily the wealthiest and most developed region in the world, to the tragedy of migrants trying to enter European states through Libya is inadequate. The governments and, to some extent, the societies fail to see that a moral and interest-based policy is in this case one and the same. In an aging Europe, more immigration has become an economic necessity, not only a moral choice. In the short term, the creation of a robust EU search and rescue force and expansion of joint operations to the Libyan coastal waters are urgently needed. All EU Member States should commit to facilitating a fairer allocation of refugees within the EU bloc. The refugee and immigration crisis has blatantly revealed the need for greater European integration in migration and security policies in general.

It was little more than a century ago that the greatest flows of immigration did not come to Europe but originated from it. In peak years, New York's Ellis Island alone processed more than a million immigrants annually, an overwhelming majority of them coming from impoverished Europe, looking for a better life in America.

For decades, tales of migration have been told in many "true" European families, separated by an ocean, repatriated within Europe after the Second World War, or benefitting from having a father abroad, a *Gastarbeiter*, permanently absent from home but providing for it. Migration from outside Europe is the flipside of the very same coin that has been shaping European identity for a century.

Today's irregular migration flow to Europe from Africa and the Middle East is neither a new nor transitory phenomenon. In 1992, when the EU was being created by the Treaty of Maastricht there were already 700,000 asylum applications in Western Europe.[1] For the past 20 years tens of thousands of sub-Saharan Africans would travel to Europe annually through the Mediterranean. The flow has fluctuated sinusoidally, but will undoubtedly remain, because Europe, through North Africa, borders on the poorest belt of countries in the world: Somalia, Eritrea, Sudan and Mali. The last one is closer to the EU borders than Paris is to Warsaw.

The Tragedy Starts at Home, Not in the Boat

According to Frontex data, the nationals of the following countries arrived in Europe by sea last year: Syria, Eritrea, Gambia, Nigeria, Mali, Senegal, Somalia, Afghanistan, Palestine and "unspecified sub-Saharan

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[1] "Immigration in the European Union: problem or solution?," *OECD Observer*, no. 221/222, June 2000, www.oecdobserver.org/ news/archivestory.php/aid/337/Immigration_in_the_European_Union:_problem_or_solution_.html.

nationals," making it one of the largest migrant groups.[2] All of these countries are either at the very bottom of the world wealth rankings (Somalia, Eritrea, Gambia, Mali, Sudan, Afghanistan, and Senegal), run by extremely repressive dictatorships (Eritrea), or ravaged by military conflict (Syria, Afghanistan, Palestine, Somalia, and Nigeria).

The unsurprising decision to leave their homeland is also the beginning of an irregular migrant's tragedy. Immediately upon crossing the desert border to Libya, or even before that, a potential migrant is caught by human traffickers or people smuggling networks. The journey to the Libyan coastline and the waiting period there is an unimaginable ordeal of racism, slavery, confinement to unlit basements, torture, and rape regardless of sex or age.[3] Having gone through months of such harassment in Libya and paid some $3,000 to the oppressor, the moment of boarding any boat, be it even a rubber dinghy, is already one of salvation.

Paradoxically, for Europeans, both governments and people, the problem with irregular migration only starts the moment these devastated people reach the EU shores. Such a perception is not only morally, but also politically and economically defective. It strains European solidarity at a time when security threats in both neighbourhoods abound and more, not less, European unity is urgently needed. It also shows deficiencies in institutional regulations that allow migrants to be juggled back and forth among Member States, giving fuel to populist political parties' agendas instead of dealing with a generation-long problem of aging European societies that will desperately need immigrant workforces in the coming decades.

Divided Europe

EU Member States can be roughly divided into three groups with regard to their policies on migration: the south, the north, and the east.

The south consists of states that are natural first destinations for refugees crossing the sea, such as Italy, Malta and Greece. According to the Lisbon Treaty, a common European asylum system should include, among other things, a uniform status of asylum for nationals of third countries for the whole EU, a common system of temporary protection for displaced persons in the event of a massive inflow, and criteria for determining which Member State is responsible for considering an application for asylum or subsidiary protection. Its main weakness lies in the so-called "Dublin Regulation," determining the Member State responsible for processing the asylum application. According to the regulation, the first Member State in which fingerprints are stored or an asylum claim is lodged is responsible for a person's asylum claim. According to the European Court of Justice and the European Court of Human Rights, by tying the responsibility of examining refugee status to the initial country of entry, the EU "front line" states are overburdened. This results in systemic deficiencies in the asylum procedure, and in horrific reception conditions. Empirical findings reveal that, as a result, countries in which most asylum seekers arrive, notably Italy, Malta and Greece, do all they can to evade the law, by moving the refugees on to be "processed" in other countries, which are then responsible for them. Moreover, due to excessive immigration pressure, the rate of granting asylum is very low. In 2010, Greece registered 30,000 applications for asylum, of which a mere 11 were granted asylum. That is 0.00036 % of all applicants.[4] Italy is also criticised for not doing enough to help refugees who go underground or travel out of the country.

On their part, southern Member States want other EU Member States to share the burden by accepting more refugees. They also call for a creation of an EU-wide search and rescue force (Triton is currently the only EU border mission, and has a limited mandate) that in their opinion would curb illegal migration.[5] In addition, Italy wants the EU to come up with a system for processing migrants in Africa, and for taking military action against the traffickers in the Mediterranean, similar to the anti-piracy operation Atalanta on

[2] "Illegal border-crossing between BCPs," *FRAN Quarterly*, Frontex, Quarter 4, October/December 2014, p. 12, http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q4_2014.pdf.
[3] Joseph d'Urso, "Migrants in Libya say face beatings, rape awaiting Mediterranean crossing," *Reuters*, 22 April 2015, http://uk.reuters.com/article/2015/04/22/uk-mediterranean-migrants-rape-idUKKBN0ND24920150422.
[4] T. Colerick, A. Minor, "Humanitarian Asylum Policy: Does Denmark Believe in It?," www.humanityinaction.org/knowledgebase/387-humanitarian-asylum-policy-does-denmark-believe-in-it.
[5] The resources available to Triton, which is the EU border mission run by FRONTEX in the central Mediterranean, now amount for €1.5 and €2.9 million per month, in: "Special meeting of the European Council," 23 April 2015, www.consilium.europa.eu/en/meetings/european-council/2015/04/23.

the Horn of Africa.[6] Greece, on the other hand, wants the EU to take a more active role in conflict resolution in Syria, Libya and Iraq.

The north forms an incoherent group and consists of the top European final destination countries, among which are Germany, Sweden, France, and the United Kingdom.[7] They claim that southern countries let or even encourage migrants to move to the north. They call on EU Member States to show solidarity in sharing responsibility for admitting asylum seekers.[8] While Germany and Sweden accept the most asylum seekers, France or the UK already declared they would not accept more of them. According to Article 80 of the Lisbon Treaty, immigration policies should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Yet some states, such as the UK and Ireland, enjoy opt-out clauses with regard to any legislative or other proposals put forward on either asylum or immigration issues. In this sense, they may adopt and apply the European measures decided in these areas case by case (opting-in).

While Sweden wants to improve the rescue measures and is ready to send surveillance ships and planes to the Mediterranean again, to look out for migrant ships, the UK and Germany do not want to share the burden of increased spending on the search and rescue force. They suggest setting up centres to examine immigration and asylum requests at major departure points in Africa, to help stop people from making a journey. Finally, France wants the EU to focus on controlling migration flows and to put the emphasis on disrupting the net of people traffickers, whom it called terrorists.[9]

The east consists of countries such as Poland, the Czech Republic and Slovakia, that are relatively far from the Mediterranean coast, and that are neither a top destination country nor the main entry point for migrants. They are not main players in shaping EU migration policy, but they are aware that similar migration flows could soon come from the east. They all support the EU joint operation, but they are against any mandatory solutions that would entail refugee resettlement across the EU. Only sporadically do they admit refugees into their territories, as a gesture of solidarity.[10]

Hungary, which potentially belongs to the same group, has a different approach. As it receives a large number of asylum applications and is a transit point for migrants on land (foremost from Kosovo, Syria, and Iraq) arriving in the EU (mostly heading for Germany), it harbours anti-immigrant sentiments. The Hungarian government's position is that the EU should be defended against any immigrants by an army, that the EU should not over-reach in its immigration/refugee policies, and that each country should formulate its own policies and deal with its unwanted immigrants as it best sees fit.[11]

Recommendations: Moral and Interest-Based Policy is One and the Same

Driven by horrific accidents in the Mediterranean, in which more than a thousand migrants have drowned just off the shores of Europe, a Special Council Summit was convened on 23 April 2015. All Member States agreed to triple funding of EU maritime operations (Triton and Poseidon) in the Mediterranean (although in reality this merely meant a return to the 2014 levels) and to take action in order to capture and destroy the smugglers' vessels before they can be used. The bloc will seek United Nations' approval for an EU military operation against people smugglers.[12] The leaders, however, did not come to an agreement to

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[6] Containing piracy: EU NAVFOR—Operation Atalanta, http://eeas.europa.eu/piracy/containing_piracy_en.htm.

[7] In 2014, the highest number of asylum seekers was reported by Germany (203,000), followed by Sweden (81,000), Italy (65,000 applicants), France (63,000), Hungary (43,000) and the United Kingdom (32,000 applicants), in: "Number of (non-EU) asylum applicants in the EU and EFTA Member States, by age distribution," 2014, Eurostat, http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Number_of_(non-EU)_asylum_applicants_in_the_EU_and_EFTA_Member_States,_by_age_distribution,_2014_(')_YB15_II.png.

[8] At the last EU Summit, Germany even called for an experiment splitting refugees between Member States based on their population size and economic strength, in: "National interests collide over future of Europe's migrants," *FT*, 24 April 2015, www.ft.com/intl/cms/s/0/a79e7ca2-ea8d-11e4-a701-00144feab7de.html#axzz3YP3xqrtG.

[9] French President François Hollande called the people traffickers terrorists, in: "Hollande calls on Europe to 'go further' to end migrant shipwrecks," *Rfi*, 21 April 2015, www.english.rfi.fr/africa/20150421-hollande-calls-europe-go-further-end-migrant-shipwrecks.

[10] For example, Poland in 2014 accepted 100 refugees from Syria.

[11] "Orban: Europe must protect its border," *DailyNews Hungary*, 24 April 2015, http://dailynewshungary.com/orban-europe-must-protect-its-borders.

[12] "UN chief, Italy PM and EU's Mogherini in Mediterranean sea trip Monday," *EUbusiness*, 25 April 2015, www.eubusiness.com/news-eu/europe-migrants.10wu.

extend this mandate to a broader search and rescue mission. A little has been done, but much more remains to be done.

The measures taken by the EU should be two-fold: (1) interim and provisional, to deal with the symptoms of the problem, aiming to decrease the number of migrant deaths and (2) long-term and strategic, to deal with the negative factors driving immigration in the first place, and aimed at building a European capacity to accommodate immigration flows. The following are recommendations that were either not included in the "Ten-point plan" and the Council Summit conclusions at all, or that scrutinise the provisions adopted.

Recommendations for provisional actions:

- **Create a robust EU search and rescue force and expand joint operations to Libyan coastal waters**, which end 12 miles from the Libyan coastline.

- **Apply the policy of destroying smugglers' boats only as a last resort and interim measure.** Not only will destroying them not cut demand, but it will further antagonise Libyan locals, who use these boats simply to earn their living.

- **Do not assume that a single migrant knows EU policies.** The decreased capacity for search and rescue of Triton was supposed to dissuade migrants from coming to Europe, but in fact the opposite happened.[13] Migrants base their decisions on the risk ratio between remaining in the country of origin and embarking on a journey to another country. The risk assessment of the first one is usually more accurate than the risk of a trip for a better life, based only on the stories that a potential migrant knows from his or her environment. It is not inconceivable that the increased inhumanity and brutality of people smuggling networks in Libya will use the better of stories of successful migration, and cause a reassessment of the risks of embarking on a migrant journey.

- **Neither of the two Libyan governments, nor other Libyan players, should be helped directly at this moment.** There is a tendency to expect that cooperation with the Libyan authorities will bring the same results as it did in 2009, when the migrant flow ground to a swift halt thanks to a bilateral Italian–Libyan agreement. The previous year, nearly 40 000 migrants came to Europe via the central Mediterranean route to Italy and Malta. Gaddafi's regime, which held the country together, is largely gone, owing to the erroneous European military intervention in that country in 2011. Some would argue that Europe needs to clean up its own mess, but it should rather avoid this mess now or else it will never come out clean. The proliferation of weapons and significant cash resources that permeate the Libyan streets and black market make it highly probable that any financial and military aid is likely to end up in the hands of groups cooperating with or pertaining to the smuggling networks that provide drivers, life vest vendors, boat owners and even coast guards with significant income.

- **If there is no other option, the EU could enter Libyan territorial waters but only with a UN mandate. The potential EU and UN mission could even act without local Libyan consent, but it should not put "boots on the ground" in Libya**, as, with a high degree of probability, any military mission in Libya under the current circumstances will drag the international community into a protracted conflict with no end in sight.

Recommendations for long-term strategic actions:

- **All EU Member States should commit to facilitating a fairer allocation of refugees within the EU bloc**. There is no more urgent goal and no other way for the EU to demonstrate solidarity at a time of protracted crises around Europe. The refugee and immigration crisis has blatantly revealed the need for greater European integration in migration and security policies in general. A good plan would be to centralise the existing relocation and resettlement instruments, so that participation in them becomes obligatory but fair, based on socio-economic indicators such as GDP or unemployment rate, but also aimed at restoring pre-existing cultural and family ties

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[13] C. Mortera-Martinez, R. Korteweg, **"**Dead in the water: Fixing the EU's failed approach to Mediterranean migrants," Centre for European Reform, 23 April 2015, www.cer.org.uk/insights/dead-water-fixing-eu%E2%80%99s-failed-approach-mediterranean-migrants.

within Member States, and facilitating the social and cultural inclusion of refugees into European society.

- **More immigration has become an economic necessity, not only a moral choice.** A common immigration policy mirrored on other, non-European nation states policies is urgently needed. Europe will need a skilled immigrant workforce in the coming decades: "Europe needs to double current net immigration to halt its population decline, triple it to maintain the size of its working age population and quintuple it to keep worker/elderly ratios at today's levels."[14] These findings are hard facts, corroborated by the European Commission[15] and the OECD,[16] among others.

- Cooperation with other third party countries can curb migration flows, as demonstrated in the case of Spain. As a result of its policies, the number of illegal immigrants that entered Spain by sea decreased tenfold.[17] However, **bilateral agreements are often moral trade-offs: they legitimise and financially boost illegitimate or authoritarian governments. In such agreements the EU should therefore offer in return only actions that indigenous populations can benefit from.**

- The EU should launch a media campaign that would balance anti-immigration rhetoric. The "Europe for Citizens Programme" aims, among other things, to raise awareness about the common history and values of the EU in all its rich diversity. This could, in the long term, help to shape more a migrant-friendly attitude among Europeans. After all, both ideologically and morally, the EU Member States and EU citizens need to ask themselves the most important question: as part and members of a rich and developed north are we ready to turn the neediest back to their abject homelands? The public needs to be fully aware of the dilemma.

- 2015 is a year of revision of the 2000 Millennium Development Goals, which expire by the end of the year. In the upcoming two UN meetings, in July and September, **the EU's proposals need to move in line with action to boost sub-Saharan human security**.

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[14] D. Hamilton, "Europe 2020: Competitive or complacent?," SAIS Johns Hopkins University, 2011, www.astrid-online.it/Riforma-de/Studi-e-ri/Archivio-27/Hamilton_europe_2020_exec_summary.pdf.

[15] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 11 March 2014, http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/an_open_and_secure_europe_-_making_it_happen_en.pdf.

[16] B. Hall, "Immigration in the European Union: problem or solution?," *OECD Observer*, no. 221/222, June 2000, www.oecdobserver.org/news/archivestory.php/aid/337/Immigration_in_the_European_Union:_problem_or_solution_.html. For the general impact of migration on the economy, see "Is migration good for the economy?," *Migration Policy Debates*, May 2014, www.oecd.org/migration/mig/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf.

[17] The Spanish "Plan for Africa" included a combination of economic, development and democracy cooperation with third countries. The Spanish government signed bilateral agreements with West African governments (among others, Cape Verde, Gambia, Mali, and Niger), and memoranda of understanding with Senegal, Nigeria and Mauritania, which control the exodus of migrants in return for compensation in the form of work visas, vocational training programmes, equipment and training for the control of migration flow, and foreign aid. The agreements also included a clause on the return policy, thanks to which Spain could send the immigrants back home when their asylum application was refused. Spain also opened new embassies in six of these countries. J. Arango, "Exceptional in Europe? Spain's Experience with Immigration and Integration," Transatlantic Council on Migration, March 2013, p. 3.