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EUROPEAN UNION STUDY GUIDE

Introduction

Migrants and refugees streaming into Europe from Africa, the Middle East, and South Asia have presented European leaders and policymakers with their greatest challenge since the debt crisis. The International Organization for Migration calls Europe the most dangerous destination for irregular migration in the world, and the Mediterranean the world's most dangerous border crossing. (<http://www.iom.int/statements/iom-releases-new-data-migrant-fatalities-worldwide-almost-40000-2000>)

Yet despite the escalating human toll, the European Union's collective response to its current migrant influx has been ad hoc and, critics charge, more focused on securing the bloc's borders than on protecting the rights of migrants and refugees. However, with nationalist parties ascendant in many member states, and concerns about Islamic terrorism looming large across the continent, it remains unclear if the bloc or its member states are capable of implementing lasting asylum and immigration reforms.

Where do these migrants and refugees come from?

Political upheaval in the Middle East, Africa, and South Asia is reshaping migration trends in Europe. The number of illegal border-crossing detections in the EU started to surge in 2011, as thousands of Tunisians started to arrive at the Italian island of Lampedusa following the onset of the Arab Spring. Sub-Saharan Africans who had previously migrated to Libya followed in 2011–2012, fleeing unrest in the post-Qaddafi era.

Syrians fleeing their country's civil war make up the largest group. Afghans looking to escape the ongoing war with Taliban rebels, and Eritreans fleeing forced labor make up the second and third largest groups of migrants, respectively. Deteriorating security and grinding poverty in Iraq, Nigeria, Pakistan, Somalia, and Sudan have also contributed to the migrant influx.

What's the difference between a migrant and refugee?

Distinguishing migrants from asylum seekers and refugees is not always a clear-cut process, yet it is a crucial designation because these groups are entitled to different levels of assistance and protection under international law.

An **asylum seeker** is defined as a person fleeing persecution or conflict, and therefore seeking international protection under the 1951 Refugee Convention on the Status of Refugees; a **refugee** is an asylum seeker whose claim has been approved. (<http://www.unhcr.org/pages/49da0e466.html>)

However, the UN considers migrants fleeing war or persecution to be refugees, even before they officially receive asylum. (Syrian and Eritrean nationals, for example, enjoy *prima facie* refugee status.) An **economic migrant**, by contrast, is person whose primary motivation for leaving his or her home country is economic gain. The term "migrant" is seen as an umbrella term for all three groups. (Said another way: all refugees are migrants, but not all migrants are refugees.)

Europe is currently witnessing a mixed-migration phenomenon, in which economic migrants and asylum seekers travel together. In reality, these groups can and do overlap, and this gray area is frequently exacerbated by the inconsistent methods with which asylum applications are often processed across the EU's twenty-eight member states.

(<http://www.unhcr.org/pages/4a1d569d6.html>)

(<http://www.unhcr.org/4bac9ae19.html>)

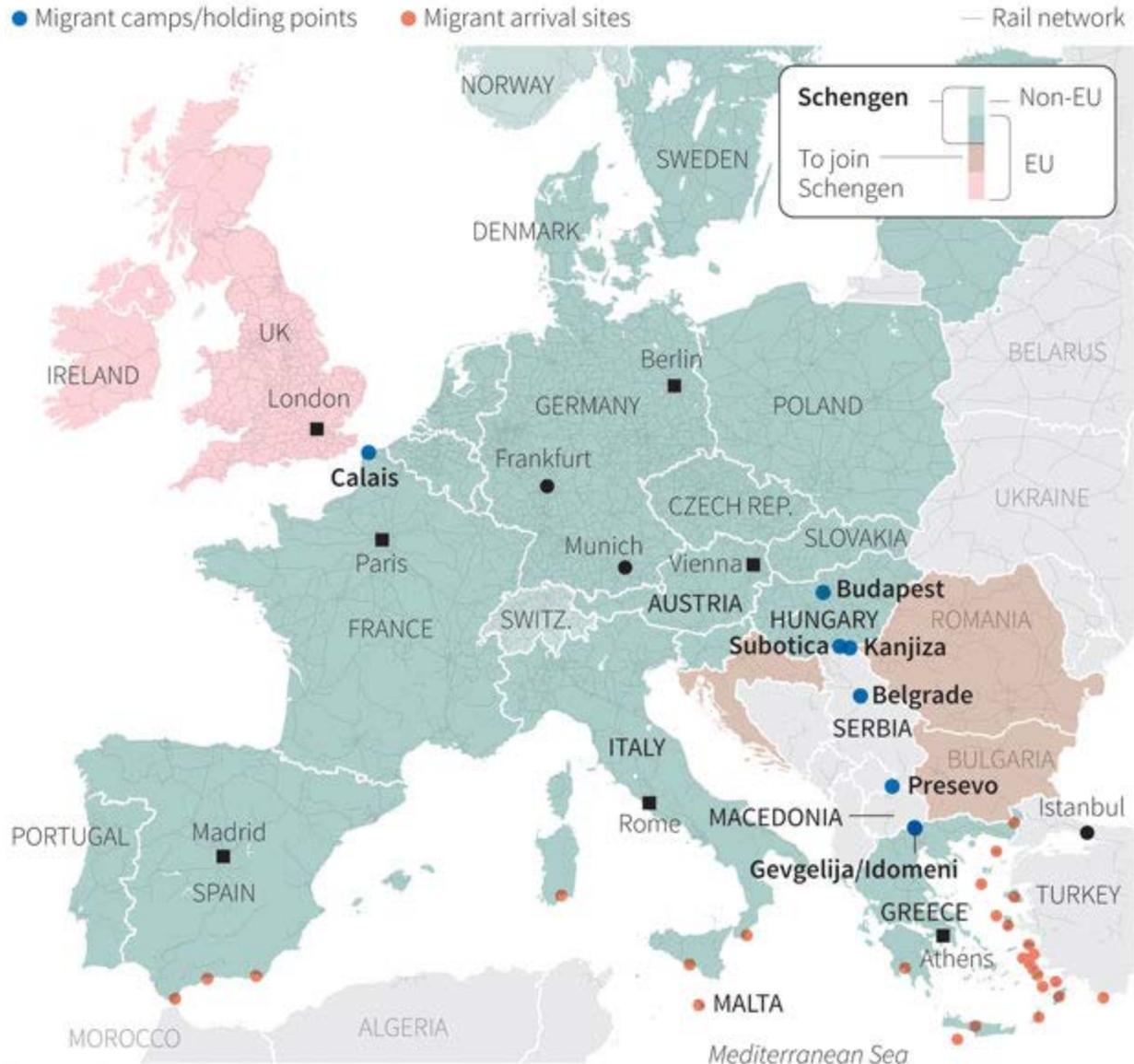
Which EU member states are on the frontlines?

EU member states hardest hit by the economic crisis, like Greece and Italy, have served as the main points of entry for migrants and refugees due to their proximity to the Mediterranean Basin. Shifting migratory patterns over the past year have also exposed countries like Hungary, situated on the EU's eastern border, to a sharp uptick in irregular migration.



Europe's migrant crisis

Hundreds of thousands of refugees fleeing wars and economic migrants escaping poverty have arrived in the European Union in an unprecedented wave. Nearly all first reach the EU's eastern and southern edges and then press on illegally for richer and more generous EU countries further north and west.



Sources: Reuters; UNHCR

Reuters

The highest number of arrivals - 1,015,078 - was recorded in 2015. More than 800,000 of them were trafficked by sea from Turkey to Greece, and the majority of them continued to travel through Europe to reach Germany and Sweden.

Since 2015, the number of refugees and migrants arriving in Greece has fallen dramatically, after the EU and Turkey signed an agreement to send back to Turkey migrants who do not apply for asylum or whose claim was rejected.

While the number of arrivals has dropped in Greece, the number of people arriving in Italy showed little change until 2018 when it also dropped considerably. In 2016 and 2017, 180,000 and 119,000 arrived in Italy respectively, smuggled by traffickers from North Africa and rescued at sea. In 2017, Italy received 67% of the EU's migrant arrivals.

However, since January this year, the number of arrivals in Italy has greatly reduced, with 20,120 arriving by mid-September 2018.

In the same period, Spain received the highest number of migrants and refugees - almost 35,000 - the majority of them by sea and more than 5,300 by land to Ceuta and Melilla, two Spanish enclaves in North Africa.

A total of 20,760 have arrived in Greece so far this year, bringing the total number of arrivals in the EU in 2018 to just over 76,000

The Dublin Regulation

Entry-point states bear unilateral responsibility for migrants under the Dublin Regulation. (http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/index_en.htm)

Revised in 2013, this EU law stipulates that asylum seekers must remain in the first European country they enter and that country is solely responsible for examining migrants' asylum applications. Migrants who travel to other EU states face deportation back to the EU country they originally entered.

Many policymakers agree that reforming the Dublin Regulation is an important step to establishing a common European asylum policy. Under the current system, the burden of responsibility falls disproportionately on entry-point states with exposed borders. In practice, however, many of these frontline countries have already stopped enforcing Dublin and allow migrants to pass through to secondary destinations in the north or west of the EU. Germany and Sweden currently receive and grant the overwhelming majority of asylum applications in the EU.

Conditions faced by migrants

Migrant detention centers across the continent, including in France, Greece, and Italy have all invited charges of abuse and neglect over the years. Many rights groups contend that a number of these detention centers violate Article III of the European Convention on Human Rights, which prohibits inhuman or degrading treatment.

(http://www.echr.coe.int/Documents/Convention_ENG.pdf)

In Italy, migrants face fines and deportation under the controversial Bossi-Fini immigration law, which stipulates that migrants must secure work contracts before entering the country. This 2002 law makes illegal migration—and aiding illicit migrants—punishable by fine or jail. In Greece, the prolonged detention of migrants and asylum seekers, who are sometimes “mixed in with criminal detainees,” has elicited repeated censure from rights groups. And in Hungary, a new series of emergency laws allows its police to operate detention centers, in addition to making

illegal border crossings and aiding migrants punishable by prison time. The government also deployed armed troops to its border. (<http://in.reuters.com/article/2015/09/04/europe-migrants-hungary-laws-idINKCN0R41AE20150904>)

Budgets for migration and asylum issues in many of these entry-point states hardest hit by the economic crisis have not kept up with growing demands and needs. In contrast, migrants in the richer north and west find comparatively well-run asylum centers and generous resettlement policies. (<http://www.aljazeera.com/indepth/features/2013/11/sweden-refugee-policy-sets-high-standard-2013112485613526863.html>) But these harder-to-reach countries often cater to migrants who have the wherewithal to navigate entry-point states with the assistance of smugglers. These countries still remain inaccessible to many migrants seeking international protection.

EU Responses

As with the sovereign debt crisis, national interests have consistently trumped a common European response to this migrant influx. Some experts say the bloc's increasingly polarized political climate, in which many nationalist, anti-immigrant parties are ascendant, is partially to blame for the muted humanitarian response from some states. Countries like France and Denmark have also cited security concerns as justification for their reluctance in accepting migrants from the Middle East and North Africa.

Leaders of eastern European states like Hungary, Poland, Slovakia, and the Czech Republic have all recently expressed a strong preference for non-Muslim migrants. (<https://euobserver.com/justice/129938>) In August 2015, Slovakia announced that it would only accept Christian refugees from Syria. (<http://foreignpolicy.com/2015/08/19/slovakia-to-eu-well-take-migrants-if-theyre-christians/>). Poland has similarly focused on granting Syrian Christians asylum, and in Hungary, Prime Minister Viktor Orban has explained his anti-migrant policies in explicitly anti-Muslim language. (<http://america.aljazeera.com/articles/2015/9/3/hungary-prime-minister-says-muslims-not-welcome-amid-refugee-crisis.html>)

While selecting migrants based on religion is in clear violation of the EU's non-discrimination laws, these leaders have defended their policies by pointing to their own constituencies' discomfort with growing Muslim communities.

The recent economic crisis has also spurred a demographic shift across the continent, with citizens of crisis-hit member states migrating to the north and west in record numbers in search of work. And while the issue of intra-EU migration has sparked anxiety over social welfare benefits in recent months, those who are coming from the Middle East and North Africa tend to provoke more heated political debate because of this issue of communal cleavage and integration. By contrast, Germany and Sweden have unveiled some of the most generous asylum policies in the EU. Migrants, they argue, could boost Europe's economies as workers, taxpayers, and consumers, and help shore up its famed social safety nets. But others caution that EU citizens might come to regard migrants as economic competitors, not contributors.

Concerns related to Schengen

The secondary movements of migrants who evade their first country of entry, in clear violation of the Dublin Regulation, have put enormous strain on the EU's visa-free Schengen zone, which eliminated border controls among twenty-six European countries. Considered one of the

signature achievements of European integration, it has come under heightened scrutiny in light of the current migrant influx and attendant security concerns. Fissures first surfaced in April 2011, when France briefly reintroduced border controls in response to the influx of thousands of Tunisian and Libyan refugees from neighboring Italy. Denmark followed suit in May 2011 by reintroducing temporary controls on its shared borders with Sweden and Germany.

In 2015, Germany announced that it was suspending Dublin for Syrian asylum seekers, which effectively stopped deportations of Syrians back to their European country of entry. This move by the bloc's largest and wealthiest member country was seen as an important gesture of solidarity with entry-point states. However, German Chancellor Angela Merkel also warned that the future of Schengen was at risk unless all EU member states did their part to find a more equitable distribution of migrants.

Germany reinstated border controls along its border with Austria in September 2015, after receiving an estimated forty thousand migrants over one weekend. Implemented on the eve of an emergency migration summit, this move was seen by many experts as a signal to other EU member states about the pressing need for an EU-wide quota system. Austria, the Netherlands, and Slovakia soon followed with their own border controls. These developments have been called the greatest blow to Schengen in its existence.

Proposals to tackle the situation

In addition to taking in larger numbers of asylum seekers, many experts say the EU and global powers must also provide more aid to Middle Eastern countries like Turkey, Lebanon, and Jordan, which have borne the primary responsibility for Syrian refugees.

Some policymakers, like European Council President Donald Tusk, have called for asylum centers to be built in North Africa and the Middle East to enable refugees to apply for asylum without undertaking perilous journeys across the Mediterranean, as well as cutting down on the number of irregular migrants arriving on European shores. However, critics of this plan argue that the sheer number of applicants expected at such "hotspots" could further destabilize already fragile states.

Other policies floated by the European Commission include drawing up a common "safe-countries list" that would help countries expedite asylum applications and, where needed, deportations.

(<http://www.politico.eu/article/migration-balkans-timmermans-asylum-eu-quota-hollande-merkel-refugees/>)

However, some human rights groups have questioned the methodology used by several countries in drawing up these lists and, more critically, cautioned that such lists could violate asylum seekers' rights.

A ten-point plan (http://europa.eu/rapid/press-release_IP-15-4813_en.htm) on migration adopted by the EU in April 2015 includes calls for a "systematic effort to capture and destroy vessels used by the smugglers." However, many critics argue that this focus on disrupting smuggling operations fails to recognize the larger "push factors" driving migration to the region: poverty and conflict across large swaths of the Middle East, Africa, and South Asia that have left many with no recourse but to flee.

Earlier, the EU foreign policy chief, Federica Mogherini, sought UN Security Council authorization for the use of military force against human smugglers and their vessels off the

shores of Libya. Libya's internationally recognized government, however, promptly rejected the proposal, and Russia, a permanent member of the UN Security Council, also signaled that it would veto any proposal that aimed to destroy smugglers' boats. Mogherini announced plans to revisit the issue of destroying smugglers' boats with both a Libyan national unity government and the UN Security Council.

Quota plans and naval operations may help EU member states better manage this crisis, but experts caution that these proposals alone will not stem the tide of migrants. For that, European leaders must address the root causes of migration: helping to broker an end to Syria's civil war, restoring stability to Libya, and upping aid to sub-Saharan Africa. Barring a political solution to these regional crises, Europe will continue to struggle with migrant inflows.

In the meantime, the lack of a coordinated and proportional EU response to irregular migration in the near-to-mid-term could continue to feed sentiments that push individual countries to emphasize national security over international protection. This could make closed borders, barbed-wire fences, and maritime pushbacks the policy norm rather than the exception.

