Migration and Asylum in the EU

by Kathrin Kapfinger

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As the number of migrants, asylum seekers, and refugees in Europe is continuously increasing, the pressure on the EU to establish a coherent and comprehensive response to the 'migrant crisis' is rising. The adoption of a common European Agenda on Migration in 2015 was a step in the right direction, but efforts to accommodate both asylum seekers and refugees have remained uncoordinated and defined at the national level for the most part.

In 2015 alone, more than one million asylum seekers and migrants made their way to Europe by sea; a dangerous endeavour which claimed the lives of approximately 4.000 people. The most popular and yet dangerous sea routes are the Central Mediterranean route from Northern Africa to Italy and the Eastern Mediterranean route from Turkey to Greece. Once in Europe, many migrants took the Western Balkan route by foot, which led from Greece to Central and Western Europe through Macedonia, Serbia, Croatia, and Hungary. This route has been shut down since March 2016, when the countries along the route decided to let only those pass, who possess valid passports and visas. The decision to close the Balkan route has been controversial, since many migrants have not only been stuck in makeshift camps at different border points, but have also been pushed to use alternative routes that are even more dangerous, and/or turn to smugglers for help.

Most asylum seekers in 2015 were from Syria, Afghanistan, and Iraq – regions of active military conflicts and civil wars. Other source regions are the Western Balkan countries and Northern Africa, where extreme poverty, organized crime, and political prosecution of minorities are the main reasons for emigration.

Over one million asylum claims were filed in the EU in 2015, most of them in Germany, Hungary, Austria, Italy, France, and Sweden. Proportionally speaking, however, Hungary has received the most applications (over 17,000 per one million inhabitants), followed by Sweden (over 16,000 per one million inhabitants), and Austria (over 9,000 per one million inhabitants).

Almost 300,000 migrants were granted refugee status, subsidiary protection status, or authorization to stay for humanitarian reasons EU-wide in 2015, a number considerably lower than the total arrivals. However, some countries are fighting substantial bureaucratic backlogs, which is why many applications that were filed last year have not been processed yet. Overall, roughly 600,000 first instance asylum decisions were made in the EU, of which approximately 39% have resulted in grants of refugee status. For final decisions, figures are even lower. By numbers, the most positive decisions have been made in Germany, but proportionally, Bulgaria is leading the field. Latvia, Hungary, and Poland had the highest rejection rates with over 80% of their first instance decisions being negative.

The EU's response to the migrant crisis has been characterized by a lack of coordination among Member States. The Commission attempted to set out common objectives and strategies in the European Agenda on Migration. The agenda consists of two parts: a plan for immediate action which addresses short-term priorities, and a component that is concerned with medium and long-term priorities. Immediate actions include the saving of lives at sea, fighting criminal smuggling networks, the implementation of common relocation and resettlement procedures, the relief of frontline Member States, and partnerships with third countries. The EU's long-term migration agenda rests on four pillars and is designed to not only control and manage migration better, but also to enhance its potential benefits. These pillars are: reducing the incentives for irregular migration, enhancing border management, implementing a common asylum policy, and a new model for legal migration.

One of the key elements of both short- and long-term approaches includes the targeting of criminal smuggling networks through strengthening Europol, Frontex and other common intelligence structures. Furthermore, a strong common asylum policy is proposed in the agenda, which stresses the importance of a coherent implementation of the Common European Asylum System (CEAS). This includes changes of the Dublin Regulation (in order to effectively distribute asylum seekers more evenly among Member States), and the consistent application of Euroduc (European Dactyloscopy, a European database for fingerprints). CEAS also encompasses a systematic monitoring process for asylum seekers, provides new approaches to abuses of the system, and strengthens the Safe Country of Origin provisions to facilitate the processing and return of migrants from safe countries. Resettlement is another important point of the agenda, under which the Commission has drafted an emergency resettlement scheme that takes into consideration Member States' GDP, population size, unemployment rate etc., and has further announced to back it back with a mandatory legislative approach if necessary. As for partnerships with third countries, the latest of which will be discussed later, the EU is actively supporting regional development and protection programs in regions of origin and transit in order to tackle migration upstream. Lastly, a new policy on legal migration could be the key to create more legal channels for migrants and to link migration to national labor markets by aiming to fill particular labor shortages.

Although it is important that the EU has a common agenda on migration, its goals have proven rather difficult to realize. The Member States have been unable to agree on such important measures as mandatory refugee quotas. Instead of further cooperation, some have reintroduced border controls in the wake of the terrorist attacks in France and Belgium. Frontline Member States remain overwhelmed by arriving migrants and the volume of asylum applications, while few countries make an effort to actively take in asylum seekers. Germany has made global headlines with its Willkommenkultur but has since been struggling to integrate the masses of asylum seekers and refugees. All across Europe, anti-immigrant sentiments have gained

more traction, which is reflected in violent attacks against refugees, as well as in increasing popular support for right-wing parties.

The measures that Member States did agreed on are oftentimes highly controversial, especially agreements with third countries. Several arrangements have been made with Northern African and Middle Eastern states to restrain irregular migrants from reaching Europe altogether, or to take rejected asylum seekers back in exchange for funds. However, these deals, especially the latest and most popular one between the EU and Turkey, have raised important moral questions for the EU, as the conditions of human rights are rather questionable in many of these third countries.

The EU-Turkey deal for instance has been in place since March 20, 2016. It determines that asylum seekers that reach Greece by irregular means are returned to Turkey. In exchange, the EU will admit one refugee through legal channels for every person that is sent back. The deal also includes financial support for Turkey, renewed membership negotiations, and provides Turkey with leverage in negotiations about visa exemptions for Turkish nationals. Officially, European leaders were hoping to take a stand against smugglers and encourage people outside of Europe to utilize legal channels for migration. However, the deal has been criticized internationally for cutting legal corners, and for relocating rather than resolving the issue. It also sends a dangerous message to other countries that host large refugee populations, that if "governments face the prospect of domestic unpopularity, the obligation to protect becomes secondary" (Collett 2016).

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