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The Refugee Crisis

IN FOCUS

Towards better cooperation between
Europe's national governments

Summary¹

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The current refugee crisis has caught the EU 'off-guard'. **This In Focus argues this crisis is primarily one of collective action between the EU's national governments**, rather than one of the European Commission or European Parliament. The conflicting and conflictual responses of the EU's national governments to the crisis are symptoms of long-term difficulties with asylum policies. As a result of disagreements at the national level over the past years and decades, common EU institutions in the areas of immigration and asylum are weak. In addition, the EU's migration, foreign, development and trade policies are not well coordinated. The existing asylum policies have not been properly implemented at the national level or enforced by the Commission.

The situation is not going to improve without a much closer cooperation between the EU states. **This cooperation can be facilitated at the EU level by the Council (that brings together the heads of state and government) and the Council's president.** More generally, EU institutions and the member states should restart work on implementing the Lisbon Treaty provisions on common immigration and asylum policies.

A number of specific policies can address the current crisis. **The EU's dysfunctional asylum system, which is based on 28 national systems,**

¹ I would like to thank the people who provided highly pertinent comments on an earlier draft: Tomáš Kaválek, Roland Freudenstein, Michael Benhamou and colleagues at the Martens Centre and other organisations. Paula Galea, Pavlina Pavlova, Michael Benhamou and Amelia Ni Laoi provided assistance / proofread the text. The present version was corrected in November 2015, without updating the facts and developments. All interpretations and any errors and omissions are mine.



needs to be reformed, including by allowing asylum applications from the countries of origin. Member states, assisted by EU-level institutions, need to return more failed asylum seekers to the countries of origin. **Member states also need to start supplying Frontex, the EU's external border agency, with personnel and equipment.** Coordination between the EU national governments on data sharing within Schengen, and coordination between Frontex and Europol, need to be improved.

Abroad, measures should be aimed at stabilising the situation in the Middle East and North Africa in general and improving the situation of refugees and potential migrants in particular. In this regard, Turkey is the main partner in the Middle East. Member state funding for UN aid programmes in Lebanon and Jordan, and in Africa needs to be increased; this would have short-term effects in decreasing the propensity to move to Europe.

The EU also needs a new deal between host countries and newcomers on the refugees' integration into European societies.

This deal should be based on respect for constitutions of the member states and the Charter of Fundamental Rights of the EU. Authorities and civil society need to impress on the incoming refugees the importance of European values, including the freedom of speech, tolerance and equality between men and women. In return, those who are granted asylum need to be given opportunities in employment and civic and political life.

Keywords

Refugee – Syria – Turkey – EU – Asylum – Migration – Schengen

Introduction

The refugee crisis that Europe is facing today is testing the EU like no other event since the creation of European Communities in the 1950s. According to German Chancellor Angela Merkel, Europe's refugee



problem is a bigger challenge than the Greek crisis.² The European Parliament President, Martin Schulz, was harsher in apportioning blame in his statement at the end of August 2015: “We are not dealing with a failure of the EU, but rather with a glaring failure of some governments, who don’t want to take responsibility and thereby impede a joint European solution”.³

The main questions in this crisis are, how the EU can re-establish control of its external borders and maintain social cohesion while saving human lives and honouring international obligations.

International context

With the benefit of the hindsight, Europe’s relative isolation from the rest of the world over the past decades was an artificial one. It was secured by the fact that conflicts within and between surrounding dictatorships and authoritarian states to the South and South-East produced refugees that were mostly displaced in the region and did not reach Europe. The Libyan dictator Gaddafi had stopped, by brutal methods we Europeans preferred not to hear about, a big part of the world’s poor and desperate from coming to Europe through the Central Mediterranean route. In the Western Mediterranean, the Spanish fence around Ceuta and Melilla, as well as cooperation between the governments of Morocco and Spain, proved to be effective.

The Yugoslav wars in the 1990s shook the stability of the continent and produced waves of refugees that the EU was, however, able to absorb. Overall in the 2000s, the number of asylum claims in Europe steeply declined.⁴

One difference between the current refugee influx and previous waves is the omnipresence of social media and availability of information today. Instruments such as Facebook and Twitter allow traffickers as well as

² ‘Refugee crisis suddenly Merkel’s biggest challenge’, *Reuters* 31 August 2015.

³ ‘Martin Schulz attacks ‘cynical’ EU governments over migrants crisis’, *Euronews.com*, 29 September 2015.

⁴ UNHCR, ‘Asylum-seeker numbers nearly halved in last decade, says UNHCR’, 28 March 2011, accessed at <http://www.unhcr.org/4d8cc18a530.html> on 29 September 2015.



refugees themselves to exchange information on the best passage to the next country and on a country's newest policies. This allows refugees and migrants to relatively easily navigate their way through Europe, to the desired destination.

The Arab Spring in the early 2010s and the subsequent failure of Libya as a state have started a huge flow of people trying to reach Europe via the Mediterranean. After months of in-fighting between opposition groups, the post-Gaddafi Libya collapsed in May 2014, the date generally given as the start of a civil war between rival governments in Tobruk and Tripoli.

During 2015, the numbers of Middle Eastern, Asian and African refugees have increased dramatically. 522,124 people crossed by sea to reach the

Between January and September 2015, 522,124 people crossed by sea to reach the EU.

EU between January and September 2015, according to the International Organization for Migration⁵ This compares with some 207 000 crossings in 2014. The OECD has mentioned the possibility of one million asylum applications in 2015, which would be more than any other inflow of refugees since the Second World War.⁶ One million would represent about 0.2%

of the EU's population. So far, at least 2 890 people drowned in 2015 in attempting to cross the Mediterranean.⁷ (It should be noted that different organisations provide different counts of migrants and refugees; Frontex recently revealed that some people were counted twice.)

International Organisation for Migration figures show that in 2015, around 40 percent came from Syria.⁸ Other nationalities were Eritreans, Afghans and Malians. A significant proportion of refugees and migrants did not declare any nationality,⁹ a phenomenon linked almost exclusively to 'un-specified sub-Saharan nations', according to Frontex. Syrian refugees were relatively highly educated, according to the OECD.

⁵ Figure quoted in: 'Tusk: EU migration critics guilty of 'hypocrisy'', *EUobserver*, 30 September 2015.

⁶ OECD, *Is this humanitarian migration crisis different?*, Migration Policy Debates No.7, September 2015, accessed at <http://www.oecd.org/migration/Is-this-refugee-crisis-different.pdf> on 28 September 2015.

⁷ 'Tusk: EU migration critics guilty of 'hypocrisy'', *EUobserver*, 30 September 2015.

⁸ 'Winter may not deter new refugee arrivals in EU', *EUobserver* 18 September 2015.

⁹ Frontex, Eurostat and UNHCR figures quoted in: 'In Graphics; Europe's Boat People', *Economist.com*, 19 May 2015.



The Syrian dictatorship is surviving (albeit in only a part of the country) but its survival has been at the expense of extreme violence inside the country and millions of refugees, displaced internally within Syria (7.6 million) and within the Middle East. In September 2015, there were 1 113 941 Syrian refugees in Lebanon, 1 938 999 refugees in Turkey, 629 266 in Jordan, 249 463 in Iraq and 156 375 in Egypt and North Africa.¹⁰ The Turkish figures are rising every day and may reach 2.5 million by the end of 2015.¹¹ The EU and NATO are doing precious little to stabilise Syria¹², a fact that became even more visible with the Russian bombing that started on 30 September.

In total, at least 175 000 Syrians travelled from Turkey to Greece in the first nine months of 2015.¹³ A snapshot for Syrian asylum applications to the EU in 2014 shows that there were 122 thousand asylum applicants, or 20% of the total from outside the EU. Although in 2015, only about 10 % of Syrians who have fled are seeking safety in Europe, the continent's isolation is gone. There are accounts of a thriving black market with Syrian passports,¹⁴ indicating that official numbers of Syrian refugees are unlikely to be reliable.

By scale, a regional refugee crisis in the Middle East easily overshadows the European crisis. Turkey has hosted the highest numbers of Syrian refugees and in comparison with other countries, it has spent the biggest amount of money in helping refugees. The UNHCR accepts as reliable the refugee statistical figures that come from the Turkish agency AFAD. The Turkish coast serves as the launching pad for refugees crossing by sea to Greece. Turkey-based traffickers are the first in the chain to help the refugees to cross to Europe. In many ways, Turkey holds the key to addressing the refugee crisis in Europe.

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¹⁰ UNHCR figures, quoted by the European Commission, Humanitarian Aid and Civil Protection, *ECHO Syria Factsheet*, September 2015, accessed at

http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf on 28 September 2015.

¹¹ European Commission, *Turkey: Syria Crisis*, Echo Factsheet, June 2015, accessed at http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf on 29 September 2015.

¹² C. Mortera-Martinez, I. Bond, and S. Tilford *Europe's refugee crisis: Chronicle of a death foretold*, Centre for European Reform, 8 September 2015.

¹³ 'Tusk: EU migration critics guilty of 'hypocrisy'', *EUobserver*, 30 September 2015.

¹⁴ 'Germany seizes fake Syrian passports in asylum inquiry', *BBC News*, 4 September 2015, accessed at <http://www.bbc.com/news/world-europe-34150408> on 5 November 2015.



Why the dramatic increase in numbers of Syrian and other refugees and migrants in the summer of 2015? The causes of this trend are multiple. According to Antonio Guterres, the UN High Commissioner for Refugees, this is due to bad living conditions and a steep decrease in international aid to the 4 million of refugees living in camps in the Middle East. The World Food Programme has had to decrease food assistance by 40 percent and remove one-third of Syrian refugees from its food voucher programme.¹⁵ In the first half of 2015, every EU member state, except the Netherlands, cut contributions, with a number of countries contributing nothing.¹⁶ Following the emergency Council on 23 September 2015, prime ministers and heads of state pledged a steep increase in funding for the World Food Programme and other UN initiatives, to the tune of 'at least an additional 1 billion euro'.¹⁷

Conditions in Middle Eastern refugee camps differ significantly. According to the European Commission and eye witnesses, the Turkish camps are 'exemplary', offering health and education services as well as food security.¹⁸ In contrast, in Lebanon and Jordan, 'conditions...are so dire that some are now considering returning to their war-ravaged homeland rather than endure poverty, hunger and a futureless exile'.¹⁹ There are accounts of psychologically damaged individuals (including children) receiving no assistance in the camps in Lebanon and Jordan.

Out of 2 million registered Syrian refugees in Turkey, only about 300 thousand are housed in the camps. The rest, some 85%, are dispersed in Turkish cities. Those who aim to move to Europe are not primarily based in camps; instead, these tend to be middle class Syrians who have lived in Turkish cities and villages, in relatively decent material conditions. The Syrians who are coming to Europe do so predominantly because of a loss of perspective.²⁰As a rule, refugees are legally unable to work in the three key countries harbouring

¹⁵ 'Winter may not deter new refugee arrivals in EU', *EUobserver* 18 September 2015.

¹⁶ 'Six EU states slash food aid for Syria refugees', *EUobserver* 23 September 2015.

¹⁷ European Council, 'Informal meeting of EU heads of state or government on migration, 23 September 2015 – statement', 23 September 2015.

¹⁸ European Commission, *Turkey: Syria Crisis*, Echo Factsheet, June 2015.

¹⁹ 'Destitute Syrian refugees in Jordan and Lebanon may return to warzone', *theguardian.com*, 11 September 2015.

²⁰ Thanks to Tomáš Kaválek for these insights. See also European Commission, *Turkey: Syria Crisis*, Echo Factsheet, June 2015, accessed at http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf on 29 September 2015.



most of the refugee, Turkey, Lebanon and Jordan.

Importantly, according to the Commission over half of the off-camp refugee population in Turkey is not registered and receives no official assistance. This statement implies that there are some additional 2 million Syrians in the country, bringing the total to at least some 4 million. There are also over 300 000 non-Syrians in Turkey, including Iraqis (fleeing the conflict in the country) and Iranians.²¹

It appears by 2015, the smuggling gangs that have operated in the Mediterranean, including in Libya, for years, have perfected their 'business model'. They are now able to operate with a good knowledge of local conditions and cooperation of local officials.

In response to demand, trafficking gangs have emerged in Europe, too. Southern European states are the entrance countries but are in the middle or bottom on the list of locations that asylum seekers try to reach. The top countries, Germany and Sweden, are in some physical distance from the shores of the Mediterranean. In trying to avoid registration in Greece, Bulgaria and Italy, refugees pay traffickers who guide them via the European territory and inform them on which sections of the border it may be possible to pass unnoticed.²² Gangs also operate at the tunnel crossing from France to the UK.

There is a variety of nationalities, ethnicities and religions among the refugees and migrants. Conflicts between groups erupt both during journeys to Europe and in refugee centres in Europe although it is not clear how pervasive this phenomenon is and to what extent it is caused by the stress of travel and living conditions in some of the housing centres. There have been also warnings that there could be terrorists among the refugees coming to Europe, echoing claims made by the 'Islamic State'. Such warnings have been rejected as implausible by the EU anti-terrorist coordinator Gilles de Kerchove at a conference in Prague in September 2015 (co-organised by the Martens

There are warnings from counterintelligence services about Islamists in the welcoming countries targeting young, disoriented refugees.

²¹ European Commission, *Turkey: Syria Crisis*, Echo Factsheet, June 2015.

²² Thanks Boyan Tanev for this insight.



Centre).²³ However, German counterintelligence has confirmed fears that Islamists in the target countries (in this case, Germany) are making efforts to recruit among the often disoriented young men.²⁴

Many of those coming to Europe are 'not the poorest of the poor in their country of origin'. Refugees from Syria tend to be more highly skilled than other groups, although on average less so that the population of receiving countries.²⁵

Hundreds of thousands, and probably several million of refugees coming to the continent as a result of wars and poverty is possibly becoming the new normal. Globalisation is obtaining a new meaning: It is now measured not only by the volumes of international trade and international investment. It is also becoming measured by numbers of displaced people crossing over to other countries and continents.

Finally, contrary to conventional wisdom, empirical evidence shows that economic growth in developing countries leads to increased immigration to more developed regions of the world. This is because higher levels of wealth and education increase people's ability to emigrate. Only after a country reaches a relatively high level of development, does the tendency to emigrate decrease.²⁶ In the long-run, the EU thus cannot hope to stem long-term immigration trends through development funding. In reality, poor countries in Africa and Asia and are likely to become wealthier even without financial transfers from the EU, resulting in more Africans and Asians attempting to reach Europe.

²³ 'Teroristé mezi uprchlíky? Odborník na terorismus přiznal, jak to je', *Domaci.eurozpravy.cz*, 9 September 2015. On the conference, the Internal Security Forum 2015, see:

<http://www.martenscentre.eu/events/internal-security-forum-prague-2015> and <http://www.evropskehodnoty.cz/homeaffairs/>.

²⁴ 'Warnung des Verfassungsschutzes: Salafisten wollen Flüchtlinge rekrutieren', *Spiegel.de*, 22 September 2015.

²⁵ OECD, *Is this humanitarian migration crisis different?*, Migration Policy Debates No.7, September 2015.

²⁶ Hein de Haas, 'Development leads to more migration', 28 May 2011, accessed at <http://heindehaas.blogspot.co.uk/2011/05/development-leads-to-more-migration.html> on 1 October 2015.



Weaknesses in common asylum and immigration institutions

In many ways, the EU is a loose confederation when it comes to immigration and asylum policies. Member states cooperate as they see fit. Despite voluminous EU-level legislation, the Lisbon Treaty of 2009 clauses on common immigration and asylum policies (articles on 78, 79 and 80) remain largely aspirational ('the European Union *shall* develop a common policy on asylum... and immigration').

There is no common list of safe countries from which asylum applications are not accepted. As a separate issue, legal channels of coming to the EU are limited. The EU does not offer the possibility to apply for asylum in the country of origin, thus inviting asylum seekers to undertake dangerous journeys to, and through Europe with the aid of commercially operating human traffickers.

Hundreds of thousands are now breaching the EU border: irregularly in terms of law, but almost regularly in terms of frequency and numbers. The movement of refugees inside the EU and the Schengen zone is also proceeding in an irregular manner. In response, some member states are choosing *not* to cooperate with one another. Examples include not consulting a neighbouring country on erecting a border fence or barrier or busing refugees to a neighbour's territory without prior consultation, with or without first registering them as the EU law requires. The price of surprising or angering a neighbour is typically deemed less than domestic concerns over voters' opinions, security and the sheer lack of capacity. The blame game does not seem to stop. A number of EU and non-EU states have temporarily reintroduced border checks, a measure which the Schengen rules on free movement allow.

The EU grants the right of asylum, based on the status of refugees in the Geneva Conventions, or on an alternative status.²⁷

²⁷ The granting of asylum is based on Geneva Convention. This is reflected in the EU asylum package and national legislations. The EU Charter of Fundamental Rights restates these commitments.



Discussions continue over these Geneva Conventions, a set of four treaties and three additional protocols adopted after the Second World

Highly disputed today, the Geneva Conventions bind all EU member states in protecting the human rights of asylum seekers and refugees.

War, that establish the standards of international law for the humanitarian treatment of war, including defining and treating refugees and asylum seekers. Following the Conventions, all EU member states have obligations to asylum seekers and refugees, regardless of how or where they arrive and whether they arrive with or without a visa. And regardless of religion or ethnicity. This does, however, not

necessarily mean they have to receive shelter within the borders of the EU.

Some have argued that the Geneva Conventions have been adopted for different times and do not necessarily apply to the current refugee situation. This is because they do not take into account the absorption capacity of the host countries and the fact that the lives of refugees can be saved in the countries neighbouring their countries of origin, not under all circumstances in the EU itself.²⁸

Not unlike the financial and economic crisis that started in 2008, the current refugee crisis is exposing weaknesses in the EU's institutional architecture. What distinguishes these two crises is the relative weakness of supra-national institutions to govern asylum and migration. Even before the financial crisis, the EU's economic and finance policy was governed by common institutions such as the European Central Bank, the (informal but functional) Eurogroup and several DGs of the European Commission. New institutions and policy instruments were added to the arsenal as a result of the economic crisis.

In contrast, the migration and asylum policy features only an under-equipped support organisation, the Warsaw-based EU border agency Frontex, and the Valetta-based service body, the European Asylum Support Office. The European Commission provides funds for immigration and asylum purposes but its powers to influence policies are severely limited by the Treaties. Mechanisms of the Justice and Home Affairs Council (where national interior ministers convene and make decisions)

²⁸ 'Asylverfahren: „Diese Politik aus dem vorigen Jahrhundert ist überholt“, *faz.net*, 3 September 2015.



do not ensure sufficient coordination of policies. The European Parliament, although a co-legislator at the EU-level Justice and Home Affairs, has only indirect powers to influence day-to-day decisions of national governments. The EU institutions thus do make up for the generally under-developed and under-funded immigration and asylum policies operated by the member states (with several honourable exceptions).

The only body where substantial deals over immigration can be done, is the Council that represents the member states. The Lisbon Treaty provided for qualified majority voting on immigration and asylum matters, replacing the previous veto that any country could wield. In reality, the veto principle had been retained until the vote in the Justice and Home Affairs Ministers' Council of 22 September 2015. The ensuing split among the member states has already damaged the EU considerably. The difficulties in creating common immigration and asylum policies are obvious. If we can compare the two crises, the EU is 'institutionally' even less ready for the refugee crisis than it was for the economic and financial crisis.

Common asylum and immigration rules exist but many have been openly flouted by southern countries which, with some justification, claim a chronic lack of support from the other member states. The Common European Asylum System, which consists of several pieces of legislation, has a major weakness in the so-called Dublin Regulation which determines the member state responsible for considering an application for asylum. The first member state in which an asylum seeker's fingerprints are taken and stored is responsible for that person's asylum claim.²⁹ According to the Commission's *European Agenda on Migration* from May 2015, the purpose of the common asylum package is ensure that all asylum applicants are treated 'equally in an open and fair system'. The current situation, in which asylum seekers avoid registration in the first EU country they enter, Greece, and aim for a handful of EU countries out of the 28, shows that such a fair and open system does not exist in reality.

As a separate issue, due to the high political, administrative and financial cost member states have been reluctant to return failed asylum seekers to their countries of origin. Also, many countries of origin have been reluctant to receive their own nationals who the EU has attempted to return.

²⁹ Cf. K. Borońska et al., *Migrants 'R'Us : Recommendations for a Sound European Migration Policy*, PISM Strategic File No.9 (72), April 2015.



Apart from the Geneva Conventions and the Common European Asylum System (legally comprehensive but rudimentary in practice), the EU has other legal tools to deal with the current situation. There is the 2001 Directive on Temporary Protection, adopted in the wake of the Yugoslav conflicts. The directive has never been activated as the foreseen emergency situation has not occurred. The directive serves as an exceptional measure to provide displaced persons from non-EU countries with an immediate and temporary protection.³⁰ In the current context, the problem with this directive is that it assumes countries would accept refugees from another member state on a voluntary basis.³¹

According to one insider, Frontex, the EU border agency, has an almost unlimited budget. In April 2014 EU heads of state apportioned 26.8 million euros as an emergency grant to the agency. However, the agency has difficulty spending the money it has. Instead, it suffers from the lack of personnel and equipment, an area where the member states have been reluctant to contribute.³²

The Schengen Information System supports external border control and law enforcement cooperation in the Schengen states; its aim is to exchange information about wanted persons and objects. This system still lacks coherence and suffers from the lack of cooperation of the governments.

The European Commission has been promoting the 'Smart Borders Package' whose aim is to enhance the management of the external borders of the Schengen zone, tackle irregular immigration, and simplify sharing of information about entry and exit of third-country nationals. So far, the proposal has not succeeded due to financial and technical problems and concerns over data protection.

Europol, the EU's law enforcement agency, has an indispensable role tackling the gangs of human traffickers who illegally bring people into the

³⁰ European Commission, DG Migration and Home Affairs, Temporary Protection, accessed at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/temporary-protection/index_en.htm on 21 September 2015.

³¹ A. Dimitriadi, *Europe's Dubious Response to the Refugee Crisis*, Hellenic Foundation for European and Foreign Policy, Eliamep Thesis 1/2015 (Athens, 2015), accessed at http://www.eliamep.gr/wp-content/uploads/2015/09/ELIAMEP-Thesis-1-2015_Ang.Dimitriadi1.pdf on 28 September 2015.

³² See 'Frontex in dire need of border guards', *EUobserver* 15 September 2015.



EU. Europol depends on member states to share information about crime, but due to a lack of trust, a number of governments do not share the required information.³³

In addition, according to the current rules, Frontex and Europol are not allowed to share data due to data protection rules. Work is underway to address this issue.³⁴

In the European Parliament, the European People's Party (EPP) Group is trying to make progress on data sharing but unfortunately its efforts are being hampered by political opponents on the left.

The lack of equipment, personnel and readiness, is the main reason that the much-vaunted hotspots, or reception centres, are taking long to be established. According to the Commission's *European Agenda on Migration*, proposed by the Commission in May 2015, the plan is for these centres to be located inside the EU near the external border, in order to identify legitimate asylum seekers and turn back those not entitled to protection.³⁵ The centres, to be located in Italy, Greece and possibly Bulgaria, are to be composed of personnel from Frontex, the European Asylum Support Office, Europol and Eurojust (the EU's justice agency) and personnel in charge of anti-trafficking operations.

These problems are just some of the many reasons why the EU is unable to guard its borders in the Mediterranean. An emergency summit on 23 September 2015 pledged to start addressing the deficiencies. The establishment of an EU border and coast guard system was among the proposals.

Policy measures

In attempting to divert flows of refugees from their territories, countries have been putting up physical barriers on the Schengen or EU borders. This includes the new fences that Hungary has erected on the Serbia and

³³ 'Státy EU by měly lépe sdílet údaje o pašerácích, tvrdí Oldřich Martinů z Europolu', *Euractiv.cz*, 9 September 2015.

³⁴ 'Frontex to get budget hike after refugee failures', *EUobserver* 21 September 2015.

³⁵ 'EU to fortify external borders to stem migrant flow', *EUobserver* 24 September 2015.



Croatia border. In previous years, the Bulgarian and Greek governments put up fences on the border with Turkey and Spain erected a fence on its borders with Morocco.

In August 2015, Germany stopped returning Syrian refugees to EU member states they had passed on the way to the country. This was because the relevant countries, starting primarily with Greece and Italy, did not register the refugees as required by the Dublin rules.

Refugee distribution

The quota distribution system for refugees, advocated by the European Commission, has provided a certain impetus for the member states to engage with the crisis: this concerns in particular, those states that are not physically facing high numbers of refugees and migrants crossing their borders.

As part of the distribution plan, the first EU's implementation package successfully relocated close to 40 000 refugees from Greece and Italy to most other member states. This decision was taken by the Council and approved by the European Parliament in the first half of September 2015. A second proposal for the relocation of 120 000 refugees and migrants from Greece and Italy was approved by the Justice and Home Affairs Ministers' Council on 22 September. A dedicated fund of €780 million was created from the EU budget in order to cover the costs for the relocation of refugees. Beneficiary member states are set to receive 6,000 euros per relocated person while Greece and Italy will receive 500 euros per person to cover transport costs.³⁶

³⁶ European Commission, 'Refugee Crisis: European Commission takes decisive action - Questions and answers', 9 September 2015, accessed at http://europa.eu/rapid/press-release_MEMO-15-5597_en.htm on 21 September; and Justice and Home Affairs Council, Main results, 22 September 2015, accessed at <http://www.consilium.europa.eu/en/meetings/jha/2015/09/22/> on 29 September 2015.



During the vote on the second proposal, the idea of quotas was rejected by three southern countries of the Visegrád Four -- Czechia, Hungary and Slovakia -- and by Romania. Finland abstained from the vote. Unlike Italy and Greece, Hungary refused to benefit from the quota scheme, arguing that there are many irregular migrants coming into the country, irrespective of the redistribution plan that would bring even more people. Even before the vote, the Slovak Prime Minister Fico (Party of European Socialists) announced that Slovakia would contest the Council decision at the European Court of Justice and would not accept any refugees from the quota allocation.³⁷ Although distributing refugees

Some leaders announced they would only accept Christian refugees – in stark contrast to the spirit and letter of the Geneva Conventions.

across the EU is necessary, it is clear that this method addresses a symptom, and not the cause of the current migration wave, the cause being the collapse of Syria and Libya and the EU's collective inability to guard its external border.

Some leaders, including Robert Fico of Slovakia, Viktor Orbán of Hungary (EPP) and Czech President Miloš Zeman (left-leaning) have called for their countries to accept only Middle Eastern Christians. Orbán even stated that the influx of refugees into Europe threatens to undermine the continent's Christian roots³⁸ If this becomes the rationale for distinguishing between Christian and non-Christian refugees, then these statements are in sharp contrast to the letter and spirit of the Geneva Conventions that all EU countries have signed up to and that define refugees, asylum and the obligations of receiving countries.³⁹

Policy measures at and outside the EU border

A number of measures have been suggested, including early screening of refugees and migrants by national governments with the assistance of Frontex. Apart from the so-called hotspots, the *European Agenda on Migration* also suggested tackling the human trafficking chains that operate in the Middle East and North Africa.

³⁷ 'Fico: Slovensko kvóty neprijme, ani když ho ministři EU přehlasují', *Rozhlas.cz*, 16 September 2015.

³⁸ The irony of these statements is that many Middle Eastern Christians are more socially conservative than Middle Eastern Muslims, with tribal and religious identities on par with the Muslim population.

³⁹ See, for example, UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 1951.



Suggestions that the EU should fund reception centres for refugees in Turkey have already met with negative reactions from some. Prior to the high-level visit of the Turkish President Recep Tayyip Erdogan in Brussels on 5 October, the Turkish ambassador to the EU flatly rejected the idea, arguing that people in the existing camps need health and education services and legal channels to travel to the EU.⁴⁰ Turkey's Prime Minister Ahmet Davutoglu reiterated the same rejection of EU-funded centres in an interview on 28 September 2015.⁴¹ These matters are now on the agenda of bilateral EU-Turkey negotiations.

Finally, it has been proposed that the EU consider the establishment of safe havens inside the countries of origin, as far as they have ceased to function as sovereign states. Such an idea could only be implemented provided the EU or NATO secure such safe havens with military presence on the ground. The financial and political costs of such proposals need to be carefully considered.

Funding

Some confusion prevails over the EU's financial commitment to addressing the needs of refugees in Syria and its neighbouring countries. Funding can, in the short run, improve the situation for refugees and migrants and decrease the likelihood that they emigrate. (In the long run, the EU's ability to decrease immigration by means of development funding abroad is limited.)

According to the European Commission, the EU has been the leading international donor in response to the Syrian crisis. The Commission claims that 4.2 billion euros have been allocated for relief and recovery assistance to Syrians in their country and to refugees and their host countries in Lebanon, Jordan, Iraq, Turkey and Egypt. This amount has been brought together by the EU and the member states 'collectively in humanitarian, development, economic and stabilisation assistance since the beginning of the crisis'.⁴²

⁴⁰ Winter may not deter new refugee arrivals in EU', *EUobserver* 18 September 2015.

⁴¹ 'Turkish PM rules out creating migrant processing centre', *middle-east-online.com*, 28 September 2015.

⁴² UNHCR and GoT figures, quoted by the European Commission, Humanitarian Aid and Civil Protection, *ECHO Syria Factsheet*, September 2015, accessed at http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf on 28 September 2015. See



The EU recently set up 'trust funds' for Syria and Africa. The aim of these funds is to stabilise the situation on the ground⁴³ and help decrease short-term incentives to emigrate. According to the EU's High Representative for Foreign Policy, Federica Mogherini, these funds have been seriously underfinanced, with Germany and Italy being the only member states to have thus far contributed to the initial amount provided from the EU's budget.⁴⁴ The emergency summit on 23 September 2015 pledged to reverse the dire trend in funding.

The budget commissioner Kristalina Georgieva announced that the Commission would add substantial amounts in aid and thus spend a total of 9.2 billion to tackle the refugee crisis, outside and within the EU.⁴⁵

It is not yet clear how much of the EU money has been merely pledged and what proportion has actually been spent. Nevertheless, the official amount of 4.2 billion euros for Syria and the surrounding countries stands in contrast to what the Turkish government claims the EU already spent in Turkey. On 18 September 2015, Turkey's Deputy Prime Minister announced that the total amount of aid provided to Syrian refugees in Turkey was 7.6 billion US dollars (6.8 billion euros). He claimed that from this sum, the international community contributed a mere 416 million US dollars (371 million euros).⁴⁶ His figures have not been disputed and seem widely accepted by the international community.

Whatever sum the EU has already spent on humanitarian aid, it seems not enough, given the current state of the camps in Lebanon and Jordan.

also European Commission, Joint Communication to The European Parliament and The Council. Elements for an EU regional strategy for Syria and Iraq as well as the Da'esh threat, Brussels, 6 February 2015.

⁴³ European Commission, Neighbourhood – Enlargement, 'EU Regional Trust Fund in Response to the Syrian Crisis', accessed at http://ec.europa.eu/enlargement/neighbourhood/countries/syria/madad/index_en.htm on 21 September 2015.

⁴⁴ European Parliament, Joint AFET - LIBE - DROI - DMED Hearing "Respecting Human Rights in the context of migration flows in the Mediterranean", 15 September 2015, accessed at <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20150915-1500-COMMITTEE-LIBE> on 21 September 2015.

⁴⁵ 'European Commission to disburse 1.7 billion euros to tackle refugee crisis', *intelligent-news.com*, 23 September 2015.

⁴⁶ Deputy PM announces Turkey spent \$7.6 bln on Syrian refugees', *trtworld.com*, 18 September 2015, accessed at <https://beta.trtworld.com/turkey/deputy-pm-announces-turkey-spent-76-bln-on-syrian-refugees-8095> on 28 September 2015.



The UNHCR, which gives a detailed break-down of donors, including non-governmental ones, states that in September, some 4.5 billion US dollars (4 billion euros) was required to aid refugees in the Middle East, of which 41% was actually delivered.⁴⁷ Of course, the EU is not the only donor involved, and there has been a shortfall from donors globally.

Separately from compensating the EU member states that accept refugees from the two rounds of the refugee distribution plan, the European Commission on 19 August 2015 approved 23 multiannual national programmes for EU members under the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF). The total funding for the agreed programmes is approximately €2.4 billion, for the period 2014-2020. Money will now be able to flow to frontline member states such as Greece and Italy, and to other EU member states also dealing with high migratory flows. The Commission funds further refugee and integration programmes inside the EU.

Civil society

In countries across Europe, many individuals, associations and churches have responded generously; helping to feed, house and guide refugees. As just one example, in Slovakia, a Christian civic association--the Ladislav Hanus Fellowship-- launched a programme for volunteers willing to accommodate migrants and help them to integrate. The idea came as an answer to statements given by extremist right-wing groups claiming that if somebody supports immigration, he should invite the newcomers to live in his own house. Up to the beginning of September 1100 people have registered. The task is not just to provide food, clothing and long-term accommodation but also help migrants to find jobs, to cope with bureaucratic procedures, to find suitable education, and to connect with the local environment and culture.

Europe could also make use private sponsorship schemes by family members, relatives and associations. Similar schemes are already used in the US and Canada.

⁴⁷ UNHCR, '2015 Regional Refugee & Resilience Plan - 3rp (all agencies). Funding snapshot as at 24 September 2015', accessed at <http://data.unhcr.org/syrianrefugees/regional.php> on 28 September 2015.



Integration

Even before the current influx of refugees, Europe has been struggling with integrating immigrants. According to a widely-accepted Migrant Integration Policy Index for 2014, Portugal, Sweden and Finland (highest performers) scored much higher than Slovakia, Cyprus or Latvia⁴⁸ (lowest performers) on indicators such as access to the labour market, responsiveness of the health and education system, political participation and anti-discrimination.⁴⁹ Reasons than some countries apparently perform better on integration than others require a further debate and exploration.

There are also worries over the willingness of some immigrants to respect equal rights for men and women, freedom of opinion and expression and other fundamental human rights. Some of these concerns stem from the cultural differences between European societies and the countries of origin, notably in the Arab world. Out of fear of offending or stirring inter-communal tensions, authorities have sometimes shied away from enforcing national laws in areas with immigrant populations, thus putting in question the European principle of the rule of law. This debate has been tied with wider concepts, such as multiculturalism and interculturalism, i.e. with the question of how host governments and societies approach the integration of immigrants.⁵⁰

Many of the new arrivals are bound to put down roots and stay in Europe. This presents a challenge to our employment and welfare policies. Competition for jobs and services with the indigenous inhabitants is likely to occur as a result of the current immigration wave. Bad feelings stemming from this competition need to be locally and nationally managed. Still, many refugees' enthusiasm for particular countries (Germany) opens the door for local, regional and national governments to insist on learning the language of the host country. This enthusiasm also presents an opportunity to fill gaps in the labour market.

⁴⁸ Latvia is in a specific situation, due to its large Soviet-era Russian speaking minority with strong ties to the Russian Federation.

⁴⁹ Migrant Integration Policy Index (MIPEX); <http://www.mipex.eu/>; MIPEX data <http://www.mipex.eu/play/>

⁵⁰ Please see a Martens Centre paper: V. Novotný, *Politics of Identity In Focus: What Next After Multiculturalism*, Brussels, 2015, accessed at <http://www.martenscentre.eu/publications/politics-identity-focus-what-next-after-multiculturalism> on 6 November 2015.



Recommendations

General recommendation

- Europeans collectively need to start operating on realistic assumptions. A significant portion of asylum seekers from the current wave is bound to stay in Europe. Negative stereotyping denies this reality, marginalises newcomers from the start and bodes badly for their integration into our societies. On the other hand, painting a purely positive picture of the refugees and migrants denies the diversity among the newcomers' cultural norms (spelling the need for intensive integration efforts for some refugees) and the fact that not all are legitimate asylum claimants (spelling the need for returns to countries of origins). That said, the European door should remain open to those who have skills needed in our economies, but their entry must be legally regulated.

Institutional recommendations

- The 28 EU member states need to start working together on immigration and asylum policies. The phrase 'working together' may be an over-used slogan in other EU contexts. However, when dealing with refugees and migrants, cooperation is a must.
 - The member states, with the assistance of the Commission and European Parliament, need to start putting much more energy into implementing the Lisbon Treaty provisions for common migration and asylum policies. The current crisis is showing that the aspiration for common policies needs to be turned into reality.
 - European-level political parties, including the EPP, can provide assistance in bringing governments and national political parties together in order to develop viable policies.
- The European Council, as the only forum that brings together all the EU heads of state and government, has an indispensable role in addressing the crisis. The European Council President has the scope to bring prime ministers together, show direction, facilitate agreement and broker deals. This is what happened during the vote on the distribution quotas on 23 September 2015, and this is what will be necessary in the years to come.
- The European Parliament has a strong role in forging an EU-wide consensus on handling the refugee crisis. The Parliament's two emergency votes earlier in September, approving the relocation of



refugees⁵¹, provided a welcome policy direction.

- A 'grand bargain' between eastern and western, northern and southern member states has to be based on improved burden sharing: That pertains to a fair quota system in sheltering refugees, but also to much stronger joint efforts at protecting the external border of the EU and foreign policy coordination
- As the Middle East, Asia and Africa refugee wave is becoming a massive regional issue that directly concerns at least three continents, a new global governmental forum is required. Perhaps an international conference under the auspices of the UN or the Council of Europe should be organised to help address the issue.

Policy recommendations

Using existing laws and agencies

- The European Commission, as the guardian of the Treaties and the EU law in general, has a role in enforcing the existing asylum legislation, including the flawed Dublin Regulation (before new asylum rules are adopted). The Commission's renewed vigour in pursuing infringement proceedings against member states that do not respect the existing asylum legislation, is a step in the right direction.
 - The EPP, as a party of the rule of law, should support the Commission in this effort.
- Frontex needs to be provided with sufficient personnel and equipment, such as boats and helicopters. This is primarily the responsibility of the member states. Without member state commitment on personnel and equipment, no amount of money from the EU budget will fix the agency.
- Without a fully-equipped Frontex and cooperation between the relevant agencies, the concepts of 'hotspots' will not be realised.
- Member states need to start sharing critical police information on human trafficking with Europol.
- Member states need to cooperate more strongly to make use of the Schengen Information System. Any issues of trust need to be addressed to make the information exchange work.
- Information sharing between Europol and Frontex needs to be allowed.
- Member states, assisted by the EU-level institutions, need to put more resources into returning those asylum seekers whose application has

⁵¹ European Parliament, 'MEPs give go-ahead to relocate an additional 120,000 asylum seekers in the EU', 17 September 2015, accessed at <http://www.europarl.europa.eu/news/en/news-room/content/20150915IPR93259/html/MEPs-give-go-ahead-to-relocate-an-additional-120000-asylum-seekers-in-the-EU> on 18 September 2015.



failed. This includes stronger diplomatic efforts in persuading the countries of origin to accept their own returned nationals.

Policy measures

- The EU's asylum system is in clear need of reform.
 - The EU should examine possibilities for allowing asylum applications in the countries of origin. Such early screening, if done in embassies of EU member states, would require a steep rise in personnel and capacity at the embassies.
 - The EU needs to develop a common list of safe countries from which asylum applications are accepted only under exceptional circumstances.
 - A system of distributing asylum seekers across the EU is necessary. Without good will of the other member states, several frontline states, Germany and Scandinavia will continue to have to deal with disproportionately high numbers of applicants.
- The EU should consider the establishment of safe havens inside the countries of origin in cases where they have ceased to function as sovereign states (namely Syria and Libya). This would require substantial military involvement by EU members and the US, and in Syria's case, possibly in limited coordination with Russia.
- Better protection of the Schengen external border is an essential requirement. Borders need to be guarded primarily by the countries concerned. Building physical barriers such as fences and walls is part of that effort, providing that the right to apply for asylum is preserved.
- The EU would greatly benefit from the adoption of a 'Smart Borders' package. This set of measures would make it easier to tackle irregular immigration and simplify the return of those who have overstayed their visas.

Funding

- Without a stable Syria and a stable Libya, the EU cannot hope to fully address the refugee crisis. With that qualification, targeted funding is likely to help at least some refugees and potential migrants to stay in their or nearby country.
- In considering further funding, the EU should bear in mind that lack of food or services is not the main reason for Syrian refugees to cross over to Europe. Most Syrians are coming from Turkey, where material conditions



are relatively decent. Financial support is much more needed in Jordan and Lebanon.

- Member states need to start contributing to the EU Trust Fund for Syria.
- Member states need to start contributing to the European Union Emergency Trust Fund for Africa.

Civil society

- Where political will at the national level is lacking in the EU, civil society, church and individual initiatives to assist refugees should be given the necessary space and support. Following North American examples, national governments could also explore private sponsorship schemes by family members, relatives and associations.

Foreign policy

- Although eyes are mostly on Syria, focusing solely on this country would be wrong. Statistical breakdown of migrants and refugees shows that many are coming from elsewhere in Asia and from Africa. As a result, immigration has now clearly become a major element of the EU's foreign policy. The EU foreign policy needs a clear focus on readmission agreements and tackling the smuggling rings.
- In stabilising the Middle East and Syria in particular, the EU (with the US) should focus on trying to reach at least some level of consensus among regional powers and attempt to show the way out of the conflict.
- The necessary diplomatic work has yet to be done to persuade the Middle Eastern and North African countries to allow the creation of refugee safe havens, potentially secured by the EU militaries. The difficulty of such political and diplomatic undertakings should not be underestimated, not to mention the risks involved in direct military interventions with ground troops.
- Turkey, despite its democratic shortcomings and growing authoritarianism, needs to be Europe's negotiating partner when it comes to Syrian refugees.

Fundamental rights

- Refusing refugees on the ground of their religion, a measure advocated by some Central and East European politicians, must be rejected. Such calls are contrary to existing EU and international law and undermine the global credibility of the West. The EU is a value-based community. Ethnic and religious discrimination in public life has no place in today's Europe.
- Once accepted for asylum, refugees should respect the core elements of



our constitutions and the EU Charter of Fundamental Rights. These principles are non-negotiable and cannot be relativised with a view to cultural differences. This includes equality between men and women, and freedom of expression. The suggestion that gender, ethnic and religious discrimination in public life has no place in today's Europe, applies equally to host societies and newcomers.

Integration

- For those refugees that receive asylum, efforts to help them integrate into European societies must be much more vigorous than in the past. The cultural difference between European societies and the countries of origin, notably in the Arab world, is a factor that needs to be addressed and which cannot remain a taboo. European values need to be 'sold' to the asylum seekers, in exchange for opening up opportunities for them.
- The EU needs a new deal between host societies and newcomers, based on respect for constitutions of the member states and the Charter of Fundamental Rights of the EU. The EPP, as a party of the rule of law, could support this approach.
 - State authorities, schools, social services and European civil society will have to make a coordinated effort to help immigrants in integrating into Europe's value system.
 - More than before, European employers (tapping, for example, into the relatively high level of skills of Syrian refugees), civic associations, political parties and education systems need to provide opportunities for refugees to excel as individuals.
 - Integration efforts should start without delays.

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The Wilfried Martens Centre for European Studies is the political foundation and think tank of the European People's Party (EPP), dedicated to the promotion of Christian Democrat, conservative and like-minded political values.

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