

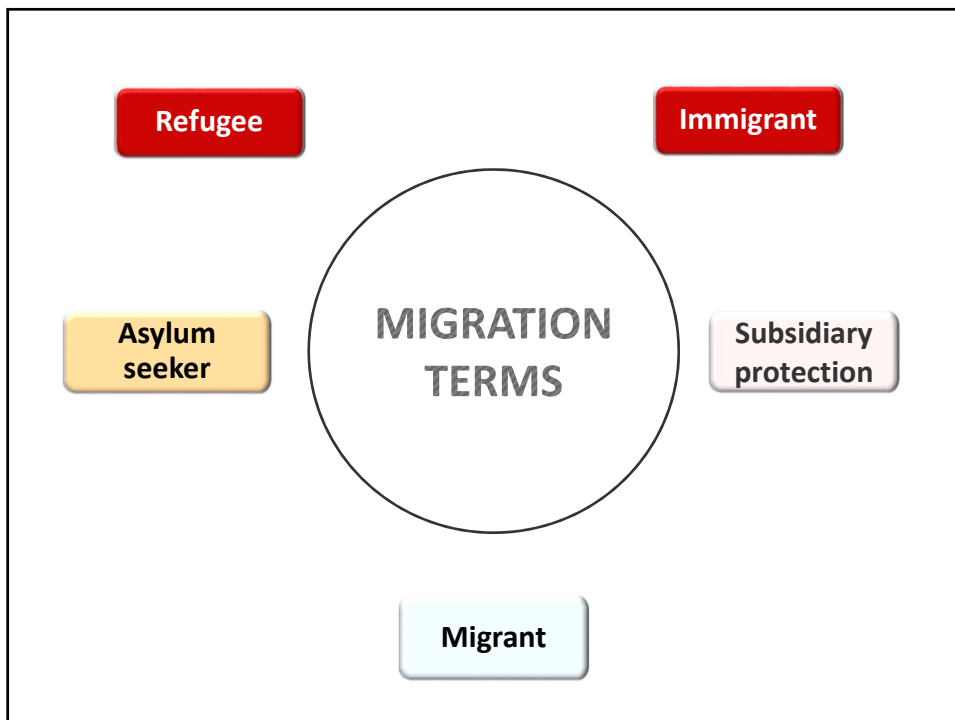


European Policies on
Migration Flows

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Photo: Refugees approaching the shore in Greece from Turkey. CAFOD/Ben White

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A **Migrant** is a Person who....

“is outside a State of which he/she is a national,
temporarily or permanently, regularly or irregularly.”

Definition: OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, 2014

A migrant may leave his country for reasons not related to persecution, such as for employment or study, while enjoying the protection of his government when abroad.

- ‘Regular’ migration – with legal permission
- ‘Irregular’ migration – without legal permission

A **Refugee** is a Person who....

1. is outside their country of nationality
2. has a well founded fear of persecution for reasons of:



3. is unable or unwilling to return home

Geneva Convention (UN Convention relating to the Status of Refugees, 1951)



A beneficiary of subsidiary protection is a Person who....

- applied for international protection in an EU country;
- does not fit the refugee status criteria;
- would face a real risk of suffering **serious harm** if he/she is returned to the country of origin

Serious harm is the risk of:

(a) *death penalty or execution;*

(b) *torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or*

(c) *serious threat to a civilian's life due to indiscriminate violence in situations of international or internal armed conflict.*

Asylum policy and the EU
History

- **Treaty of Maastricht (1993):** Common policy on Asylum (3rd pillar) – No jurisdiction of EU Court of Justice on asylum matters.
- **Amsterdam Treaty (1999)** granted EU institutions the power to form legislation on asylum.
- **Tampere Programme (1999):** The European Council (leaders/prime ministers of EU states) decided on the creation of a Common European Asylum System (CEAS) in 2 phases:
 - the adoption of common **minimum standards** in the short term → 1999-2004
 - a **uniform status** for those who are granted asylum in the EU in the longer term → Treaty of Lisbon (2009)

Asylum policy and the EU Today

Treaty on the Functioning of the European Union

Article 67

*The EU shall frame a **common policy** on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards **third-country nationals**. [..]*

*The EU shall endeavor to ensure a high level of security through **measures to prevent and combat crime, racism and xenophobia**, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities. [..]*

Asylum policy and the EU Today

Treaty on the Functioning of the European Union (article 80): principle of solidarity and fair sharing of responsibility, including any financial burdens, between Member States.

The EU Court of Justice has full jurisdiction in the field of immigration and asylum.

Immigration policy in the EU

Treaty on the Functioning of the European Union (Article 79)

Regular immigration: conditions on entry into and legal residence in the EU.

Integration: incentives and support for measures taken by Member States to promote the integration of legally resident migrants.

Combating irregular immigration: prevent and reduce irregular immigration, in particular by means of an effective return policy, in a manner consistent with fundamental rights.

Readmission agreements: conclude agreements with third countries for the readmission to their country of origin.

Commissioner for Home Affairs



Ylva Johansson (2019-2024)


Mission:

- relaunch the reform of asylum rules.
- close loopholes between asylum and return rules.
- sustainable approach to search and rescue.
- cooperation with countries of origin and transit.
- prevent and prosecute terrorism.
- promote internal security.

 <p>EASO</p>	<h3>EU Agencies</h3>	 <p>FRONTEX</p>
<p>European Asylum Support Office (2010 -)</p>	<p>European Border and Coast Guard Agency (2005 -)</p>	
<ul style="list-style-type: none">• supporting the quality of the asylum process (e.g. preparing Country of Origin Information)• Supporting the rebuilding of asylum and reception systems;• sharing data and assessments, including EU-wide trend analyses;• supporting partnerships with third countries to reach common solutions• coordinating actions on resettlement.	<ul style="list-style-type: none">• coordinates and develops European border management• deployment of border and coast guards, with boats, airplanes, patrol cars and other equipment, to EU countries facing exceptional pressure at their external borders	

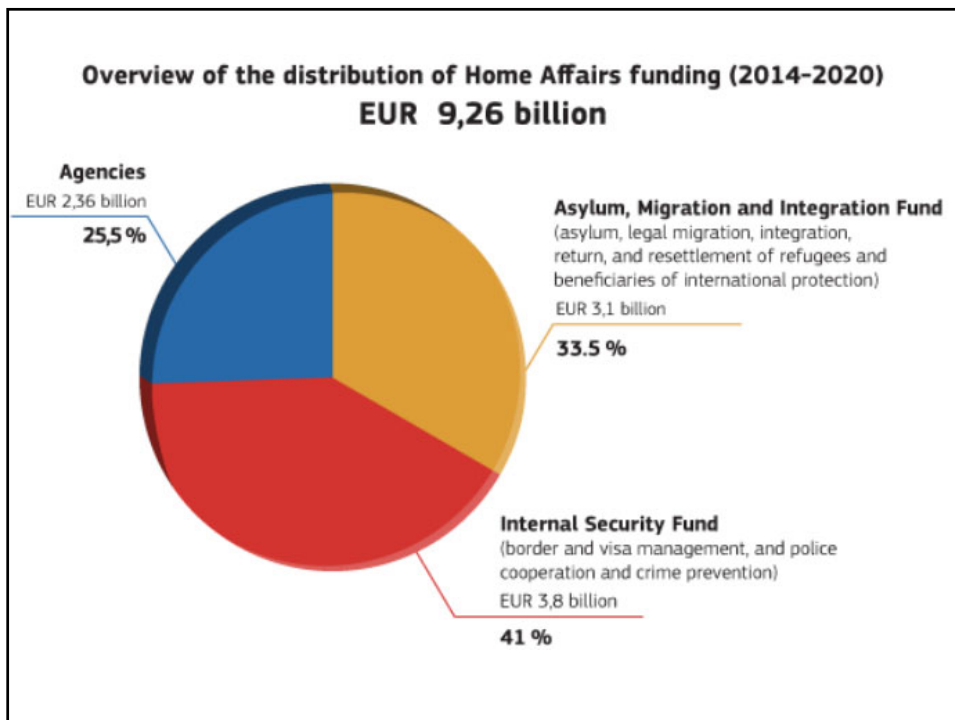


DG HOME (2010-)




Directorate-General (DG): European Commission's Department on **Migration and Home Affairs**

- prepares EU-level rules on asylum migration and border control watches over their application.
- is responsible for funding related projects in EU States



DG HOME



2014-2020


- Asylum, Migration and Integration Fund (AMIF)
- Internal Security Fund (ISF) – Borders
- Internal Security Fund (ISF) – Police

2007-2013

Funds received by Greece:

- Refugee Fund
- Integration Fund
- Return Fund
- External Borders Fund
- Terrorism & other Security-related Risks
- Prevention of and Fight against Crime

AMIF fund	ISF fund
<p>supports national efforts to:</p> <ul style="list-style-type: none"> • improve reception capacities, • ensure that asylum procedures are in line with Union standards, • integrate migrants at local and regional levels and • increase the effectiveness of return programs. <p>Beneficiaries: Ministries (MoMP, MoD, Mol), UNHCR, IOM</p> <p>Recipients: e.g. Greece, Spain, Italy, France, Netherlands, Hungary</p>	<p>supports national efforts to:</p> <ul style="list-style-type: none"> • achieve a uniform and high level of control of the external borders • fight cross-border organised crime.



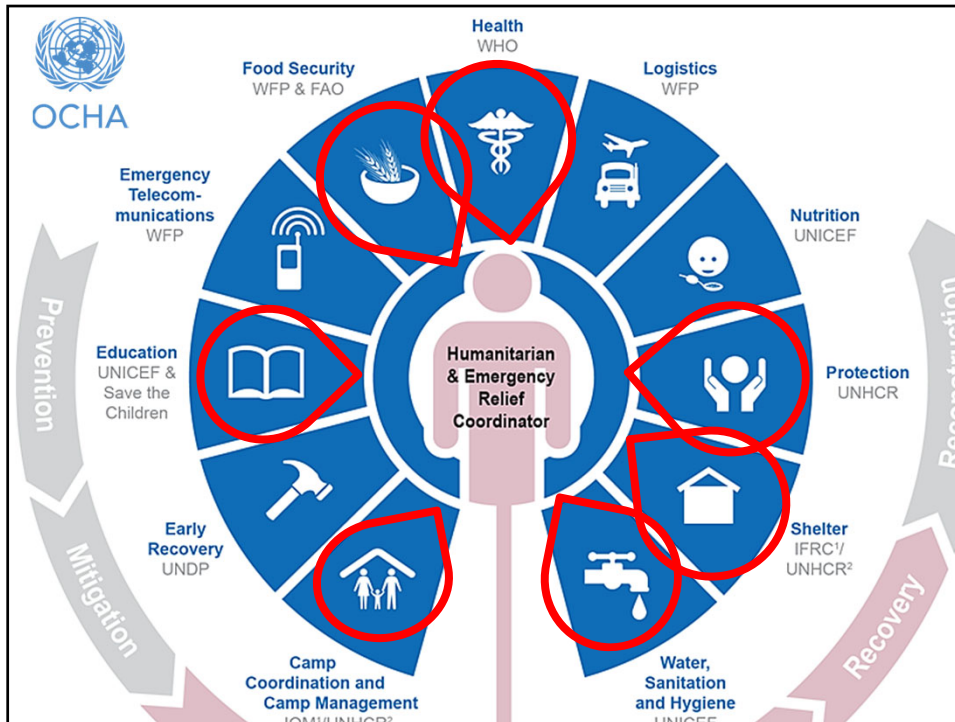
DG ECHO (1992-)

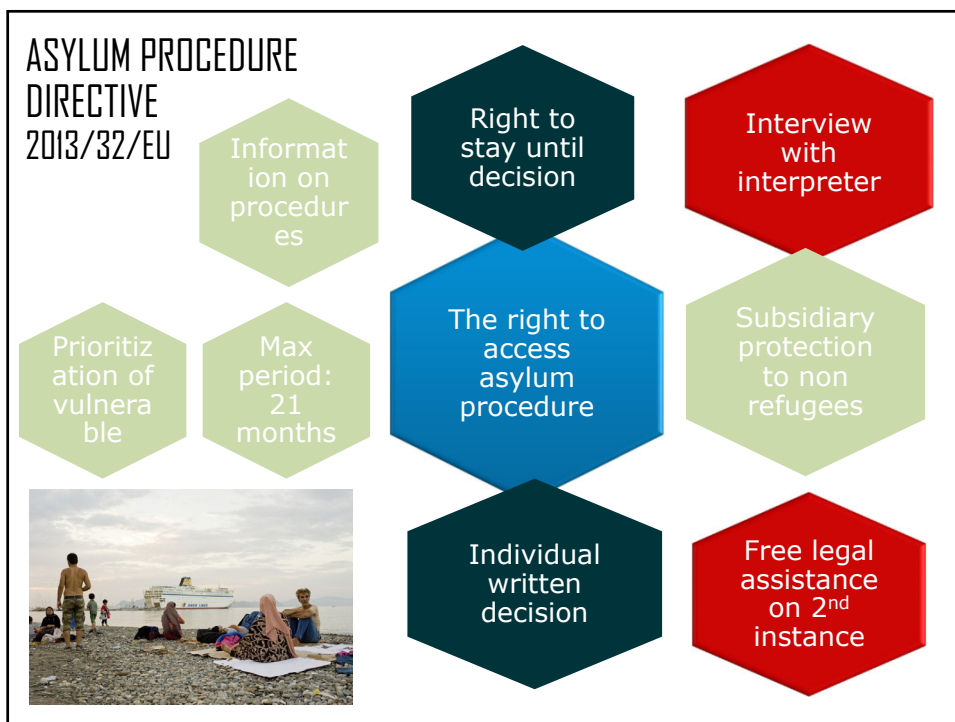
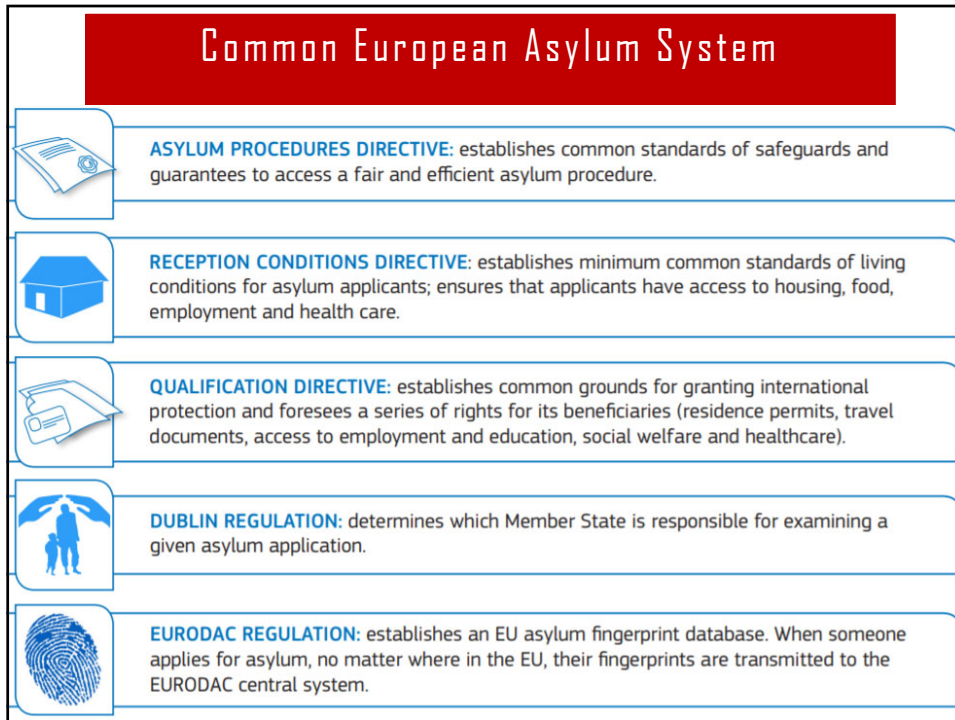


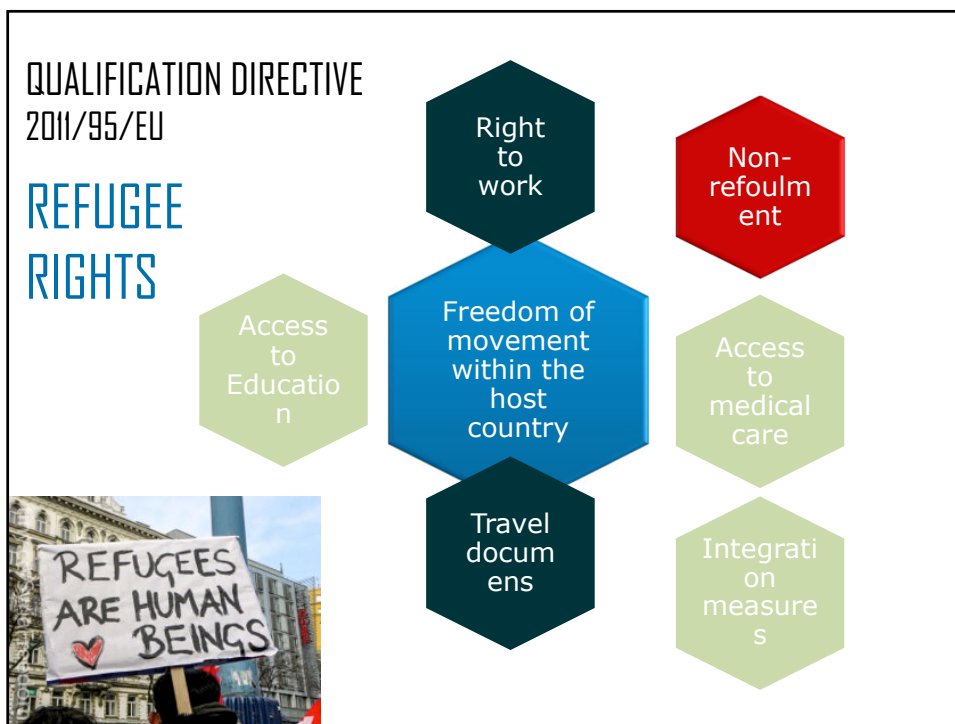
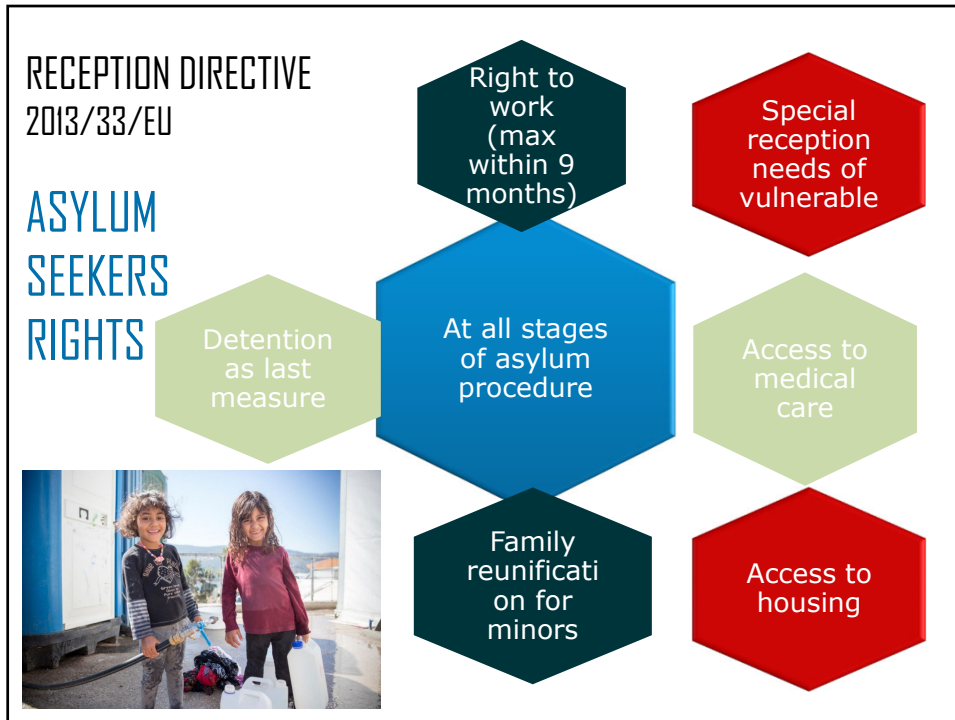
- Directorate-General (DG): European Commission's Department on **Civil Protection and Humanitarian Aid Operations**
- Whenever there is a disaster or humanitarian emergency, the EU provides assistance for the affected countries and populations.

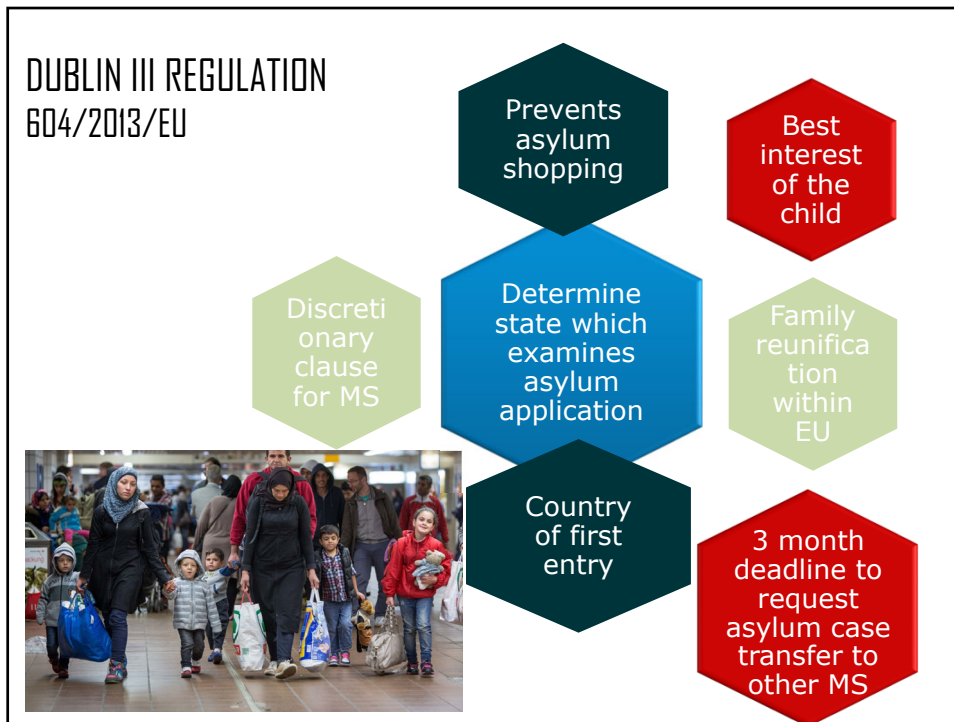
DG ECHO

- Emergency Support Instrument was activated in March 2016 – March 2019 by the European Council.
- The Commission released **€650 million**.
- Recipient: Greece
- Beneficiaries: UN agencies, non- governmental organisations and international organisations.









Return Directive (2008/115/EC)

- **Common procedures** for returning illegally staying third country nationals on the territory of a MS
- MS must issue **return decision** to any illegal resident (exceptions may be applied for human. reasons)
- Preferred return: **voluntary return** within 7-30 days
- MS takes necessary measures to **enforce return decision** when the third country national did not depart voluntarily
- **Detention** prior to return: allowed up to 18 months (if danger of absconding or hampering preparations)
- Unaccompanied minors and families with minors detained as a measure of **last resort** and for the shortest appropriate period of time.

EU Turkey Joint Statement



18 March 2016: The European Council (heads of state or government) and Turkey issued a joint statement to “*end the irregular migration from Turkey to the EU*”.

1. “All irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey”.
2. “Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU”.
3. “For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU”

EU Turkey Joint Statement

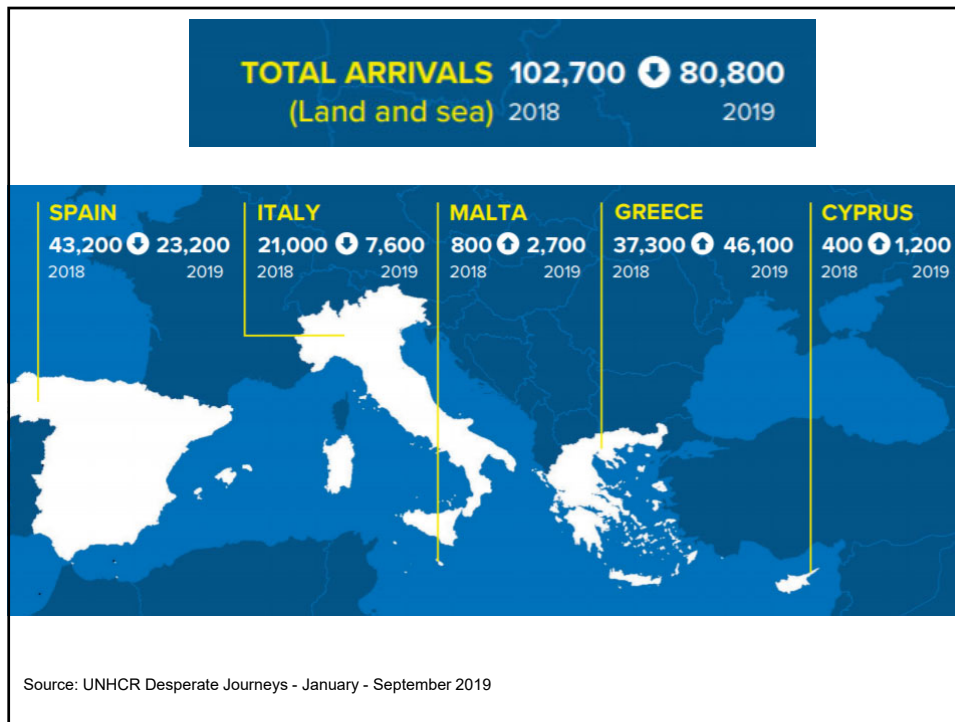


This statement is a political commitment **not a legally binding agreement**.

The EU **committed €6 billion** to support refugees in Turkey. By July 2019, the total amount already allocated is **€5.6 billion** since 2016, with the remaining balance due to be allocated over the summer and more that 80 projects already rolled out.

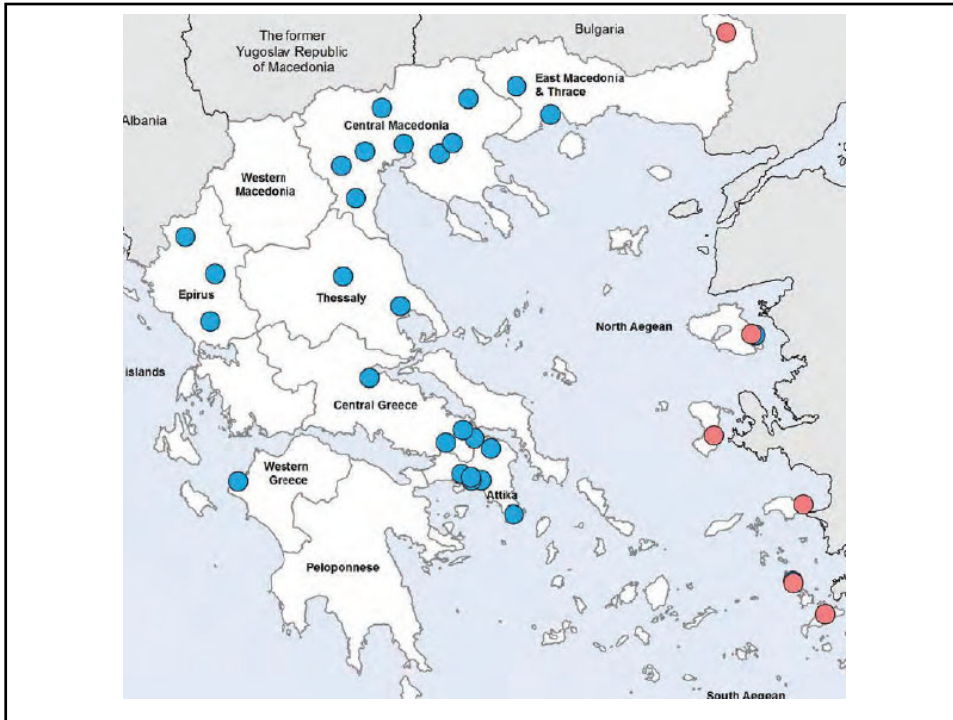
Greek state has returned **2,001 people to Turkey** (44% did not apply for or withdrew their asylum claim, 91% are men) from 2016 - 2019.

Asylum seekers are not returned to Turkey, because it is not considered a “safe country”. Turkey hosts **4 million refugees**, more than any other country in the world.



"Hotspot" approach

- Adopted in Italy and Greece
- Aim: identify, register and fingerprint incoming migrants, channel asylum seekers into asylum procedures and conduct return operations.
- **6 hotspots:** 5 in islands (Lesvos, Samos, Chios, Kos, Leros), 1 in mainland (Fylakio).
- EU Agencies are present in island hotspots to support the Greek state (*European Asylum Support Office (EASO), Frontex, Europol and Eurojust*).







Migration and the News

1. There are wide variations in how the press in different countries report on asylum and immigration.
2. The European Union's response to the crisis was seen as inadequate, yet it was still defined as the key institution responsible for solving the crisis.

Source: Press Coverage of the Refugee and Migrant Crisis in the EU: A Content Analysis of Five European Countries, 2016

Migration and the News

3. Few instances where reporting focused on the benefits that asylum seekers and migrants could bring to host countries.

4. Very few articles focused on the push factors driving population flows and the need to address them.

The crisis was primarily explained as one created by conflict, human rights abuses and to a lesser degree economic inequality.

Source: Press Coverage of the Refugee and Migrant Crisis in the EU: A Content Analysis of Five European Countries, 2016

Perceptions and reality survey



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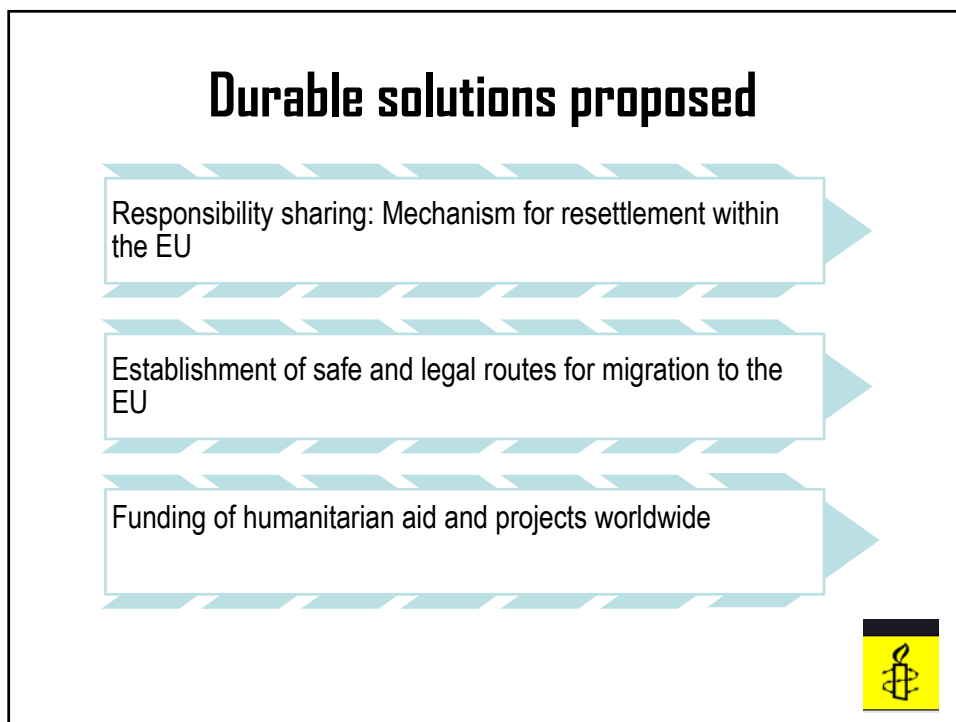
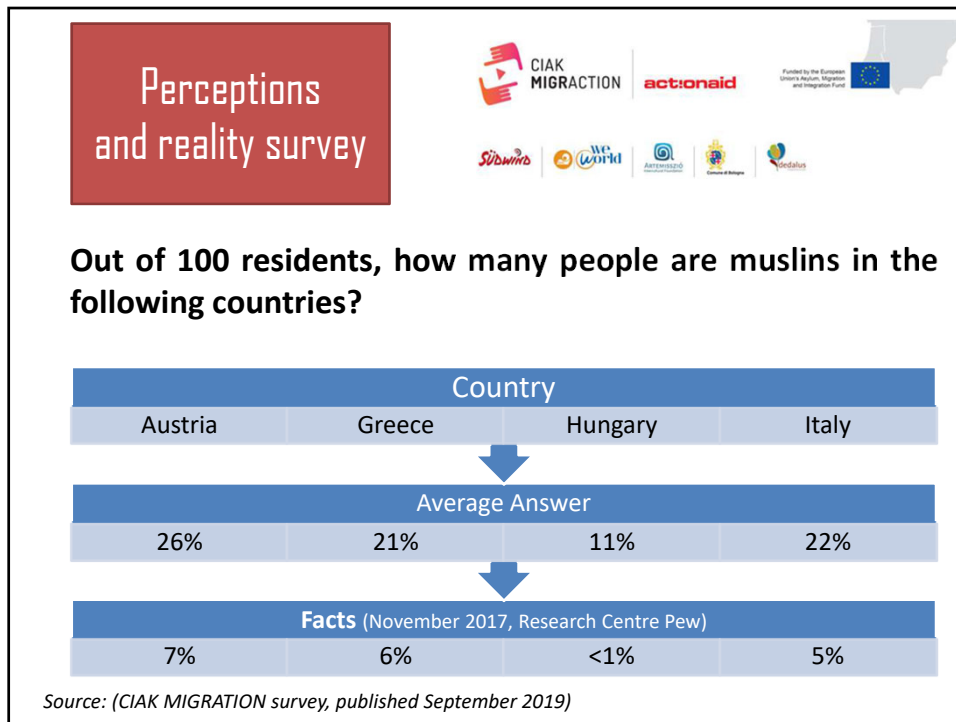
Funded by the European Union's Asylum, Migration and Integration Fund



Out of 100 residents, how many people are migrants/refugees in the following countries?

Country			
Austria	Greece	Hungary	Italy
↓			
Average Answer			
35%	35%	20%	31%
↓			
Facts (January 2018, Eurostat)			
16%	8%	2%	9%

Source: (CIAK MIGRATION survey, published September 2019)



Safe and legal routes



- Provide refugees with visas to travel safely and apply for asylum when they arrive.
- Enhance family reunification and enable people to reunite with relatives who are already in an EU country.
- Develop and improve asylum systems to guarantee access to fair and efficient asylum processes



*Thank you
for your attention*

