

Report

Europe's Migration Policies in Crisis

*Heinrich Matthee**

19 August 2015





The total of those reaching Italy by boat across the Mediterranean this year exceeded 40,000, according to UN estimates [AFP]

Abstract

The article unpacks Europe's 'refugee and migration policy crisis' by reflecting on European policies. Specifically, it considers how the EU policies to stop irregular migration have been failing. New EU policy measures include more resources for border control, better cooperation with the countries of origin, refugee protection, quarantining in the coastal states and especially the targeting of smuggler bands. However, as the article argues, it is still unclear whether sufficient political will and capability exist to implement these policies thoroughly. New foreign partnerships and new models of co-existence between indigenous and migrant individuals and communities need to be considered. However, the huge inflows from poor populous regions to rich ageing regions are to continue. Political decision makers face tough choices, and their outcomes will shape the destiny of Europe.

Perilous journeys

European policies to stop major flows of irregular migration seem to be failing.⁽¹⁾ Thousands of migrants from Africa, the Western Balkans and the Middle East are trying to flee from political conflict or improve their economic position without using legal migration channels. Germany alone is expecting a 300% increase in such migrants in 2015, more than half a million newcomers.⁽²⁾

Migrants choose to move to another country for political, economic or other reasons. Some do so following official legal channels and complying with the requirements in the country of destination. In the public debates of Europe, they are called legal migrants. Others, often not meeting the legal migration requirements, turn to so-called irregular or

illegal migration to enter the European Union. They are called illegal or irregular migrants, and this article focuses on policies related to them.

In the public debates of Europe, those who come to the EU as irregular migrants primarily to flee war or political, ethnic or religious persecution, for example in Syria and Iraq, are called political refugees. They enjoy a specific legal status under the 1951 Geneva Refugee Convention.

In the public debates of Europe, those who come to the EU as irregular migrants primarily to improve their socio-economic position are called economic migrants or even economic refugees. These economic migrants do not enjoy a protected status in international law comparable to that of political refugees. It is estimated that up to 40% of the irregular migrants to Germany in July 2015 come from countries without serious conflict in the Western Balkans.⁽³⁾

In practice, European migration authorities have found it difficult to uphold the distinction between the special status of political refugees and the position of irregular economic migrants. According to the EU border control agency, Frontex, some 153,000 irregular migrants have been detected at Europe's external borders since January 2015. That is a 149% increase compared with the same period in 2014, when the total was 61,500.⁽⁴⁾ The number of migrants reaching Europe by boat this year has more than doubled compared with the same period in 2014.⁽⁵⁾ Many migrants reach the EU through the Western Balkans. However, media attention has emphasized the migration by boats across the Mediterranean Sea, especially after hundreds of migrants drowned at Lampedusa in April 2015.

It is a perilous journey. According to the UNHCR, more than 3,400 migrants have died at sea in 2014. Most of these migrants drown due to the rickety boats used by smuggling bands capsizing or sinking. Irregular migration has allowed bands of smugglers to exploit the despair of refugees and cash in on their misery.⁽⁶⁾

The strategies of the smuggling gangs also manipulate new developments in their environment. For example, increased risks of violence in Libya may persuade them to use new opportunities to depart from ports in Turkey. The gangs also respond to new European counter-measures: For example, since new electronic detection facilities have been installed, smuggler crews will often steer a ship close to the shore, put the ship on autopilot, and switch off the ships' Automatic Identification System to make the boat electronically invisible to the search and rescue authorities. This measure buys time for the crew to escape before they can be picked up by the authorities.⁽⁷⁾

Italy struggles

How does Italy deal with the waves of migrants? The EU's Dublin Regulation requires every asylum-seeking migrant to apply for asylum in the first European country in which he or she sets foot. However, this requirement puts disproportionate pressure on the main arrival states of irregular migrants in Europe, especially Italy, Greece, Malta, and Spain.⁽⁸⁾

In practice, however, the bureaucracies of these states often do not implement the EU measures of registration, in order to enable migrants to seek asylum in another country.⁽⁹⁾ Nor do they comply with refugee protection regulations. The Italian police often dump coachloads of migrants at big stations such as Rome and Milan with no money or documents.

The Schengen open borders accord has until now meant that those landing in Italy, Greece, or Hungary can easily travel through neighbouring countries as they seek to reach Britain, Germany and Scandinavian countries, especially. However, most EU authorities tend to respond to such migrant activities as befits their own circumstances and interests. Germany, for example, temporarily reintroduced border controls ahead of hosting the G7 summit in June 2015.⁽¹⁰⁾ During June and July 2015, security people on trains or at the borders with France and Austria have instituted rigorous checks on trains, cars and even footpaths across the mountains.

The border control measures have caused migrant protests and bottlenecks at Italy's train stations. Local authorities have established makeshift refugee camps.⁽¹¹⁾ Similar protests were experienced in Kos in August 2015. However, Italy's prime minister has demanded more EU support to relieve the pressure as human and material resources for handling the influx of migrants are at breaking point.

Government policies in Eastern Europe

The EU's current action plan on irregular migration focuses all its efforts on preventing boats from Libya from reaching Italy. However, many irregular migrants have shifted to other routes. From January to May 2015, 50,000 migrants were detected trying to cross the Serbian-Hungarian border - an 880% increase compared with the same period in 2014. Frontex has attributed this increase of especially Kosovar migrants to the "reopening of asylum centers in Hungary in July 2014 and rumors spread by facilitators to encourage migrants to head for the EU."⁽¹²⁾

In Eastern European countries, selective refugee policies are sometimes articulated openly. In May, Polish prime minister Ewa Kopacz stated that Poland would resettle 60 Christian families from Syria and would consider further steps to help Christian refugees

at risk of persecution in the country.⁽¹³⁾ In June, the government of Viktor Orban in Hungary announced plans to build a four-meter fence along its southern border with Serbia. Shortly thereafter, Hungary suspended EU rules expecting it to take back migrants who have travelled on from its territory. Orban has stated in 2014 that Hungary would “like to remain a homogenous culture” and “illegal immigrants from outside Europe would endanger such a situation”.⁽¹⁴⁾

The EU's 28 member states do not see eye to eye on how to handle the influx of economic migrants and political or war refugees. National interests clash, governing coalitions pander to different voter concerns before elections or by-elections, and one EU member state's responses also have different knock-on effects. For example, Austria itself has stopped processing asylum requests in an effort to pressure other EU countries to do more to help absorb refugees. Finland and Germany used to send irregular migrants who entered the EU through Greece back to Greece, in compliance with the Dublin Regulation. However, they have stopped doing so after Greece's complaints. ⁽¹⁵⁾

Political pressures in Western Europe

In most countries of Europe championing the rights of irregular economic migrants has become difficult. The economic climate is gloomy and unemployment high. Voters and parties who oppose letting in economic migrants with limited skill sets claim that these migrants will end up abusing the social welfare system financed by citizens' taxes. Their rhetoric often conflate political refugees, asylum-seekers and skilled economic migrants from non-Western countries with less-skilled economic migrants.

In several European states, parties in whose platforms anti-immigrant or nativist themes are prominent, have caused a shift in public discourse. In France, for example, the Front National won 25% of the votes in local elections in March 2015. In provincial elections in late May in Austria, the anti-immigrant Freedom Party of Austria more than doubled its vote since the previous election to gain 27% of the vote.⁽¹⁶⁾ The nativist Danish People's Party obtained the second place but was the real victor of the general election in Denmark on 19 June.⁽¹⁷⁾

Germany under the government of Angela Merkel has long been an exception to this trend, but the situation is changing. Merkel's coalition partner, the Social Democratic Party, recently considered a policy idea mooted by the Euroskeptic Alternative für Deutschland (AfD) party. It involves a migration law based on Canada's model of restricted skills-based migration.⁽¹⁸⁾ In August 2015, the AfD in the border province of Saxony made a suggestion to close the border, which was then taken up by the provincial section of Merkel's Christian Democratic Union. Germany expects more than half a million new migrants this year.

Perceived limits to the absorption capability of communities also shape policies. The British Defence Secretary Michael Fallon has stated: "In some areas, particularly on the east coast, yes, towns do feel under siege from large numbers of migrant workers and people claiming benefits. It is quite right that we look at that."⁽¹⁹⁾ In June 2015, Fallon said: "We have to break the link between rescuing people from the Mediterranean and settlement because they [the migrants and refugees] will keep coming if they think they will be settled."⁽²⁰⁾

Mainstream politicians like Fallon feels politically under pressure and take more restrictive stands on migration. In surveys and the elections for the European Parliament in 2014, many voters have already expressed their distrust of the way elected politicians look after their interests by voting for nativist parties like the United Kingdom Independence Party.⁽²¹⁾ Some of them also feel that their socio-economic and symbolic order is besieged by too many refugees from distant countries and different cultures.⁽²²⁾ On 9 August British foreign secretary Phillip Hammond catered to such constituencies and stated that "Europe can't protect itself, preserve its standard of living and social infrastructure if it has to absorb millions of migrants from Africa."⁽²³⁾

New EU policies

After the Lampedusa tragedy, an EU summit on 23 April indicated several priority areas for action. Donald Tusk, the Polish president of the European Council, stated: "Let me be clear. Europe did not cause this tragedy. But that does not mean we can be indifferent."⁽²⁴⁾ Resources to the Triton border control mission were tripled, and better cooperation with the countries of origin envisaged.⁽²⁵⁾

However, the new "EUNAVFOR Med" naval mission especially aims to capture and dispose of vessels and assets used by migrant smugglers in the Mediterranean. Apart from a common budget of €11.82 million for a 12 month period, the contributing states will provide the running costs of military assets and personnel. ⁽²⁶⁾

EU leaders have also decided to create a new system of zones for migrants in southern Italy, Malta and Greece, and new powers for Frontex.⁽²⁷⁾ These measures show the stamp of improvised quick fixes, but they may evolve into new longer-term policies.

While humanitarian concerns are present, extra EU funding for humanitarian projects is limited. A more pressing matter for some EU policy-makers seems to be that less than 40% of those whose asylum requests are rejected are actually deported or assisted to return to their countries of origin. Thus, funds and facilities that should actually be allocated to political and war refugees also have to cater to irregular economic migrants.

In addition, it signals that the distinctive refugee policies cannot be properly implemented, which will encourage irregular economic migrants.

Local and provincial authorities in Germany and Austria, for example, already feel overburdened. If EU institutions fail, stronger political demands for new migration policy competences to national states will emerge.

Challenge and response

Border security currently is a dominant concern in the EU's migration policies. Appeals like those of the Pope and the Italian prime minister to humanitarian values are less prominent. While border control remains the prerogative of national states, Europe's leaders have set aside only €2,720 million for the management of the EU's external borders during the period 2014-2020.⁽²⁸⁾ This sum will probably prove inadequate in implementing successful policies.

However, three other dimensions remain relevant to EU policies too. Firstly, foreign policy measures and partnerships between European actors and actors in the Middle East, Africa and beyond Europe's eastern borders are important.⁽²⁹⁾ Various governments in Europe are already contemplating co-development initiatives to make it attractive for would-be migrants to stay in their countries of origin. It is as yet unclear how much support EU member states would be willing to give to countries that absorb huge numbers of war refugees.

Secondly, policies related to refugees, asylum, migration and social co-existence are entangled in Europe. New models of co-existence have not yet emerged. Such new models of co-existence would require different forms of recognition for religious and cultural communities and socio-economic support, rather than another failed imposition of monocultural integration. Clearer measures to reassure indigenous citizens, to address problem areas and to celebrate the contributions of both indigenous and migrant citizens and communities would also become necessary.

However, the political support for such models is lacking during the current period of economic troubles and fragmented politics. And in terms of EU money, asylum, integration and migration policies currently only account for 0.33% of the total EU budget or €3 billion.⁽³⁰⁾

It is already challenging to develop new and better models of co-existence. However, if this is done in conjunction with unrestricted flows of irregular economic migration, it would become even more complex. In most countries of Europe, there is a strong constituency with sympathy for real refugees. However, it remains a question to what

extent unrestricted irregular economic migration would harm popular support for actual political and war refugees.

More publicized social frictions like those between migrants and truckers at Calais in France in the past month could not be excluded. Nor could an even stronger political backlash be excluded. Politicians ignore the fickle preferences of voters in democracies at their peril.

Thus, mainstream politicians of Europe's member states and their governments are facing difficult choices related to their entangled migration, integration, refugee and asylum policies: One choice would be to continue muddling through with ad hoc improvisation, contradictory approaches and insufficient funds. Another choice would be to decide on a limit to the number of refugees they can or want to absorb, and a willingness to enforce such limits to maintain the existing social order. A final choice would be whether they can gain support among their citizens for new models of co-existence that address their needs, rights, anxieties and ambitions, as well as those of newcomers.

Very different approaches are followed in this regard, for example in China, Gulf countries, Australia and the USA. Intensive involvement of the UN on the issue could exacerbate rather than resolve the distrust of strong voter constituencies in national political leaders. The current EU approach is clearly failing, but it will be up to the incumbent governments to step up to the challenge.

Political choices will not be easy to make or easy to coordinate between the 28 member states of Europe. Nor will they necessarily significantly change the drivers of migration. For, thirdly, as the historian Paul Kennedy argues, the transnational market is increasing the gap between rich ageing regions and poor regions with high demographic growth. The market's 'losers' are inevitably going to try and migrate towards the lands of the 'winners': Europe, the United States, and the Pacific Rim.⁽³¹⁾

Rickety boats and rickety policies?

The policies of EU member states on irregular migration differ. National interests, the actions of neighbouring states, domestic politics, and limited capabilities all play a role. New EU policy measures now include a tripling of resources to the Triton border control mission and better cooperation with the countries of origin and transit. Refugee protection and the targeting of smuggler bands receive renewed attention. However, it is still unclear whether sufficient political will and capability exist to implement these policies thoroughly.

Three other dimensions are also important. New partnerships between European and Middle Eastern, African and Eastern European parties and actors beyond the EU are called for. So are new models of co-existence between indigenous and migrant individuals and communities. The gaps between rich ageing regions and poor regions with high demographic growth reinforce population movement to Europe.

The irregular migration flows of summer 2015 have highlighted a crisis of many dimensions: humanitarian disasters and the shortcomings of European policies on refugees and irregular migration. Will Europe's mainstream parties and politicians be able to master the challenges of major population flows to the continent? The record to date is not encouraging. However, their responses may not only shape their own political destiny, but in time also the destiny of Europe.

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***Dr. Heinrich Matthee** has a D. Phil. degree in political science, lectures at the University of Amsterdam, Netherlands, and is the director of JISR, a strategic advisory firm.

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