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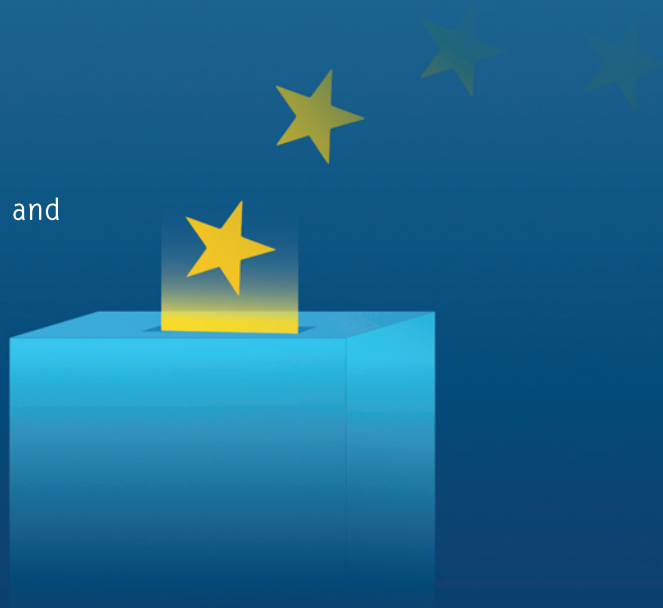
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Reforming Asylum and Migration Policies in Europe:
Attitudes, Realism and Values

Andrew Geddes and
Martin Ruhs



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European University Institute

Badia Fiesolana

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Italy

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European Parliament elections in May 2019 come at a critical time in the evolution of the EU as these will be the first elections after the expected departure of the UK (March 2019) and at a time when divergence on many issues characterises member state relations. Wider global developments weigh heavily on Europe with the return of hard geopolitics and efforts to undermine the global multilateral order. The European University Institute (EUI) wants to highlight the major issues that are at the heart of the political agenda at this juncture as a contribution to the debate. The papers are part of a wider programme on the elections including the development of a Voting Advice Application (VAA), euandi2019, and an online tool specifically tailored for mobile EU citizens voting either in their country of citizenship or residence, spaceu2019.

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Abstract

Four years after the effective collapse of the EU's common asylum system, member states remain deeply divided about how to reform and rebuild Europe's asylum, refugee and migration policies. Although the number of new asylum applications in the EU has declined sharply over the past two years – from 1.2 million in both 2015 and 2016 to 0.6 million in 2017 and 0.46 million in 2018 (Jan-Sep) – asylum and immigration have remained highly salient and controversial issues in the domestic politics of many EU member states. There has also been a marked and much publicised increase in support for anti-immigration parties. While, as we show, it would be mistaken to assume that a rising tide of anti-immigration sentiment is sweeping across Europe, it is entirely plausible to imagine that the probable low turnout at the 2019 European Parliament election could bring a cohort of MEPs to Brussels and Strasbourg keen to take an even tougher line on asylum, refugees and migration. Indeed, the idea that EP elections would one day become transnational contexts in which issues of pan-European concern were discussed and debated might be realised. However, it was probably not expected that immigration would be the issue, and neither that the parties most keen to debate on this issue would often link their opposition to immigration with a degree of Euroscepticism.

EU debates about common asylum and migration policy reforms have been highly acrimonious and deeply divisive, with little apparent consensus on anything other than the lowest common denominator of a need for greater border control. Some member states see the solution to the immigration challenge as lying in 'more Europe' (e.g. through a centralisation of the EU asylum system) and 'greater solidarity' between member states (e.g. through a redistribution of refugees across countries), whereas others appear to have given up waiting for EU policy reform and instead have pursued national or trans-national policy responses, involving just a few 'like-minded' EU member states (e.g. the joint measures by Austria and nine Balkan states in 2016 to help 'close down' the 'western Balkan route,' and proposals by Austria and Denmark to severely limit the right to apply for asylum in Europe). This has further deepened divisions and raised profound questions, not only about the meaning of 'solidarity' in Europe but also about the future of the EU and its ability to find common ground on a fundamental and, some would argue, existential policy challenge.

Given the disagreements among EU member states about the large number of proposals that have been made over the past few years, we argue that the first step toward facilitating reform is not another 'better' proposal, but discussion and agreement on the basic principles behind the EU's common asylum and migration policies. If countries do not agree on the basic principles underlying and guiding policy reform, there can be no hope of finding effective and sustainable common policies. We suggest that the principles behind EU asylum, refugee and migration policies need to speak to three fundamental issues: (i) a better understanding of public attitudes; (ii) greater realism; and (iii) more clarity about the fundamental values guiding policy reform.

Keywords

Asylum, migration, Europe

Context: From ‘greater solidarity’ to ‘the end of asylum’ in Europe

While there has been little agreement on how to rebuild Europe’s common policies on asylum and migration since the de-facto collapse of the Dublin system in 2015, there has been no shortage of policy proposals. EU member states have suggested a range of new and diverse asylum and refugee policy models that offer contrasting ideas about: the meaning and scope of the right to asylum in Europe; the resettlement of refugees from conflict regions; minimum standards of protection; assistance to and cooperation with origin and transit countries; and responsibility-sharing across EU member states. ‘Increased and more effective border control’ has been one of the few common themes and points of agreement, as was reflected in a recent EU Council decision to expand ‘Frontex,’ the EU’s border agency, by 10,000 operational staff by 2020.

Some member states have gone further and argued that there is a need to rethink the right to asylum in Europe, which they see as a major pull factor for migrants who have left their home countries for economic reasons rather than to seek protection from persecution. In an October 2018 joint ‘Vision Paper,’ Austria and Denmark proposed that asylum in Europe should only be granted if the asylum seeker is from a country neighbouring the EU or if there is no other ‘safe haven’ that is closer to the asylum seeker’s country of origin. While many European countries have long pursued policies aimed at minimising the number of asylum seekers reaching their territories, the recent Austrian-Danish proposal stands out for its explicit suggestion to drastically limit the right to asylum and protection in Europe. The Austrian Minister of the Interior has also suggested that in the medium to long term the right to asylum in Europe could be eliminated altogether.

Proposals for new asylum and refugee policies have also included a range of different measures aimed at stronger cooperation with transit countries, especially in northern Africa, in order to prevent migrants from embarking on journeys across the sea to Europe and, more generally, to reduce the number of asylum seekers in EU member states. For example, in June 2018 the EU Council recommended the creation of ‘regional disembarkation platforms’ where migrants rescued in the Mediterranean would be taken for processing. It is clear that different member states have varying views about the precise purpose of and legal framework for such platforms. While some countries see them as asylum processing centres from which people may be able to apply for protection in Europe, others have explicitly ruled out this option/function, arguing that the prospect of obtaining the right to protection in Europe would create yet another pull factor.

Proposals aimed at keeping asylum seekers away from Europe have also included ones for measures to radically increase Europe’s financial and economic assistance to transit countries, countries of first asylum and, where possible, migrants’ countries of origin. The hope is that increased aid and cooperation, especially with African countries, would reduce migration pressures in Europe.

A third area of policy reform highlighted in some proposals emphasises a need for greater solidarity and better asylum policies in Europe. One of the European Commission’s first responses to the rapid increase in asylum seekers coming to Europe in 2015 was to call for greater responsibility-sharing across EU member states, specifically in the form of an EU-wide mechanism that would re-distribute and allocate refugees across member states using an agreed distribution key based mainly on the size of countries’ populations and economies (GDP). Although the relocation policy and mechanism were agreed in 2016, very few EU countries have accepted their allocated share of refugees, with some openly opposing the policy, so that the policy quickly ended in failure. Other policy measures have aimed at building a more centralised asylum system in Europe.

This wide range of policy proposals reflects the deep divisions among EU member states on how to fix Europe’s broken common policies on asylum and refugee protection. It is easy to argue that, and explain why, the EU must not fail in its efforts to come up with more effective common policies on asylum and refugee protection, but, given the failure of the past few years, how could this be achieved?

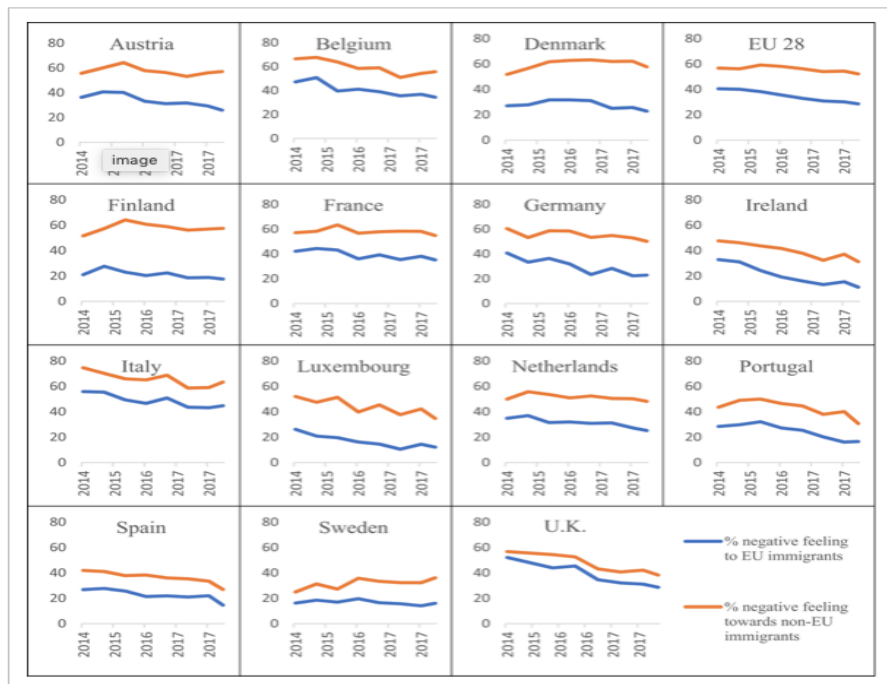
We argue that what is needed most at this stage is not another ‘better’ proposal but discussion and agreement on fundamental policy principles that should drive policy reform.

Policy principles

Understanding attitudes

To move forward with policy that can command the necessary public support, there is an *a priori* need to understand more about the drivers and structure of attitudes to migration in Europe. Perhaps surprisingly given the heated rhetoric, survey evidence shows there is not a wave of anti-immigration sentiment sweeping across Europe, although political leaders sometimes seem to behave as though there is. There are some important variations between countries, but Figure 1 shows that even during the ‘migration crisis’ after 2015 attitudes to migrants both from outside the EU and within the EU became more, not less, favourable.

Figure 1: Negative attitudes to EU and non-EU immigrants in the EU-28 and selected western EU member states, 2014–2018



Source: Dennison and Geddes (2018)

Eurobarometer. ‘Please tell me whether each of the following statements evokes a positive or negative feeling for you? Immigration of people from other EU Member States/Immigration of people from outside the EU.’ Percentages responding ‘fairly negative’ or ‘very negative.’

If Europeans are not turning against immigration, then why do we see increased support for anti-immigration political parties in many EU member states? Research shows that migration is a highly salient political issue in many EU member states and that salience correlates with support for anti-immigration political parties. Europeans are not turning against immigration; instead, high levels of issue salience amongst a significant – albeit shrinking – section of the European population play a powerful role in driving support for anti-immigration political parties.

A decline in negativity should not be understood as necessarily meaning greater receptiveness to policies that are more progressive in terms of migrants entering the territory of an EU member state and/or access to rights once admitted. There is extensive social research evidence showing that many European citizens have conservative value orientations that lead them to favour security, tradition and conformity. Arguments for more progressive policies that project onto such people other – often more audibly celebrated in EU discourse – universal values are unlikely to resonate. Moreover, while people with conservative value orientations may well not be opposed to immigration and do sympathise with the plight of refugees, they are likely to have found the chaos, disorder and discord that accompanied the so-called migration crisis disturbing.

Evidence-based realism

Our second basic principle – evidence-based realism – seeks a better-informed understanding of what individual member states, and the EU as a whole, can and cannot realistically do to ‘control’ migration and achieve certain policy objectives, and over what time frame. Maintaining and projecting state control over the scale and characteristics of immigration is important for support for, and trust in, government. A damaging aspect of the failure of European countries to deal more effectively with migration flows to Europe in recent years has been a perception that “immigration is out of control” and a consequent decline in public trust in national governments and EU institutions (McLaren, 2016). What are highly problematic, however, are populist proposals and arguments for unrealistic ‘unicorn’ solutions that are simply not available, at least not in the short to medium term. While it is important to critically reflect on what constitutes basic reality and binding constraints on government policies and policy-making, it is not difficult to find examples of recent policy proposals that promise break-through ‘solutions’ through radical paradigm shifts that involve patently unrealistic policies.

For example, the idea of external processing centres, especially, but not only, in Africa, has re-emerged as a key aspect of policy reform proposed by various European governments. Since the idea was first floated in the early 2000s, no country in the EU neighbourhood has ever been found to host such a centre. It is, therefore, not surprising that just a few months after the EU Council encouraged the European Commission in June 2018 to find countries that would host regional disembarkation platforms, Commission President Juncker declared that the idea was no longer on the European agenda, largely because no willing African partner country could be found. Even if a country could one day be convinced to host such platforms/centres, one can think of many important practical questions about, for example, what would happen if such centres filled up with migrants who could not be moved elsewhere, and how the EU would control the conditions in such centres, etc.

Another more general example of an unrealistic policy approach is many European countries’ insistence on an ‘enforcement first, legal admissions later’ approach to policy reform, i.e. the idea that we need to first reduce irregular migration and only afterwards enhance the resettlement of refugees directly from first countries of asylum or nearby conflict regions. There is an obvious political danger that the policy would deliver step 1 (enforcement) but not step 2 (more legal admissions). More effective efforts to regulate migration will also require greater co-operation with countries of origin and transit. Incentivizing (or ‘buying’) this support by providing more economic assistance is, on its own, unlikely to be enough. International migration is a domestic policy challenge in all countries, not just in Europe. To engage in effective and sustainable partnerships with African countries, Europe will have to make a ‘legal migration offer’ in the form of an increase in the resettlement of recognised refugees and, depending on the country, also more legal labour migration opportunities. An effective and realistic new system for asylum and migration in the EU requires a comprehensive approach that delivers more border enforcement, more help for countries of origin and more legal migration pathways at the same time, not sequentially as countries like Austria and Denmark have recently proposed.

A final example of an unrealistic suggestion is the idea that economic assistance and job creation in first countries of asylum will necessarily lead to a massive reduction in emigration pressures from these

countries. While economic assistance and labour market integration in first countries of asylum will undoubtedly reduce the number of migrants seeking access to Europe's labour markets, it is unrealistic to think that this policy will, on its own, lead to a large decline in migration flows to Europe. Research has shown that recent policy initiatives aimed at creating jobs for refugees in first countries of asylum – such as special economic zones in Jordan – can be hampered by political considerations in the host countries that are not dissimilar to those motivating European countries to encourage solutions in or near conflict regions rather than in Europe.

Clarifying values

A critical third principle is clarity about the fundamental values underlying and guiding policy reform. Values are needed to provide pragmatic policy responses with boundaries (or 'red lines'). While it may be necessary and desirable to debate and potentially change the norms and values underlying current policy approaches (i.e. those associated with the Geneva Convention and relevant European asylum laws and policies), a fundamental problem with some of the recent proposals has been what appears to be an absence of recognisable 'red lines.'

For example, the Austrian-Danish proposal envisages limiting the right to asylum in Europe on the basis of the argument that European countries' current asylum policies centred on the Geneva Convention are no longer suited to addressing the asylum and protection challenges of the 21st century. The core idea is to shift the policy focus away from assisting migrants who have the resources and are physically strong enough to migrate and apply for asylum in Europe to providing more effective protection to 'the most vulnerable migrants' in countries of first reception near conflict areas. This is to be done primarily through more economic assistance for regions of origin and stricter enforcement of the external EU border, partly through the establishment of 'disembarkation platforms' in Africa where migrants rescued in the Mediterranean would be taken and from where it would not be possible to apply for protection in Europe. If implemented, these new policies would clearly violate current norms about the right to apply for asylum and *non-refoulement*. While it is important to debate new ideas such as those in the Austrian-Danish vision statement, we also need more much more clarity – and honesty – about the ethical implications and issues at stake. What are the new (or modified) 'European values' that guide and constitute the new 'red lines' of the EU's asylum and refugee policies? What are the normative limits that circumscribe and constrain pragmatic new policies toward asylum seekers, refugees and other migrants?

Similar questions can and should be asked about cooperation between the EU (and some of its member states) and transit countries outside the EU. A central plank of EU efforts to reduce irregular migration to Europe has been to support transit countries, e.g. in northern Africa, to help prevent departures, which often involve dangerous boat journeys across the Mediterranean, to Europe. There is considerable evidence to show that some of the policies and measures implemented by transit countries and supported and financed by the EU have involved grave violations of migrants' fundamental rights and security. As the EU and many of its member states are rapidly increasing their financial assistance and support to African countries, it is important to ask how much control Europe retains over how exactly these resources are used, and to what extent the migration control measures implemented by non-EU countries as part of cooperation agreements with the EU are in line with the fundamental values of European countries.

To be clear, our primary concern here is not with legal issues, e.g. whether or not a particular new policy proposal is compliant with current EU and international laws and norms, but with moral and normative issues that underpin both the overall approach and specific new measures in new policy proposals. One of the fundamental challenges for any asylum and refugee policy is how to deal with the common tension between providing asylum and protection for refugees on the one hand and maintaining the integrity of general immigration controls on the other. Clarity and honesty about fundamental values and normative 'red lines' are needed to debate and respond to this tension systematically and effectively.

Conclusion

How to rebuild its common policies on asylum and refugee protection in an effective and sustainable manner is a defining question for the European Union. This is a fundamental test of the EU's ability to respond to rapid socio-economic changes and to facilitate common policy responses that add value to national policies. Given that the EU member states have disagreed on virtually all of the recent new policy proposals made by member states and the EU institutions over the past four years, we have argued that the most productive way forward is not to discuss another 'better' policy package but to focus on the fundamental principles that are meant to guide and drive reform. We have suggested three fundamental questions and principles that relate to: (i) understanding public attitudes; (ii) the degree of realism in policy proposals and responses; and (iii) the fundamental values that underpin and constrain new policies. Without agreement on these fundamental policy principles there is little hope that the European Union will be able to break the current deadlock over the future of its common policies on asylum and immigration.

References

- Austrian Ministry of the Interior and Danish Ministry of Immigration and Integration (Oct 2018) "Vision for a Better Protection System in a Globalized World," available at <http://uim.dk/filer/nyheder-2018/vision-for-a-better-protection-system-in-a-globalized-world.pdf>
- Dennison, J. and A. Geddes (2018) "A Rising Tide? The Salience of Immigration and the Rise of Anti-Immigration Political Parties in Western Europe," *The Political Quarterly*, Early View, <https://onlinelibrary.wiley.com/doi/10.1111/1467-923X.12620>
- McLaren, L. (2016) *Cause for Concern: The Implications of Immigration for Political Trust*, London: Policy Network, <http://www.policy-network.net/publications/3889/Cause-for-concern?-The-impact-of-immigration-on-political-trust>
- Ruhs, M. and M. Barslund (Oct 2018) "Reforming Europe's refugee policies: The Austrian-Danish plan will not work," Euronews, <https://www.euronews.com/2018/10/11/reforming-europe-s-refugee-policies-austrian-danish-plan-will-not-work-view>