

Migration: Across the universe

In 2015, a record number of migrants reached the European Union, prompting urgent discussion of the Common European Asylum System, the responsibility and solidarity of Member States, and the impact of migration on our societies. But this discussion is neither new nor unknown elsewhere, leading to the possibility to share experiences and learn from each other.

Migration management in the EU

Due to war, conflict and instability in Europe's neighbourhood, the surge of migrants arriving in the EU has reached record numbers over the past two years. In 2015, 1.83 million irregular border crossings were [detected](#) at the EU's external borders – six times more than in 2014 and 17 times more than in 2013. Although not all those arriving in the EU irregularly are refugees who ask for international protection (asylum), [data](#) for 2015 indicate that roughly 1.25 million people applied for asylum in EU Member States.

The conditions for recognising a person as a refugee are set out in the [1951 Geneva Refugee Convention](#), which currently binds 148 states across the world, including all EU Member States. Its key element is the principle of [non-refoulement](#) which prohibits refugees being returned to a country where their life or freedom is at risk.

Asylum in the EU: the Dublin system

While Member States are in charge of processing asylum applications in accordance with their national laws, the EU has set common standards under the Common European Asylum System ([CEAS](#)). Within this system, the [Dublin Regulation](#) establishes the country responsible for processing a request. By default it is the first country of entry. Migrants arriving in countries at the EU's external borders, such as Greece, Italy, Malta and Hungary, led to their national asylum systems becoming overburdened and as a result, [poor conditions](#) for asylum-seekers and lower [recognition rates](#) in those countries. As a consequence, many asylum-seekers travel to other EU countries where they believe they will find better conditions and a higher chance of a successful application. This created a situation where only five of the 28 Member States – Germany, Sweden, Austria, France and Italy – received 75% of all first time [asylum applications](#). In this context, [commentators](#) suggested that the situation could be best addressed through greater EU support and solidarity from Member States less affected. The Commission announced a revision of the Dublin system in April 2016.

Irregular migration and border control

In addition to asylum-seekers, who come mainly from Syria, Afghanistan and Iraq, the migratory flows include irregular migrants who try to escape poverty in their country or try to find better prospects for the future. The mixed flows complicate the work of border authorities: while asylum-seekers must be [allowed entry](#) at the borders to seek help, irregular migrants can be [refused entry](#). Faced with enormous migrant flows, several EU countries resorted to closing their borders to all migrants, including asylum-seekers, which is incompatible with their commitment under international refugee law to provide international protection.

Legal migration

But people's mobility is not confined to fleeing war or poverty. Many people move to other countries legally to work, study or join family members. In the EU, these movements by third-country nationals are covered by the legal immigration framework. The EU's long-term goal is to develop a new policy on legal immigration, which should reduce the incentive to use irregular channels to reach Europe. This could be achieved, for instance, through reviewing the rules governing the entry of third-country workers, students and researchers, as well as improving the recognition of qualifications. Welcoming a [migrant workforce](#) can also be beneficial to the EU's economy, not least because the European population is aging and its economy depends more and more on high-skilled jobs.

This note has been prepared for the [European Youth Event](#), taking place in Strasbourg in May 2016.



Looking for a comprehensive response: the European Agenda on Migration

The European Commission, recognising that all those aspects of migration should be addressed in a holistic, coordinated manner, presented a [European Agenda on Migration](#) in May 2015. It included proposals to address the reasons for irregular migration, save lives and secure the external borders, build a strong asylum policy and review the system for legal migration.

Besides legislative and procedural changes that Member States may need to make in order to respond to the new migratory pressure and to comply with the common agenda, cities and regions are also faced with the challenge of integrating newcomers into their societies. Integration is a complex, two-way process that can be facilitated through [education](#) fostering tolerance, respect and peaceful co-existence. The same conclusion is reached in the European Parliament's 19 January 2016 [resolution](#) which stresses that teaching intercultural dialogue is a powerful way to manage conflicts and to develop a deeper sense of belonging.

Asylum practices from around the world

Europe is, of course, not the only region in the world in search of solutions that strike the right balance between humanitarian obligations and social cohesion in the host countries. Lessons could be learned from the [top three countries](#) resettling refugees, both from their successful practices and their challenges.

United States – refugees vs 'asylees'

The [United States of America](#) is the leader in receiving refugees resettled through the United Nations Refugee Agency ([UNHCR](#)), which means the US grants protection to people who are not currently on their territory but who have already been recognised as refugees. However, it distinguishes refugees from 'asylees', i.e. people claiming refugee status while already (irregularly) present in the US or at its borders. The chances for those asylum-seekers to have their claims recognised are low and the system is criticised for being arbitrary. Moreover, they can be detained during an asylum process that can last for months or years – a serious problem which human rights organisations have repeatedly pointed out. But even when asylum-seekers are not detained, they receive no financial support, nor are they allowed to work until their claim for asylum has been accepted. This puts the asylum-seekers in a very difficult situation, which in other countries is alleviated through establishing minimum standards for reception, including access to housing, healthcare and education for children.

Canada – private sponsorship of refugee programmes

[Canada](#) has traditionally been a leading nation in resettling refugees through the UNHCR. It is also one of the first to have an alternative mechanism for providing asylum without overburdening the state's financial and organisational support. Through a Refugee Sponsorship Program, private sponsors provide the necessary settlement assistance, including help with housing, food and clothing, as well as finding employment. According to statistics, in 2013 the number of privately sponsored refugees surpassed the number of refugees in the Government-Assisted Refugee Program which – some commentators argue – is contrary to the logic that private sponsorship should only complement state-led refugee intake. But what most worries commentators is the fact that the country's new asylum system includes the mandatory detention of irregularly arrived migrants, sometimes for extended periods and in prisons. Similarly as with the US, this has raised severe criticism from human rights organisations.

Australia – deterring irregular migration

Although [Australia](#) ranks in the top three countries resettling refugees through the UNHCR, Australia is very restrictive in granting protection to asylum-seekers entering the country irregularly. It has put in place a highly deterrent policy on irregular migration, which includes turning back boats into international waters, detaining all irregular entrants, processing their claims 'offshore' (in third countries such as Papua New Guinea, Nauru or Cambodia) and resettling those who have been recognised as refugees by other countries. Although this approach has managed to reduce the number of people dying on the high seas while attempting to reach Australia, it has been criticised for breaching obligations under international refugee law and not respecting the fundamental rights of migrants. For comparison, recent [case law](#) of the European Court of Human Rights appears to confirm that a similar policy approach would not be possible in the EU due to its going against the principles enshrined in the European Convention on Human Rights ([ECHR](#)).