



Why not triple ?

Three pledges towards a progressive migration policy

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For several years progressive political forces have been looking for possibilities to break out from their at best defensive, but rather silent approach on migration policies. Shifting the discourse to enhance measures giving more visibility and oversight over the profile of migrants arriving to EU territory could be one of the opportunities to become agenda setters on this field.

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“Double the border patrol. Sounds good, sounds tough. Why not triple it?”
(The West Wing)

While it is no secret that yearly thousands of people die on the sea trying to reach Europe, - after a period fully dominated by the financial and economic crisis – it took a mass tragedy of 350 deaths to bring the issue of migration comes again in the forefront of the EU agenda. Or, at least, it seems so from the rhetoric following the European Council of October 2013 and from the European Commission Communication on the work of the Task Force Mediterranean. In his statement President Barroso called for *“a stronger response from the European Union to reinforce search and rescue operations; to help the frontline Member States which are most exposed to the situation; to work with countries of origin and transit to manage migration flows; and to fight against organised crime and human trafficking.”* These issues are reflected in the five main areas of action defined by the Task Force.¹

However, a deeper analysis of the Communication leads to the affirmation that the call for these measures is merely a further reinforcement of the hypocrisy and cynicism that reigned over this policy field in recent years. As one of the most striking examples, one can cite the disproportionate focus on assisting third countries in strengthening their national systems while the reinforcement of the systems of Member States is only briefly mentioned. It is a fact that in public political discussion migration is a highly emotive issue. But explicitly or implicitly the current expectation is to somehow decrease the number of people entering Europe. Even though the Communication acknowledges this fact, the focus and hierarchy of the proposed measures do not contradict this perception. This entails the risk that in the run up to the European elections, bidding will start on who proposes the most effective measures to keep the borders under even higher surveillance. However, this approach will not allow us to better understand who enters the territory of the European Union. It is merely a hazardous and nontransparent manner to somehow try to keep the appearance of being in control. It is high time to accept that migrations flows cannot be stopped. Indeed, as it is often quoted, there are linkages between migration and development. Nevertheless, as many studies have already pointed out, development will in fact alter and enhance migratory movements. But currently there are still far too many measures that pressure migrants – be it economic migrants or asylum seekers – to remain undocumented. In return, this further fuels anti-immigrant and often racist populist discourse.

It has been several years that progressive political forces have been looking for possibilities to break out from their at best defensive, but rather silent approach on migration policies. Shifting the discourse to enhance measures giving more visibility and oversight over the profile of migrants arriving to EU territory could be one of the opportunities to become agenda setters on this field.

¹ These are the following: 1) Actions in cooperation with third countries; 2) Regional protection, resettlement and reinforced legal avenues to Europe; 3) Fight against trafficking, smuggling and organised crime; 4) Reinforced border surveillance contributing to enhancing maritime situational picture and to the protection and saving of lives of migrants in the Mediterranean; 5) Assistance and solidarity with Member States dealing with high migration pressure.

New channels for labour migration

Achieving more visibility in terms of labour migration will be one of the main challenges. There are still but few legal ways to enter Europe with the purpose of working there, while many national economies are largely abusing the fact that there are undocumented migrants taking up certain mainly low skilled jobs. Additionally, populist forces are using the fact that there is ambiguity on the extent of undocumented migrants' access to rights to claim that there is a mass wave of foreigners abusing the welfare measures. In the meantime, the little evidence we have points exactly to the opposite direction. Nevertheless, as emotions often prevail on facts concerning this field, encouraging discussion on opening up new channels of labour migration will be one of the most difficult tasks of the new Commission. Under its new narrative of establishing more visibility, the left could definitely take on this challenge. It could face the populist slogans claiming more security on their own battlefield: more oversight and more information means also greater security. Instead of being hypocritical on undocumented migration, more clarity on migrants' numbers and profiles should be also reassuring to the public.

The Communication also endorses that *“(t)he EU and its Member States should continue to explore further possibilities to open legal channels (...)”*. However, the patch-work approach of the different Directives, applicable only to certain groups of migrants, risk that confusion will prevail instead of greater transparency.

In relation to this issue, the rights of migrant workers should also be enhanced. Recently, there have been some discussions around the idea that restricting access to contributory welfare benefits might make it more acceptable to the public to accept opening up labour migration and perceive it more just. As much as this is an interesting finding, progressives should keep in mind that this can still lead to the marginalisation of migrant workers. Furthermore, in a hostile environment towards migrants, the public perception will be always that there is an abuse of rights. It is enough the mention as an example the recent uproar against welfare tourism in the UK, which was in the end not at all supported by facts. Contributing to the society in the same manner as citizens should be in itself the basis for ensuring equal rights.

Strengthening European and national asylum systems

Currently, with the main objective to restrict labour migration, Europe is sinking more and more in its security approach, preventing people seeking international protection from reaching the continent. In this situation, it is deceptive to call for closer cooperation with countries of origin and of transit. The most recent flows from the sea included people fleeing such conflict zones as Syria or Eritrea which is described as an “open air concentration camp”. It would come as a surprise if the European Union would work on managing migration flows with such countries or transit countries as Sudan, Egypt or Libya. Nevertheless, this is the objective stated in the Communication, while fighting against corruption and ensuring respect for human rights should be a general objective in relation to these

third countries. Until these issues are tackled effectively, it would be naïve to think that strengthening national capacities of third countries will improve the quality of the procedures.

Unclear provisions on asylum procedure are contributing to the fact that these procedures are often burdensome and ineffective. This pushes many of the asylum seekers not to claim international protection right away. The nontransparent asylum procedures and the criminalisation of migration favour that even those who would be in need of international protection would prefer an undocumented status than expulsion after a kafkaian procedure – even if it is against international law. Additionally, the ambiguity around the implementation of these rules lead to confusion on the Member States' obligations as well. At a recent seminar, a politician representing a Member State's region stated that due to the legislative jungle, for a long period they believed that the detention of asylum seekers – an inhumane practice weighing heavily on state budgets – was an obligation imposed by the EU on every Member State. Hence, the left could take the lead to make these rules more transparent with the aim of better overseeing migration flows and be more responsive to the concrete needs.

While there is a general call for more solidarity between Member States, it was indeed the European Council that refused the proposed mechanism in the Dublin III Regulation which would have allowed for the temporary suspension of Dublin transfers. The issue of burden sharing was not addressed. While the new article 33 may offer some guarantees, the required preventive action plan and crisis management plan is only a short term solution. The system is built on the presumption that standards are applied in a unified manner in each Member State. However, this could only be possible if the whole asylum system were under EU competence. Until then, in order to ensure high, transparent standards the emphasis should be put on strengthening national systems as well as ensuring financial support for those Member States that are facing the majority of arrivals.

High standards for asylum procedures

Many issues around the asylum procedures are perceived to be merely technical. While in the end, these are some of the most important provisions that will decide who can remain on EU territory. Still, the recent report "Not there yet" from ECRE pointed out several problematic issues. One of the most worrying tendencies is the cuts that affected the availability of legal aid for asylum seekers. Without access to free and effective legal aid the quality of the procedure is seriously compromised which will in turn lead to lengthier procedures and a vast increase in procedural costs. In order to make sure that the rights of asylum seekers and the procedural guarantees prescribed in the Asylum Procedures Directive are fully respected access to free, quality legal aid should be available in all EU Member States. This is even more the case in those countries that are currently in the frontline of migration flows. By making the procedure shorter and more cost effective, this measure would be essential in easing the case burden these countries face.

Access to and the quality of Country of origin information (COI) is also a crucial element of the procedure with a strong influence on the final decision. Hence, it would be strongly argued to politicise the newly emerged concerns around COI, namely the acceptance of social media as

possible source for COI. As the Asylus network points out, since asylum claims are extensively counterchecked to the available COI, enlarging the scope of information resources would allow for a better scrutinised, more balanced and more efficient decision-making. There are concerns about the reliability, accuracy and verification of these sources. However, in many cases, with restricted access for media or humanitarian organisations, official information is lacking from conflict zones. In these circumstances, the evaluation of available social media resources would be essential. With the still remaining uneven burden sharing among Member States, this would be extremely relevant for a more transparent procedure. The European Asylum Support Office (EASO) published its methodology guiding the drafting of COI and launched its first report on Afghanistan in July 2012. Indeed, one of the criticisms it received was that it failed to recognise the scarcity of official information in some instances. It should be also taken into account that conflict situations are changing extremely rapidly, where social media can be more relevant in following the events more closely. In light of these considerations, broader discussions should be held on the acceptance of social media in the use of COI, than merely putting these sources in the gray zone, which requires more careful analysis. Progressives have so far left this issue to purely technical debates, when enhancing the accurate use of social media in COI could be one of the flagship initiatives aiming to increase the effectiveness of asylum procedures. Furthermore, this pledge is embedded as well in the claim of access to information, a key dimension in the current debates on strengthening rule of law and democracy.

There is enough hypocrisy. Decreasing migration with stricter boarder control is a false promise. The only achievement of this approach was more deaths at sea and an increase in the number of undocumented migrants. It criminalised migration in itself and widened divisions between “us” and “them”. This could be one of the reasons for the half-hearted integration policies as well. Migrants are often kept on the margins of the society. The (far) right was successful in framing the debate by pitting the most marginalised groups against each other - the local poor and the new arrivals - while many of their concerns are similar. For progressives, migration policies should not be about numbers. The process of both labour migration and seeking for international protection should be guided under one of the core progressive values, as described by the FEPS Next Left research programme. The aim should be the empowerment of persons - both locals and migrants - to have a fulfilling life. It is about knowing with whom we work together for a coherent society. The three pledges listed in this article would bring us a step closer to this.