

# **Capstone Project Policy Paper**

“G2: Should the EU develop a common migration policy? On what conditions should this be based? What could be its distinguishing features?”

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## **Group 6**

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## 1. Introduction

In the past 20 years, migration flows of non-EU citizens towards Europe have been increasing. To this end, the EU has proposed, in September 2020, an ambitious New Pact to tackle migration.<sup>1</sup> Indeed, this paper supports the idea of a common European migration policy. However, it is clear that the plan has been contentious amongst member states and thus ameliorations must be suggested. In light of this, the project considers all stages of the migration process, and attempts to suggest simple, yet effective policies which would not only benefit the migrants but facilitate the enactment of said policy. Therefore, the paper is divided into four parts. The first two units aim to improve the migrants' journey and the EU response to migration itself, while the second two sections suggest policies that would aid the application and effectiveness of the Pact.

Before delving into the Pact itself, it is important to understand the legislative background underlining this paper. Art. 79 and Art. 80 of the Treaty on the Functioning of the European Union (TFEU) introduced a common migration policy.<sup>2</sup> The Treaty of Lisbon (2009) reinforced a legal basis for its implementation. In 2020, the New Pact on Migration and Asylum was proposed by the European Commission, with the aim of introducing more effective procedures and ensuring a functionable balance between responsibility and solidarity. The necessity of a common policy on migration at least in some common problems clearly emerges from this setting. However, several issues persist and might be exacerbated in the COVID-19 aftermath. Four different problematic areas of policy intervention have been detected and are discussed in the following sections: Cooperation Outside the EU, Border Security and Border Management, Solidarity, Integration.

## 2. Cooperation Outside the EU

### *Current Approach and Policy Deficiency:*

An important aspect for migration policy to be effective within the EU is cooperation with the origin countries of migrants. According to the EU's New Pact on Migration and Asylum published in 2020, the EU will address this through focusing on two main policy areas: "Reinforce the fight against migrant smuggling" (no. 5), including combating criminal networks, supporting law enforcement and cooperating with third countries, and "Working with our international partners" (no. 6), which implies maximizing the impact of partnerships, protecting people in need, addressing root causes of irregular migration, strengthening migration governance, fostering cooperation on readmission/reintegration, and developing legal migration pathways.<sup>3</sup>

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<sup>1</sup> European Commission, 2020a.

<sup>2</sup> Raffaelli, 2016.

<sup>3</sup> European Commission, 2020a.

According to Europol, more than 90% of the irregular migrants that reach the EU do this through smugglers.<sup>4</sup> This implies that there is still a strong demand and that networks continue to operate despite current policies. One main reason for migrant smuggling and unsafe pathways is the existence of severe distress that forces people to leave their homes, leading to opportunities for smugglers to profit from the transportation or facilitation of the irregular entry or stay of an individual in the EU. Importantly, demand is also high since increased border controls and restricting policies have made it harder to cross frontiers illegally, thus supporting said profit.<sup>5</sup> This is a highly complex challenge to solve as the smugglers use various intermediaries, new digital communication technologies, document fraud, and human trafficking.<sup>6</sup>

*Policy Recommendations:*

The EU therefore needs to continue focusing on a common policy to reduce smuggling while protecting migrant rights. They should expand cooperation with origin countries to combat these very networks, through law enforcement, better information exchange, and data sharing. In addition, more attention must be placed on promoting legal pathways, which could be done through creating job opportunities in sectors where Europe currently has a deficit, e.g. health care workers, engineers and IT professionals or occupations with less formal skills.<sup>7</sup>

The EU should also focus on better understanding the root causes of irregular migration flows. These include factors such as poverty, economic trends, and political instability, with the growing threat of climate change probably being one of the biggest causes in the future.<sup>8</sup> Yet, there is currently no definition that guarantees international protection by law for people fleeing from countries affected by climate catastrophes.<sup>9</sup> The EU should therefore develop a clear definition and legislation for climate refugees to ensure their safety.

In this case, a unified policy is necessary. If the smugglers find a gap, they will easily move their businesses there. Likewise, processes must be set and clear for how climate refugees are to be handled, implying even implementation of the legislation across member states.

### **3. Border Security and Border Management**

*Current Approach and Policy Deficiency:*

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<sup>4</sup> Europol, 2021.

<sup>5</sup> European Parliament, 2021.

<sup>6</sup> European Commission, 2020a.

<sup>7</sup> Johansson, 2021.

<sup>8</sup> Bersin, 2021.

<sup>9</sup> European Parliament, 2019.

The New Pact states that a well-functioning migration policy requires a European Integrated Border Management, which currently consists of member states coast- and border guards and Frontex<sup>10</sup>, with the latter being most important. Frontex (*The European Agency for Management of Operational Cooperation at the External Borders of the Member States of the European Union*) has huge control over the fate of migrants attempting to enter Europe. However, rescue operations are currently a secondary task.<sup>11</sup>

Since its creation in 2004, Frontex's activities have been heavily criticised, with the main critique being the agency's contextualisation of migration and asylum as a security threat to the EU.<sup>12</sup> Particularly, Frontex has failed to protect people from human rights violations. European NGOs, including Human Rights Watch, have repeatedly highlighted that migrants are forcibly pushed back across the border, access to asylum is temporarily suspended, while illegal pushbacks are often covered up. However, as an EU agency, Frontex must operate in line with the European Convention on Human Rights and the EU Charter of Fundamental Rights, which includes the right to asylum. Thus, Frontex is obliged to implement effective tools to ensure fundamental rights.<sup>13</sup> Inappropriately, this New Pact only briefly mentions rescue operations while their main tasks are still tailored to the security and protection of the EU.

*Policy Recommendation:*

Frontex has been given increasing powers over the last 15 years and has been mandated to establish a permanent corps of 10,000 border guards by 2027.<sup>14</sup> Thus, it has the resources to both protect European borders and human rights equally. However, for Frontex to fulfil this task, the following modifications need to be made. Firstly, and although briefly addressed in the New Pact, cooperation between Frontex and NGOs operating at the EU's external borders must be strengthened. Protection and rescue operations can be better carried out when different groups, although stationed in the same place, work together. This could give greater resources to Frontex and reinforce relations between organisations operating in the coastal member states and the rest of the EU through NGOs. Second, it is imperative to retrain coast guards. This means redefining migrants and asylum seekers as individuals to be protected rather than security threats. Third, to prevent illegal pushbacks from being covered up, a new legal framework needs to be put in place to ensure more transparency. However, to truly ensure effectiveness, it is vital that this surveillant body functions independently of Frontex.

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<sup>10</sup> European Commission, 2020a.

<sup>11</sup> Frontex, 2021.

<sup>12</sup> Léonard, 2010.

<sup>13</sup> Human Rights Watch, 2021.

<sup>14</sup> Human Rights Watch, 2021.

## 4. Solidarity

### *Current Approach and Policy Deficiency:*

In accordance with art.80 of the TFEU, the New Pact provides for solidarity in favour of member states under pressure, through relocation, return sponsorship or other measures.<sup>15</sup> This system presents several issues, especially in relieving the burden of frontline countries (e.g., Italy and Greece), which require special attention as they are the main first-destination countries for immigrants.

Since cooperation difficulties with Third Countries make return sponsorship problematic, relocation appears as the most effective solution to reduce pressure on frontline countries. However, in many cases, less demanding solutions are preferred to this.<sup>16</sup> Furthermore, the relocation mechanism is established for asylum applicants and extended to refugees or irregular migrants only in situations of pressure or crisis,<sup>17</sup> creating a two-fold issue: migration flows are erroneously considered as emergencies rather than cyclical problems and corresponding solutions normally exclude a large share of migrants.

### *Policy Recommendations:*

Relocation might become binding and possible solutions could involve sanctions or economic incentives for reception facilities or capacity building. However, both sanctions and incentives might not be as effective as expected, since, in some countries, migration is still perceived as an issue for the domestic economy and labour market.<sup>18</sup> Furthermore, sanctions might entail lengthy diplomatic processes, while incentives entail high costs.

A more effective solution to incentivize relocation would be changing its current criteria.<sup>19</sup> In the New Pact, the distribution key is calculated as follows: size of the population (50%) and total GDP (50%), considering also unemployment rates and previous solidarity. Better results would be achieved by increasing the weight of the national economic framework to 70% of the distribution key, to relocate immigrants according to the potential capability of a member state to successfully integrate them.<sup>20</sup> GDP per capita and the Gini Index should substitute total GDP, to account for inequalities. Together with unemployment rates, economic conditions should include a wider assessment of the national labour market, to ensure that it is able to absorb the new labour force. This would include the analysis of wages and minimum wages. Labour market tightness (calculated with the unemployed-to-job openings ratio<sup>21</sup>) should also be considered, to check for imbalances in labour demand and supply.

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<sup>15</sup> European Commission, 2020b.

<sup>16</sup> Scuto, 2021.

<sup>17</sup> European Commission, 2020a.

<sup>18</sup> Dennison and Dražanová, 2018.

<sup>19</sup> Altemeyer-Bartscher *et al.*, 2016.

<sup>20</sup> Weiner, 1996. Calvo Buezas, 2018.

<sup>21</sup> Furman and Powell III, 2021.

Countries with higher skepticism towards relocation usually have lower economic performance in the aforementioned measures. The proposed policy would assign less migrants to these states than with the present weighting system. More countries would then be incentivized to adopt relocation rather than more costly options, leading to higher unification in implementing solidarity towards frontline states. However, this has weaknesses. In fact, States might act on the economic criteria used in the analysis with the direct intention of avoiding high shares of relocated immigrants. Though, it is expected that political pressure exercised by citizens on these themes will offset this reaction. Yet, it is important that the EU acknowledges this risk and takes parallel measures to countervail it. Finally, refugees should always be eligible for relocation to ensure the limitation of the burden on frontline countries. The number of relocated migrants would therefore increase, but the introduction of more exhaustive distribution criteria would allow more efficient redistribution.

## **5. Integration of Settled Migrants**

### *Current Approach and Policy Deficiency:*

Integration is one of the main issues facing the EU Migration Pact. Politicians in Hungary and Poland cite non-assimilation as the central point of opposition towards the Plan.<sup>22</sup> Indeed, surveys show that some Europeans hold these same fears.<sup>23</sup> Thus, supporting integration is key to the successful implementation of the EU Migration Pact. It must be stated however, that it would simply go beyond the scope of this paper to deal with all the issues of integration, thus only one important solution will be proposed.

In the Migration Pact, the EU stated it was specifically vague to allow countries to create bespoke solutions to their own needs. However, this is a weakness of the plan, as in some areas a common EU policy would be beneficial. A basic review of the literature shows that one of the biggest obstacles blocking integration amongst migrants is the EU's inadequate language training policies.<sup>24</sup> Indeed, many scholars have noted that providing migrants with language tuition to an advanced level (C1) is absolutely crucial to ensure that they can integrate, function, and work in their respective societies.<sup>25</sup> It has been shown that migrants with only a B1 (low-intermediate) level in their respective country's language blocks them from obtaining work in the tertiary sector, discourages them from interacting with native populations, and increases their risk of being financially exploited and discriminated against.<sup>26</sup> Indeed, many linguists and migration experts note that without adequate

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<sup>22</sup> Daly, 2021.

<sup>23</sup> Bevelander and Petersson, 2014.

<sup>24</sup> Franzke and de la Fuente, 2020.

<sup>25</sup> Pulinx and Avermaet, 2017.

<sup>26</sup> Ibid.

language proficiency, integration is incredibly difficult, if not impossible.<sup>27</sup> Moreover, it has been documented that some people hold unfavourable views towards those who do not speak their language fluently.<sup>28</sup> However, the current policy suggested by the EU does not specify actual level goals (such as the CEFR scale). Instead, it vaguely advises increasing the learners' level somewhat, instead of a comprehensive system for all echelons.

*Policy Recommendation:*

The policy proposed in this paper is to introduce a framework for migrants to attain a C1 level in the language of their host countries, so they can properly integrate. While this solution may seem simple, it is deeply important, as previously shown. Indeed, current policies are ad-hoc, while this proposal should be EU wide. In France for example, the State offers three months of language training, which is only enough to attain a B1 level. The proposed policy would lengthen this training by several more months to give learners adequate linguistic skills. With sufficient language courses, migrants would be better equipped to integrate by joining the labour force, mingling with native populations, and generally navigating their respective countries. For this reason, the EU should encourage and provide funding for language courses to give all migrants the opportunity to achieve an advanced level.

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<sup>27</sup> Franzke and de la Fuente, 2020.

<sup>28</sup> Ramírez and Biziewski, 2020.



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