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# TASK FORCE

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Rethinking EU Policy Towards Refugees and  
Asylum Seekers in a Time of Emergency

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# **Rethinking EU Policy Towards Refugees and Asylum Seekers in a Time of Emergency**

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## **Glossary**

CEAS - Common European Asylum System

ECRE - European Council of Refugees and Exiles

ESF - European Social Fund

ESR - Economic and Social Research Institute

EU - European Union

EUAA - European Union Agency for Asylum

EURODAC - European Asylum Dactyloscopy Database

FRA - European Union Agency for Fundamental Rights

IZA - Institute for the Study of Labor

MENA - Middle East and North Africa

MPRIC - Multipurpose Reception and Identification Center

MOU - Memorandum of Understanding

MS - Member States

NGO - Non-governmental Organization

RIC - Reception and Identification Center

SAR - Search and Rescue

UNHCR - United Nations High Commissioner for Refugees

UNICEF - United Nations International Children's Emergency Fund

TFEU - Treaty on the Functioning of the European Union

WHO - World Health Organization

## **Executive Summary**

*Rachel Blair*

As violent conflicts intensify and the COVID-19 pandemic persists, refugees and asylum seekers fleeing Africa, the Middle East, Asia, and most recently eastern Europe are desperately attempting to make their way to the EU. The EU's geographical proximity to these regions along with its resources and relative stability present it with an opportunity to fulfill its humanitarian duty by welcoming refugees and helping them rebuild their lives. The EU has instead responded to the current refugee emergency with deterrence policies rooted in rampant xenophobia and is consistently failing to uphold the international legal rights of refugees and asylum seekers established by the 1951 Refugee Convention. The EU and its Member States—most of whom have ratified the 1951 Refugee Convention—are turning their backs on already vulnerable refugees and asylum seekers through externalization, negligence in addressing dangerous migration conditions, inadequate support for refugees in the midst of a public health crisis, uneven distribution of responsibility amongst Member States, and insufficient long-term resettlement and integration support. For the European Union to holistically protect the safety and international legal rights of refugees and asylum seekers, it must respond to refugee emergencies with human rights and sustainability at the center of its policies.

## Recommendations

This Task Force recommends the following actions to the European Union and its institutions:

1. Better support countries that neighbor refugees' and asylum seekers' countries of origin by:
  - a. Supporting local NGOs that provide resources and information to refugees in Turkey and other neighboring countries.
  - b. Holding up its end of the EU-Turkey Deal.
  - c. Withdrawing funding from Libya and allocating it to programs dedicated to refugee welfare in the Global South.
  - d. Revoking Libya's Memorandum of Understanding before it is automatically renewed in 2023.
  - e. Increasing funding for beneficial programs such as Morocco's Comprehensive Response Plan of Action of 2019.
  - f. Standardizing the EU's criteria for safe third countries and holding safe third countries accountable for meeting those standards.
2. Protect refugees' and asylum seekers' human rights during their journey to the EU and upon their arrival to EU borders by:
  - a. Adopting a policy to decriminalize NGO search and rescue (SAR) operations.
  - b. Ensuring that a SAR mandate is prioritized and adopted by all Frontex and EU maritime operations.
  - c. Establishing an independent border monitoring mechanism that is separate from national authorities to investigate allegations of fundamental rights violations at and around borders.
  - d. Establishing additional safe and legal pathways by, for example, increasing the availability of "complementary pathways" for admission through resettlement programs.

- e. Supplying funds to the UN to provide basic supplies such as face masks, sanitizing products, and COVID-19 test kits to refugee camps.
3. Adopt a more cohesive and humane policy approach to refugee emergencies by:
    - a. Ensuring that the EU Council and Commission establish a proactive policy norm for emergency situations.
    - b. Eliminating external aid conditionality for perimeter EU Member States.
    - c. Implementing policies that quantifiably distribute responsibility between EU Member States, on the order of the Temporary Protection Directive.
    - d. Overhauling policy to allow more flexibility with pan-European travel (Schengen agreement) and application to asylum across EU countries (Dublin III Regulation).
  4. Support successful and sustainable refugee resettlement by:
    - a. Centering EU resettlement policies on protecting the human rights of refugees.
    - b. Reallocating EU funding and focus from migration control towards efforts for resettlement across all Member States.
    - c. Increasing funding for the EU Agency for Asylum to advance resettlement efforts.
    - d. Passing the European Union Resettlement Framework.
  5. Support successful and sustainable refugee integration by:
    - a. Increasing regular monitoring of integration efforts within local communities.
    - b. Including refugee voices in the New Pact's proposed Eurobarometer for integration.
    - c. Allocating more funds from the European Social Fund and Erasmus+ to Member States with more refugees.
    - d. Partnering with relevant UN agencies to create more educational programs about the difficult situations that refugees face to eliminate prejudice against them.

- e. Reinstating the annual EU Digital Literacy week to eliminate disinformation about refugees.
- f. Implementing cultural literacy education programs in schools.
- g. Working with social media companies to address disinformation.
- h. Eliminating employment ban policies across Europe.
- i. Implementing more work training programs.
- j. Expediting professional retraining programs.
- k. Implementing a policy to ensure that informational materials (e.g., pamphlets, newsletters, brochures) are distributed to and translated for refugees during election season.

This Task Force recommends the following actions to the governments of individual countries:

1. State governments must individually examine cases of refugee detention and consider alternatives to detention. Those who are denied entry to an EU Member State should have access to legal representation and an appeal process.
2. The Turkish government must develop a more accessible and efficient system for refugees to obtain work permits.
3. Greece must demilitarize its means of border management.
4. Greece must halt all development of MPRICs and invest in the development and implementation of safe and supportive reception centers.
5. Italy must fund and expand, rather than defund, programs like SPRAR.
6. Jordan must reestablish policies to allow refugees to access medical services during the pandemic period, regardless of their documentation and insurance status.
7. Jordan must collaborate with the United Nations to provide refugees with adequate water supplies, water filters and water quality guidelines to cope with the health risks of COVID-19.

# Chapter 1: Introduction

*Gabriella Alonso*

Since 2015, when over one million refugees fled to Europe via dangerous Mediterranean Sea crossings, the European Union has scrambled to properly manage and protect the large movement of refugees coming to its borders (UNHCR, 2015). Today, ongoing conflict in the Middle East and North Africa contribute to the evolving exodus of refugees into the EU. Overwhelmed by the continued influx of people and struck by the uncertainty of the global COVID-19 pandemic, the EU has increasingly relied on enhanced border security and transit-turned-host countries to limit refugee mobility into its Member States. Instead of reassessing and addressing its legal obligations, the EU has sought out “externalization” methods to keep asylum seekers from entering its borders. These methods aim to keep refugees out through redirecting responsibility for refugee well-being onto other countries. As described by sociology professor David FitzGerald, “The catch-22 for refugees is that rich democracies are essentially telling them, ‘We will not kick you out if you come here. But we will not let you come here’” (2019).

Attempting to justify regulation aimed at containment, policy makers and media outlets have pushed narratives that depict refugee emergencies as a “crisis” for EU Member States instead of as a crisis for refugees. Language commonly used by the media also tends to reflect government perspectives and dehumanize the refugees at the center of these emergencies. For instance, consider a recent New York Times article titled “Turkey Blames Greece After 12 Migrants Freeze to Death” (Gall & Timur, 2022). This sobering report highlights the effects of externalization in Greece, where guards are reported to have rejected asylum seekers, stripped them of their clothes, and forced them to return to Turkey in freezing conditions (Gall & Timur 2022). While this article does touch on the brutal human rights abuses that led to the tragic death of twelve migrants, it never mentions the names or ages of those that passed away. The article also fails to give any details about the lives or journeys of the individuals suspected of being used as “political leverage in [Turkey’s] dealings with the European Union” (Gall & Timur, 2022).

Our Task Force aims to consider the often overlooked refugee perspective, recommending policies that meet the needs and wants of refugees and asylum seekers, as clearly as can be discerned. To do so, the report follows the multifaceted journey of refugees seeking asylum in the EU, taking into consideration Europe's externalization approach to forced migration. In addressing multiple stakeholders, such as the EU, individual countries, and the United Nations, this report intends to provide policy recommendations for better protecting refugees' and asylum seekers' international legal and human rights. It is also important to note that this report and its recommendations examine the current refugee emergency in the context of the COVID-19 pandemic, which has exacerbated pre-existing strains within global refugee and asylum systems.

## What is a Refugee?

To provide effective recommendations that will protect and assist refugees, it is essential to consider the universal definition of a refugee and the commitments EU Member States and other countries have made to those seeking asylum. Refugees became a social category protected by international law in response to the aftermath of mass displacement of Europeans caused by WWII (Gatrell, 2013). An estimated 60 million people were displaced by the war, with many "within the pre-war borders of their own country" (Zampano et al., 2015; Gatrell, 2013). The United Nations High Commissioner for Refugees (UNHCR) was established with the goal of assisting European refugees throughout the resettlement process. The UNHCR then set out to devise a permanent solution for refugee flows by creating a universal definition of a "refugee." According to the 1951 UN Refugee Convention, a refugee is:

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a

result of such events, is unable or, owing to such fear, is unwilling to return to it.  
(UNHCR, 2010)

Given that the Convention was originally drafted to address the displacement caused by WWII, the UNHCR initially only recognized refugees who fled persecution in Europe before 1951. However, the 1967 Protocol expanded its reach to countries outside of Europe and removed the time constraint. While changing the Convention's geographic and time restrictions was a step in the right direction, the Convention itself was created to address the refugee emergency that sparked its creation, leaving some aspects outdated in fully addressing today's refugee exodus. This is evident in the established definition of a refugee, which only accepts those who have a "well-founded fear of being persecuted" (UNHCR, 2010). As explored in later chapters of this report, the definition omits those who flee due to pandemics, natural disasters, climate change, and lack of economic opportunity.

## What are the International Legal Rights Afforded to UN Convention Refugees?

Because signatory countries are legally bound to the obligations laid out in the 1951 Convention and 1967 Protocol, understanding the legal rights afforded to UN Convention refugees is key. Per this framework, Convention refugees are granted the following rights in their host countries:

- Freedom of religion (Article 4);
- Access to courts of law (Article 16);
- Employment (Article 17 & 18);
- Housing (Article 21);
- Public education (Article 22);
- Public relief and assistance (Article 23);
- Freedom from expulsion (Article 32);
- Freedom of movement within its territory (Article 26);
- Identity and travel papers (Article 27 & 28);

- Exemption of punishment for unlawful entry into the host country (Article 31);
- Naturalization (Article 34) (UNHCR, 2010).

## Three Durable Solutions

In addition to establishing legal rights, the UNHCR established three durable solutions as a part of the Refugee Convention in an effort to allow refugees to gain independence from aid, increase self-reliance, and propel participation in both social and economic opportunities: voluntary returns to country of origin, local integration in a safe host country, and resettlement to a third location or country (UNHCR, 2010).

These solutions are considered “durable” because they are intended to provide an “end to refugees’ suffering and their need for international protection and dependence on humanitarian assistance” (UNHCR, 2006). However, as the chapters in this Task Force report will show, it has become increasingly evident, particularly as of 2015 with the EU’s response to refugee emergencies, that the three durable solutions are not sufficient.

## The Scope of the Report

This report aims to follow the journey experienced by those seeking asylum in the EU by drawing on patterns, policies, and circumstances from 2015 until present day. Most of the refugee experiences and situations examined in the following chapters are from countries in the Middle East, South Asia, and North Africa. Although we are aware of the recent mass exodus of Afghans, we have opted not to examine the situation in-depth since most of them at the time of this writing are directed primarily towards North America instead of Europe. However, it is likely that Afghan refugees will be stuck in transit or continuing to attempt to cross borders into neighboring countries and/or entering the EU. In such cases, our recommendations apply to them as well. Countries analyzed as case studies in this report have signed the 1951 Convention and/or the 1967 Protocol with the exception of Libya.

## The Structure of the Report

The structure of this Task Force report seeks to emulate the refugee journey into the EU. It begins by examining refugees' passage from their countries of origin into neighboring ones, specifically analyzing how such countries are used by the EU as scapegoats in taking responsibility for refugees. This section will primarily examine Turkey's problematic labeling as a "safe third country" for resettlement and remote controlling in Libya and Morocco. Our next section focuses on transit routes into Europe, concentrating specifically on the human rights abuses exacerbated by the EU's increased border security. This section puts the spotlight on Balkan land routes and three popular illegal maritime crossings to expose the violence that afflicts traveling refugees. It also considers how COVID-19 has been used to justify enhanced border security and highlights strains in existing refugee camp frameworks. Furthermore, we examine issues refugees face when attempting to enter the EU, including specific violations of the international legal rights provided by the 1951 UN Refugee Convention. This portion will closely examine Greece to understand the EU's avoidance of its legally binding responsibilities as well as Germany to gain insights into the EU's responsibility-distribution policies, all with the backdrop of the global pandemic. Our report ends with an analysis of refugee experiences in the resettlement and integration processes in their destination countries, exploring the efficacy of EU policy in the fulfillment of Convention rights, such as safe housing and access to education.

## Terminology

Regarding the language of this report, we recognize that word choice is impactful. Refugees are not immune to xenophobic sentiment rooted in stereotypes produced through popular language. Anwar, who was seeking protection in Europe at the time of his interview with the European Council of Refugees and Exiles (ECRE), shared the impact of language on his personal identity upon arriving in Europe:

When I was in Afghanistan, I was always called by my name but in Europe suddenly they changed my name to refugee. I am a human before a refugee...Now I am working hard but no matter what I do or achieve, I am afraid I will still be simply a 'refugee.' In Afghanistan you risk being killed by a bullet — in Europe you are being killed by words. (ECRE, 2018)

Since our report focuses on the perspective of refugees, we have chosen to reflect that stance in our vocabulary. We will therefore not be including the term “refugee crisis.” We believe that referring to the influx of refugees as a “crisis” focuses the perspective on the EU and the implications for its borders/migration management system. Instead, this report will use the phrases “refugee emergency” and “refugee exodus” to describe the movement of refugees. Our goal with this terminology is to refrain from contributing to the common discourse that often portrays refugees as a “problem” or “burden.”

We have additionally made decisions regarding the use of general terms, such as refugee and asylum seeker. As established by the UNHCR, a refugee is a person with legal protections who has fled their country of origin due to fear of persecution. An asylum seeker, on the other hand, is a person who is seeking protection from a host country and has yet to receive a decision about their legal status. Unfortunately, not every asylum seeker gains refugee status. Although there are distinctions between the two, we will use the terms refugee and asylum seeker interchangeably for the purposes of this report. Additionally, since the goal of this Task Force is to address international refugee policy, not immigration policy or labor migration policy, we will not employ the terms “immigrant” or “migrant.”

## Conclusion

In making policy recommendations for improving the protection of refugees' international legal and human rights, our Task Force exposes the faults in Europe's externalization approach to forced migration. As journalist Matthieu Aikins describes, “the paradox of being a refugee is that the more likely you are to have a valid claim for asylum

in any given country, the less likely you are to be able to travel there” (2022). Since increased border control is framed as a security measure by policymakers, the pushback against refugees described by Aikins is unfortunately reinforced in the media. Such language invokes imagery of refugees and migration as a sort of “threat” to society. As discussed previously, words are powerful. It is no surprise then that common discourse surrounding refugees has encouraged xenophobic beliefs and influenced politics—most notably in the rise of populist movements.

In addition to facing discrimination and severe obstacles to safe arrival to their destination countries, refugees and asylum seekers also face the challenge of recognition. Legal protection is limited due to the 1951 UN Refugee Convention’s narrow definition of a refugee. Repercussions from gaps in the legal definition of a refugee are not a new phenomenon for those seeking asylum in the EU. The increasing popularity of the term “mixed migrations” highlights the issues that can develop from vague legal definitions; it draws attention to the mixing of people traveling along the same routes to destination countries and encompasses those who have fled their homes for reasons not labeled in the Convention (climate change, economic instability, etc.). It also critiques the lack of equal protection, as not everyone involved in mixed migration has access to rights that are safeguarded by international legal frameworks. Our Task Force examines such gaps in legal frameworks for international refugee protection, human rights abuses, and consequences of externalization to provide stakeholders with policy recommendations that value and prioritize refugee perspectives.

## Chapter 2: Inadequate Infrastructure in Neighboring Countries

*Galilea Valencia*

### Introduction

The EU has contracted out its obligations to protect and resettle refugees to countries just outside of its borders, like Turkey. However, these neighboring countries are not suitable for the task. The Turkish government is not adequately protecting the human rights of Syrian, Afghan, Iranian and Iraqi refugees and asylum seekers that it is currently hosting, nor is it protecting their political, social, and economic rights. Turkey is unable to support the four million refugees that it currently holds, but since the process of being granted asylum and resettled is so long, it keeps refugees from being able to find a place to resettle in (European Commission, 2021). The EU needs to help Turkey's efforts to provide better access to jobs and education for refugees to be better equipped for resettlement, as well as better support Turkey in its attempt to protect and provide for refugees within its borders.

Refugees and asylum seekers look to safe third countries for resettlement, which according to the EU, does not include Turkey. All 27 Member States of the EU meet the safe third country qualifications that were agreed upon by international treaties such as the 1951 Refugee Convention and agencies like the UNHCR. A safe third country of resettlement is defined as a country that has the following qualifications:

- a. Life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
- b. There is no risk of serious harm as defined in Directive 2011/95/EU;
- c. The principle of non-refoulement in accordance with the Geneva Refugee Convention and Protocol is respected;
- d. The prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected;

- e. The possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Refugee Convention and Protocol. (European Commission, 2022)

Neighboring countries like Turkey allow refugees to come from a country in turmoil, to wait for short term protection and eventual asylum in a safe third country. Safe third countries are crucial for the safety and security of refugees; they are a place in which refugees can resettle, gain citizenship, and find job opportunities. Although Turkey is not considered a safe third country because of its lack of infrastructure and political, social, cultural, and economic protection for refugees, it continues to host more refugees than any country in the world. Human Rights Watch highlights the plight of refugees in Turkey through the story of 35-year-old Iraqi refugee Omar:

The authorities put us in a military camp where we were not allowed to get out. It was in a dangerous location because bombardments were going on around. We could hear the bombs. We stayed there for seven days. We were 2,000 people and there were only two toilets, one for men and one for women. You had to wait for a full day in the queue in order to go to the toilet. Then we were transferred to the stadium. And there too, we were not allowed to get out. They put us in facilities where even animals can't live. (Frelick, 2020)

### Turkey: Unfit to Fill the Role of a Safe Third Country

Refugees stop in Turkey for protection and safety while waiting to be accepted into a country in which they can resettle. Turkey is supposed to be a transition country into a safe country of refuge, but instead refugees and asylum seekers are forced to seek long term solutions in a state unfit to provide them. It fails to meet the 1951 Refugee Convention's standards for refugees' rights to freedom and protection from discrimination or harm based on one's race or political and religious beliefs. Turkey also falls short of the Convention's standards for protection from harm and deportation, which also prevents it from being considered a safe third country of resettlement.

There is no concrete path for a refugee to obtain citizenship in Turkey despite progress in legislation that allows children born within Turkey's borders to become naturalized citizens. Out of the four million refugees Turkey has inside of its borders, the EU says that "98 percent of the refugee population in Turkey lives outside the camps, overwhelmingly in urban and peri-urban areas" (Balcioglu & Erdogan, 2020). Turkey is unable to provide safe housing, and it shows the lack of resources they have for refugees. Turkey offers language training to refugees to ease the integration process and improve employment prospects, but employment is difficult to find in Turkey's declining economy, especially for women who are unable to work as they are expected to take care of the home and children. Paired with inadequate, overcrowded, expensive living conditions, this economic instability has made finding safety and stability all the more difficult for refugees. In a Refugees International report on legal work opportunities and deportation in Turkey, it is stated that, "Turkey introduced a work permit system for Syrian refugees in 2016, but permits must be requested by employers, who are often reluctant to cover the costs and face the administrative hurdles of hiring a refugee, or are uninformed about how the process works" (Leghtas, 2019).

In addition to limitations like the language barrier, work permit restrictions force refugees into low wage jobs, which are the only sources of employment that will go through the hassle of requesting work permits for refugees. According to a report on Turkey's aid by the European Commission, "Some feel they have no choice but to resort to negative coping mechanisms such as child labour, street begging or early marriage" (2021). Many refugee families also have to resort to either eating less or having no roof over their heads because they see no alternative to the hardships they face. Without sustainable options to deal with poor living conditions, hunger, and economic hardships, the best path forward for refugees and asylum seekers is to seek to get better working conditions from the Turkish Government. With a disregard of human rights and a lack of safe alternatives to a secure life, Turkey proves to be inadequate in serving as a safe third country.

## The Impact of Short-Term Protections

Greece claims that Turkey is a protected country for refugees, giving false hope to refugees and asylum seekers within Turkish borders. This claim is shown to be erroneous in a report by Refugee Rights Turkey:

Turkish law does not grant refugees the right to stay and settle down in Turkey long term and obtain Turkish citizenship. Once your application for “international protection” is successful and you are granted an “international protection” status by DGMM, even if you are unable to find another country that agrees to admit you for long-term settlement, you will be allowed to stay in Turkey indefinitely on the basis of your “international protection status. (2017)

Turkey implemented the 2014 “Foreigners Under Temporary Protection” regulation in the context of the Syrian refugee exodus, giving refugees free access to health care and education (Asik, 2017). However, these refugees remain vulnerable; because the regulation was not designed for the long-term emergency that the Syrian civil war became, Syrian refugees in Turkey still lack long-term protection and resources for long-term integration (Asik, 2017). This makes it especially troublesome for the government of Greece to state that Turkey is to be considered a safe third country because it creates a false sense of protection for the millions of refugees in Turkey. The Turkish government’s shortcomings in supporting the refugee population also force refugees to rely more heavily on NGOs for their basic needs.

## NGO Support for Asylum Seekers in Turkey

For refugees that don't have the option of getting into the EU, there is no choice other than to continue to live in poverty. This is where NGOs come in. NGOs continue to pick up the slack in providing resources and aid for refugees in Turkey struggling to find jobs or a way to support themselves. With its lack of infrastructure, Turkey has no concrete way of protecting the growing number of refugees coming in, and it lacks real support from the EU. The governments of EU Member States have made policies with the goal of trying

to stop the influx of refugees before they can arrive at the EU's external borders. NGOs have been one of the only resources that refugees can use to protect themselves from drastic actions like deportation from Turkey to Syria. The aforementioned report by Refugees International conveys the gravity of these measures:

In July 2019, Turkish authorities conducted widespread identity checks in Syrian neighborhoods and subway and bus stations. These checks were followed by a wave of reported deportations of Syrian men to Idlib province in Syria—an active war zone. Turkish authorities denied these reports. However, nongovernmental organizations (NGOs) and the international media extensively documented the forcible return of Syrian men, many of whom had been coerced into signing voluntary repatriation forms. (Leghtas, 2019)

NGOs are playing a crucial role by giving refugees a voice and fighting for government accountability, but they have even been powerless in the fight against deportation.

NGOs also attempt to fill the gaps in Turkey's inadequate infrastructure, helping to meet refugees' educational needs. Educational NGOs in Turkey work to provide an education for Syrian refugee children whose childhoods were uprooted by conflict. The Turkish government has capitalized on this effort by implementing a law to educate refugee children. However, Turkey is only able to help educate 400,000 out of the 1.2 million refugee children throughout 15 different municipalities (World Bank Group, 2021). NGOs like the Turkish Education Foundation and the Imece Initiative have been in Turkey for 30+ years addressing the lack of education for refugee children. These NGOs provide education no matter a child's ethnic background and believe that all children should get the same amount of support and training needed to grow. Faith-based organizations also work in closing the gap between religion and education, offering educational programs throughout Turkey geared towards Syrian refugees. Because of some refugees' beliefs, education can be limited and sometimes not offered to those without the same beliefs.

Beyond working to provide education to the 1.2 million refugee children in Turkey, other NGOs like the International Refugee Women Solidarity Foundation have continuously helped refugees in Turkey battle the trauma and hardship they have endured. The

International Refugee Women Solidarity Foundation works to bring education and training to refugee women to help them build up the skills needed to find employment in their new home (International Refugee Women Solidarity Foundation, 2018). It is imperative that Turkey and NGOs work together to meet refugees' needs and provide crucial holistic support, the EU must support them in doing so.

## Improving the Relationship between the EU and Neighboring Countries

It's important to improve the terms of the relationship between the EU and neighboring countries like Turkey for the benefit of refugees because of the amount of support these countries can give in addressing the refugee emergency. Turkey has been a huge help to the EU in housing and trying to support refugees, but many refugees still lack proper protection with the inadequate living facilities the EU and Turkey provide.

The EU and the Turkish government entered into an agreement they called the EU-Turkey deal in March 2016, in which the EU would fund Turkey's 'management' of the refugee emergency. The terms of the deal gave hope to refugees but the EU has not upheld its end, and with so many refugees in Turkey, the EU must do more to adhere to the deal's terms. This agreement allows the EU to neglect its responsibility in assisting with meeting the needs of refugees and instead turn asylum seekers and refugees over to Turkey with little to no long-term support (Terry, 2021). Addressing the unevenness of responsibility in this relationship will allow for more substantial protection and resources to be reliably offered to Syrian, Afghan, and Iranian refugees who are fleeing conflict and persecution.

## Conclusion and Policy Recommendations

The EU needs to take ownership of the injustice happening in its neighboring countries and take action to support the refugees currently lacking crucial resources, starting with economic support to boost job protection and availability in Turkey. The EU also must help to improve the working conditions for refugee women and provide child

care. Additionally, the Turkish government must develop a more accessible and efficient way to give refugees work permits, which help them get out of low wage jobs with bad working conditions. In addition to providing better economic support, it is essential for the EU to support collaboration between NGOs and the Turkish government in providing sufficient resources to refugees. The EU also needs to support the NGOs that are doing the work and improve the process of settling in a safe third country. With the high demand for refugee resettlement and a shortage of countries to resettle in, the EU must ultimately support countries that currently hold refugees to actually meet the definition of a safe third country.

## **Chapter 3: The EU's Remote Control Practices in Neighboring Countries**

*Milena Haile*

### Introduction

The E.U continues to place responsibility for the refugee emergency on local asylum and neighboring countries and uses a form of extra-territorialization to expand its borders and execute preventative measures to control the mobility of asylum seekers. During the peak of the refugee emergency in 2015, the EU focused its internal policies on border protection to limit entrance points for refugees and asylum seekers. Upon realizing that protectionist mechanisms will do little to address the emergency, the EU has put forth various efforts including proposals, protocols, and trust funds to aid affected countries in their management of rising migrant numbers. However, this aid and support only reached those countries deemed safe third countries as defined by the UNHCR, and the local asylum countries often receive aid aimed at preventing the safe arrival of refugees to the EU. While these actions helped to address the refugee emergency, they do not work first hand with specific governments directly, causing funds to slip through the cracks and into supporting harmful institutions and infrastructure. This chapter will concentrate on the EU's direct relationship with local asylum countries such as Turkey, Libya, and Morocco, and how these countries could positively contribute to the global effort to address the refugee emergency with EU funds for internal migration development.

The EU's practice of extra-territorialization by remote controlling local asylum countries has allowed them to avoid responsibility and real action in this refugee emergency by prioritizing the protection of their own borders. The following analysis will address the EU's harmful funding practices towards Libya and recommend withdrawing the EU's monetary support of damaging institutions, including the detention camps and coast guards. By analyzing ways the EU has failed local asylum countries like Libya, one can shift the focus to the needs of asylum seekers and providing safety within safe host countries, as has been done in Morocco.

## What is Remote Controlling?

Although the agreement on non-refoulement as defined in the Refugee Convention prohibits countries from sending asylum seekers back to their country of origin after having arrived in their destination country, it does not prohibit these same countries from doing everything in their power to prevent asylum seekers from ever reaching their borders. EU countries often use physical barriers such as fences, barbed wire, and towers to repel unwelcome refugees and asylum seekers, but the barriers to entry continue beyond these physical deterrents. “Remote controlling” is defined as a set of practices, physical structures, and institutions serving the goal of controlling the mobility of individuals while they are outside the territory of their intended destination state (Fitzgerald, 2019b). Political scientist Aristide Zolberg coined the term “remote controlling” to refer to the external measures put in place to deter unwelcome asylum seekers from entering European borders during the 20<sup>th</sup> century. These measures included the systems of passports, visas, and passenger ships. The practice of “remote controlling” other countries is one that dates back to the early 1930s and 40s. Historically, practices like visa regimes, maritime interdiction, and offshore detention centers have been put in place to deter refugees from seeking refuge in the rich Western democracies (Fitzgerald, 2019b). The sole reason behind these barriers is protection from refugee infiltration. As migration to rich Western democracies has increased and the global south continues to be exploited and neglected, measures to reduce migration have been matching the influx of refugees. Migration to these democracies, specifically EU members, has become extremely complex and difficult to maneuver (Fitzgerald, 2019b).

In more recent years, these deterrents have expanded to the borders of local asylum countries. Within his many decades of studying borders and territories, sociologist David Fitzgerald has found a consistent pattern of states monopolizing the “legitimate means of movement” (Fitzgerald, 2019a). Remote control is described in this context as the hyper- or extra-territorialization of EU member countries and their borders, which often occurs through EU funding of local asylum countries' efforts to contain asylum seekers

within their borders (Fitzgerald, 2019a). This practice of remote controlling pushes the limits of international law and a nation's sovereignty, falling within the gray areas of border agreements. It also challenges the sovereignty of local asylum countries and often borders on ethical violations (Fitzgerald, 2019a). Due to the complex challenges posed by the EU's remote controlling tactics to prevent asylum seekers from being granted refugee status, the only way for asylum seekers to obtain refugee status is often to physically arrive at the borders of a safe destination country and seek safety through the non-refoulement clause of the Refugee Convention. Many EU countries have long standing histories of repelling asylum seekers through their relationship with the asylum seekers' countries of origin. The pattern continues as destination countries continue to create more hurdles within transit countries to deter asylum seekers from ever reaching the E.U borders.

### Libya: a Product of EU Externalization Policies

The most prominent example of these hurdles and deterrents established by EU Member States is arguably Libya. It is a fair assessment to label Libya as one of the most urgent refugee emergencies seen today (UNHCR, 2022). In recent years, Libya has been in the public eye for various human rights violations through its imprisonment and exploitation of asylum seekers and refugees. Libya is not part of the 1951 Refugee Convention and has struggled immensely with a corrupt political sector and unstable society. The influx of asylum seekers entering through the south has reached around 600,000 and has simultaneously equipped Libya with negotiating tools to reestablish relations with the EU. The growing establishment of forced labor, also known as the Libyan slave trade, has led to the violations and ignorance of refugee lives, predominantly from sub-Saharan Africa (Kuschminder, 2020). These extreme forms of torture and violence have emerged as a result of the EU's troublesome relationship with Libya and its financial compensation for detainment of asylum seekers.

The creation of the Italy-Libya agreement originated with Libya's leader Muammar Gaddafi and Italy's Prime Minister Silvio Berlusconi in 2008 with The Treaty of Friendship,

Partnership and Cooperation. This treaty laid the foundation for the financial relationship between Libya and Italy. In attempts to heal colonial injustices, the treaty highlighted a stronger economic relationship with Libya, promising to build basic infrastructure totaling to five billion dollars over 20 years (Ronzitti, 2009, p. 4). These funds, originating directly from Italy, were allocated to Italian companies within Libya with no direct transfer to Libya or any of its organizations. Article 19 of the treaty highlighted two extreme and blatant forms of remote controlling. It called for the extension of the 200km Libyan coast to be patrolled by the coast guard with boats funded by Italy and for a satellite detention system at the Libyan land borders to be financed by Italy and the EU. It is important to keep in mind that Italy, Malta, and the remainder of the EU were well aware of Libya's corrupt coast guard and its human rights violations prior to the treaty. The treaty provided training and material as well as military equipment and financial resources to the coast guard. The harsh conditions and violence experienced by the asylum seekers in Libya's detention camps, which are run by known militia groups, were inadequately addressed by the treaty (Menguaslan & Arman, 2022).

Although that treaty was suspended in 2011 at the hands of a new Italian regime and Gaddafi's assassination, it was reiterated in the Memorandum of Understanding signed in 2017 by the Italian government and the UN-backed Libyan government (Menguaslan & Arman, 2022). Despite Libya's unstable political context, this memorandum reinstated the former agreements of financing infrastructure and increased patrol of the coast guard. The treaty was renewed in February of 2020, despite overwhelming calls from human rights groups and NGOs to revoke it (Amnesty International, 2020). The EU's negligence of the detention camps and Libya's inability to adequately and safely manage asylum seekers displays the EU's prioritization of extra-territorialization above the protection of human and refugee rights to safety.

The EU's irresponsible funding of Libya's human rights violations continues to build incentive for smugglers and prison officers to increase their holdings of asylum seekers and exploit them for personal profit. Libya is too unstable and is lacking in basic institutional structure and therefore is unable to provide protection and safety properly

and efficiently for asylum seekers. As the EU continues to fund Libya and remotely control their access to protection and mobility of asylum seekers, the EU is prioritizing political and security concerns within its borders, simultaneously worsening the conditions asylum seekers face in Libya.

## Conclusion and Policy Recommendations

Until Libya regains strong political, economic, and institutional structure, it should not be considered a safe host or transit country. Therefore all treaties signed with Libya and funding allocated to the militia groups should be stopped immediately. The Memorandum of Understanding should be revoked and not automatically renewed in 2023. As militia groups and local tribes continue to dominate in the southern borders, smuggling and selling asylum seekers, new pathways and roads towards safer host countries should be created. One example of a safer host country is Morocco.

Morocco is currently housing around 10,000 asylum seekers. It was the first country in the Middle East and North Africa to implement the National Strategy on Immigration and Asylum (UNHCR, 2021). It also established the bureau of refugees and stateless persons to set up institutional building blocks for a national asylum center (UNHCR, 2021). The EU should withdraw its funding from Libya and instead fund helpful programs such as Morocco's Comprehensive Response Plan of Action of 2019 and the new recommended programs in Turkey, as suggested in the previous chapter. In funding infrastructure and programs that safely address the refugee emergency, the EU can protect its borders while taking adequate responsibility for the harm it has caused through neglectful funding and turn the focus to providing safety and security for refugees.

# Chapter 4: Human Rights Violations on Land Routes through the Balkans

*Alena Siemers*

## Introduction

Transit migration refers to the “countries that migrants cross on their way to their country of destination” (Parliamentary Assembly, 2015, p. 1). In Europe, these countries lie along the Balkan routes and generally include countries that are outside of the European Union, which is where many refugees are looking to find refuge. However, refugees trying to enter the EU from the Middle East and Africa encounter many obstacles while traveling across these land routes to reach their destinations and start the path to being resettled in a safe new country. To make matters worse, the EU continues to enact policies that focus on its own border security instead of refugee welfare, and the COVID-19 pandemic has further exacerbated the challenges of migration into the EU. As a result, refugees often get stuck in transit countries while trying to reach their destination country, repeatedly dealing with numerous human rights violations in the process. It is crucial that refugees traveling by land along these routes can safely reach their destination countries without being unlawfully detained in another country or transferred back to their country of origin. It is also necessary that refugees’ basic human rights are protected while they reside in these countries, and that countries in the EU come together to provide solutions to illegal pushbacks and the unlawful detention of refugees instead of continuing to disregard the harm that has resulted from these tactics. The policy recommendations in this chapter aim to resolve these issues.

## Transit Migration in the Balkans

The European Union experienced an influx of refugees from the Middle East, South Asia, and Africa in 2015 following an escalation in war and persecution in countries such as Afghanistan, Syria, Libya, and Iraq, which has continued to the present day (Spindler, 2015). When traveling by land, these refugees often use one of two Balkan routes: the Western

Balkan Route or the Eastern Borders Route. The Western Balkan Route often refers to the route through Turkey, Greece, Macedonia, and into Serbia while on their way to Hungary, an EU Member State (Office for the Coordination of Humanitarian Affairs (OCHA), 2015). The refugees traveling along this route are most often from Afghanistan, Pakistan, and Iran (Frontex, 2021b). Although the numbers of refugees seeking to settle in these countries have been steadily declining since 2015, there have still been over 60,000 recorded illegal border crossings along this route as of 2021 (Frontex, 2021b). The Eastern Borders Route includes travel along the borders of Russia, Moldova, Belarus, and Ukraine, along with the EU Member States of Poland, Hungary, Romania, and Bulgaria, among other Eastern European countries (Frontex, 2021a). Refugees traveling along this route are largely from Afghanistan (Frontex, 2021a). While the characteristics of the routes may differ, the challenges that refugees encounter while traveling through them to make their way to their intended country of resettlement are continuously seen throughout the EU.

Along these two Balkan routes, refugees face problems that impede their arrival to their destination country, including border closures, fences, pushbacks, and detainment. These issues appear to be in direct opposition to the rights refugees are supposed to be granted according to the 1951 Refugee Convention. Article 26 of the Convention describes a refugee's right to freedom of movement, which is directly affected by the issue of border closures and other uses of force at these borders (UNHCR, 2011, p. 27). Article 31 states that refugees must be exempt from punishment for unlawful entry into a country of refuge, which is violated by the de facto detention that often occurs on the borders of EU countries (UNHCR, 2011, p. 29). These violations also go against the Universal Declaration of Human Rights, which makes similar statements regarding freedom of movement, the right to seek asylum in any state, and that no one should "be subjected to arbitrary arrest, detention, or exile" (UN, 1948, p. 3). Even though these human rights violations have been thoroughly identified since the beginning of the 2015 refugee emergency, they continue to occur throughout much of the Balkans and Central Europe.

One of the initial responses to the surge of refugees entering Europe entailed countries building fences to keep refugees from crossing their borders and enacting border

removal policies that employed the use of excessive force by military personnel and pushbacks, which are defined as “the forcible return of migrants across an international border while denying them their right to apply for asylum” (Cook, 2022). Hungarian asylum policy has contributed to these issues, as Hungary is often one of the first EU countries that refugees attempt to set foot in, and the country has dealt with many pressures during the influx of refugees starting in 2015. Hungary constructed a fence along its borders with both Serbia and Croatia in September and October of 2015 in an attempt to halt the increasing numbers of refugees it began seeing (Stoyanova & Karageorgiou, 2018, p. 21). However, these efforts by Hungary proved unsuccessful, as the country instead started seeing an even greater number of refugees attempting to cross its borders than it had before it built its fences. This led them to enact even harsher measures, which included a forced removal policy at its borders and within an 8-kilometer vicinity of its internal border in July of 2016, which ended up being more successful in curtailing migrants than the sole use of the fences (Stoyanova & Karageorgiou, 2018, p. 21). These forced removals and pushbacks into Serbia often consist of authorities releasing dogs on refugees and beating them with batons and other weapons, with many claiming to have had their bones broken in this process (Oddone, 2021). This is just one example of countries doing what they can to keep refugees out of their borders instead of providing a peaceful solution to these matters.

Those who are unlucky enough to be apprehended at restrictive borders such as these face the possibility of being sent to detention centers or prisons, since their attempt to cross these borders is now being deemed illegal by these countries (Stoyanova & Karageorgiou, 2018, p. 37). Detention upon the entry or crossing of these borders has increased since 2015 at the start of the current refugee emergency (Matevžič, 2019, p. 4). This has resulted in more cases of what is known as *de facto* detention, which “occurs when individuals are deprived of their liberty in the absence of a detention order,” which also implies that these refugees’ circumstances around being detained are not being properly assessed in regard to their circumstances (Matevžič, 2019, p. 7). According to a report written by Gruša Matevžič for the Hungarian Helsinki Committee, there is no presentable evidence that the increase in refugees being detained in detention centers

“reduces the flow of arrivals as a response to an increased migratory pressure” (2019, p. 4). In the face of all of this, it is illogical, unnecessary, and inhumane for countries to continue the use of fences and increased detention, as it provides no benefit to anyone in these circumstances, especially not for the refugees who are repeatedly subjected to these abuses.

## Serbia and Belarus: a Closer Look

To further examine the issues that refugees experience while traveling by land and their subsequent impacts, specific countries will be focused on as case studies. One of these is Serbia, a country outside of the EU, which has dealt with many problems regarding the refugees that are attempting to get into Hungary and the EU. As of September 2021, around 5,000 refugees have resided in Serbia, with many of them coming from Afghanistan and awaiting the right to asylum seeker protection or the ability to cross the border into Hungary (Oddone, 2021). There are many issues regarding the fence blocking the border going into Hungary, which have been discussed in more detail in the section above. These fences have forced many to attempt to get into Hungary through a different route, either by first traveling through Romania or Croatia, often through Bosnia first (Associated Press, 2021). However, refugees are often subjected to complications such as pushbacks from these countries’ authorities.

The pushbacks that refugees face at these borders prove to make this journey nearly impossible, leaving many stranded in Serbia for a year or often much longer with the inability to be granted asylum status. These pushbacks, instead of contributing to countries’ intended result of leading refugees to return to their country of origin, have instead forced many to decide upon more desperate and dangerous measures, such as being smuggled across the border. Not only does the process of being smuggled hold the possibility of being robbed by the smugglers and never gaining access to the country they are trying to reach, but there are also the dangers of potentially being taken advantage of in more

violent ways (Dragojlo, 2021). And for some, even attempting to cross the border into Hungary without the “help” of smugglers will also result in violence (Dragojlo, 2021).

Similarly, refugees coming to Belarus, a non-EU country, have been trying to make their way into Poland, an EU country. Since late 2021, 2,000 to 4,000 refugees coming from Afghanistan, Iraq, and Syria have been stuck at the borders between these two countries while political tensions persist (International Rescue Committee, 2021). Many of these refugees stuck in limbo at the border do not have proper shelter, and the humanitarian aid from the Polish side of the border continues to be turned away by authorities despite Poles’ desire to provide necessary resources for refugee health and safety (International Rescue Committee, 2021). Illegal pushbacks of refugees back into Belarus are a constant, as has been happening along the borders of Hungary. These issues leave many with little hope of ever safely entering and resettling in their intended country of refuge.

## The EU’s Role in Unsafe Transit Conditions

Although it may be easy to look at these problems and directly blame the countries involved in them, the EU has a responsibility in preventing these human rights violations from happening, and its migration and asylum policy leaves many of these countries without other options. In an analysis of Amnesty International’s report on “Europe’s Borderlands” on ReliefWeb, it is stated that “placing the primary responsibility for processing asylum applications on the first EU country of entry and limiting safe and legal avenues of entry has put an unsustainable strain on the EU’s outer fringes and neighbouring states” (2015). The failure of the EU to address these issues has led to further pressures on transit countries.

In September of 2020, the European Commission unveiled the New Pact on Migration and Asylum, which set out to address some of these underlying issues currently at the forefront of the refugee emergency (Panayotatos, 2021). The Pact appears to promise the creation of “more efficient and fair migration processes, reducing unsafe and irregular routes and promoting sustainable and safe legal pathways to those in need of

protection” (The European Union, 2021). However, instead of offering new solutions on how to better help refugees on their way to the EU and protecting them throughout this process, the Pact is more focused on keeping them out of Europe, a common theme of the disruptive policies described throughout this chapter (Panayotatos, 2021). Daphne Panayotatos claims in her report, *Undermining Protection in the EU: What Nine Trends Tell Us About The Proposed Pact on Migration and Asylum*, “the Pact relies on faulty premises: that most arriving persons do not have valid claims to asylum, that officials can quickly determine this, and that authorities can easily and swiftly return rejected applicants to their countries of origin” (2021). On top of that, the Pact also fails to address the need for global solidarity to help refugees throughout Europe and “internal solidarity between EU Member States that currently share the responsibility for receiving asylum seekers unequally” (Amnesty International, 2015, p. 67). Without the EU providing solutions and policy changes to combat these issues, refugees will continue to be subjected to human rights violations along the borders of EU countries.

## Conclusion and Policy Recommendations

The acknowledgement of the issues faced by refugees traveling through transit countries and along their borders is a step in the right direction, but there are still policies that need to be enacted in order to ensure the protection of refugees’ human rights. The New Pact recommends “the establishment of an independent monitoring mechanism to investigate allegations of fundamental rights violations at borders,” but for this to be successful, we advocate (along with Human Rights Watch) that the scope of these monitoring mechanisms be broadened (Human Rights Watch, 2020a). The policy is weak in that its recommendations of monitoring only pertain to formal crossing points, when in reality, violations are still widely occurring beyond “official border crossings, police facilities or formal procedures” (Human Rights Watch, 2020b). Member states must be held accountable in addressing these violations, and the EU should further be expected to disengage its support for those who do not comply with the protection of human rights. If

an independent monitoring mechanism is to be established at and around the borders, we recommend, along with Human Rights Watch, that it be a separate and independent entity from national authorities, as these authorities are often involved in the human rights violations that take place at their borders (Human Rights Watch, 2020b).

In order to combat de facto detention, we also recommend along with the Hungarian Helsinki Committee and the European Council on Refugees and Exiles that each case of refugee detention be examined individually “to establish necessity and proportionality,” that alternatives to detention should be considered, and that those who are forced back under these decisions are no longer denied access to legal representatives (Mouzourakis & Pollet, 2017, p. 29; Matevžič, 2019, p. 6). We agree with Amnesty International in arguing that “detention should be considered as a last resort ... in compliance with international law” and that “children should not be detained under any circumstances” (2015, p.7). Although they do not address all of the issues that refugees face in their journeys, these recommendations are likely to make the situation at least partially safer for refugees seeking entry to the EU.

Refugees traveling by land on their way to a safe country of destination often encounter many obstacles that prevent them from arriving in these countries. In order to properly assess and solve these issues, we closely examine the abuses that have been taking place, which articles of the Refugee Convention are being violated, and where there are gaps in the Convention that allow signatory states to avoid their responsibilities to refugees arriving in Europe. Along with the construction of gates and fences on borders, refugees trying to enter the EU often experience the implementation of illegal pushbacks and detention. Although the recently enacted New Pact on Migration and Asylum appears to have good intentions in addressing some of the issues faced by refugees, it fails to provide enough security and protection to refugees in and around borders of Member States. Without properly addressing the issues at stake, and with countries and their governments continuing to do what they can to keep refugees out and pushing the responsibilities onto someone else, we will never get to a place where every human being has these rights.

## **Chapter 5: Human Rights Violations on Maritime Routes**

*Jan Pholkosol*

### **Introduction**

Unprecedented numbers of refugees and asylum seekers are taking dangerous journeys across the Mediterranean to reach European countries. The Mediterranean Sea has proven to be the world's deadliest migration route; an estimated 23,000 people have died at sea since 2014, especially along the Central route, where an estimated one in 18 refugees died in 2018 (IOM, 2022). Although the total migration of refugees into Europe via the Mediterranean has dropped since the refugee emergency in 2015, refugees still face rampant human rights abuse, a rise in smuggling, a reduction in search and rescue operations (SAR), and the present risks of COVID-19 transmission en route. Instead of alleviating the situation, EU border control policies continue the pattern of detaining refugees, pushing them to take more dangerous routes and enriching smuggling operations in the process. The EU must develop a more cooperative and coordinated approach to mitigate this emergency by pressuring its Member States to decriminalize NGO SAR operations and initiate national-level SAR operations. A legal and safe pathway for migration must be established to protect refugees from dangers. Three routes, in particular, have been identified as channels of illegal maritime crossing: the Central Mediterranean route, the Western Mediterranean and West African route, and the Eastern Mediterranean route (Idemudia & Boehnke, 2021).



A detailed map of three main migration routes across the Mediterranean (O.M., 2015).

The Central Mediterranean is the deadliest known migration route in the world due to an alarming level of violence and exploitation along the journey. The Central Route is both busy and lengthy and can be up to 300 kilometers long, subjecting a large number of refugees to the dangers of high seas for an extended period of time. As a result, this route is where the most disappearances and deaths have occurred, many of which remain unreported (IOM, 2020). Refugees and asylum seekers leaving Libya and Tunisia to travel across the Central Mediterranean primarily hope to reach Italy and Malta (Idemudia & Boehnke, 2021). Most of the groups consist of people from North and Sub-Saharan Africa, particularly Nigeria, Tunisia, Somalia, and Eritrea.

The Eastern Mediterranean route involves maritime migration from Turkey to Greece and, to a lesser degree, Cyprus and Bulgaria. The route is largely used by people from the Middle East and South Asia fleeing conflict and instability, notably Syrians, Iraqis, and Afghans. The number of deaths on this route was relatively low compared to other routes that have seen more refugees' remains brought ashore (IOM, 2020). The Eastern Route into Greece had been the most traveled until a sharp decline following the EU-Turkey agreement in late March 2016 (Malakooti & Fall, 2020).

Spain is among the EU countries that have seen the largest number of refugees, mostly due to its proximity to two popular routes: the Western Mediterranean Route from countries in North and Sub-Saharan Africa to the Spanish mainland and the Western

African Route to the Canary Islands from western Morocco, the disputed territory of Western Sahara, and other northwestern African countries (Idemudia & Boehnke, 2020). More than 2,000 migrant deaths and disappearances have been recorded on this route since 2014, with the vast majority involving shipwrecks on the overseas route to the Spanish mainland (IOM, 2022). The main nationalities of refugee arrivals are Moroccan, Algerian, Malian, Senegalese, and Guinean.

## The Dangers Refugees Face Along the Journey

In an interview conducted by the International Rescue Committee (IRC) to illustrate refugees' struggles, Jidda, a Nigerian refugee who was rescued when the boat he boarded floundered in the Mediterranean sea said, "It is a huge risk — a matter of life and death. But when you get into a situation where you are left with no choice, what do you do?" (2020). Most refugees like Jidda who undertake dangerous journeys along Mediterranean routes to the EU use smugglers to facilitate their travels because attaining proper travel documents has become increasingly difficult as a result of the EU's stricter border controls, coupled with the rise of conflict and a shortage of legal, safe, and dignified paths for mobility (Frouws & Horwood, 2019). Since smugglers provide opportunities to move for those who have limited alternatives, smuggling demand remains high despite the associated risks and dangers (Golovko, 2019). The current smuggling channels exist along the three major maritime crossing routes addressed in the first section of this chapter, with the main departure points consisting of Libya, Morocco, and Turkey. Smuggling business into Europe appears to be largely based on flexible ad hoc agreements and interactions among local and transnational networks rather than highly structured and hierarchical organizations (UNODC, 2021). With so little oversight, these smuggling operations subject refugees to extreme human rights violations, ranging from sexual abuse to kidnapping, extortion, and death along smuggling routes, especially on the Central Mediterranean Route.

Physical force and inhumane treatment are the most common forms of abuse that are often carried out as a form of punishment, intimidation, or coercion (UNODC, 2020). The most extreme forms, with torture as an example, are frequently used for extortion and are related with other types of abuse and criminality, such as kidnapping or coercion. Several studies show that smuggled men and women were often purposefully separated for them to be subjected to different types of violence (UNODC, 2020). While men would suffer from various forms of physical violence, women would primarily be targeted for sexual torture. Marie from Cameroon, who undertook the journey and made it to Niger, explains the dangers women face: "I was raped, and I saw many rapes. But I had a goal in mind, I wanted to reach it. I decided to move on and not to look backward" (IRC, 2020). Many women are forced to "not look backward" and embark on the dangerous journey due to gender-based violence and domestic abuse at home (IRC, 2020). While sexual abuse is reported by both females and males, women and girls are exposed to more intense levels of exploitation. According to UNICEF, women's experiences of sexual violence include rape, sexual assault, and being forced to have intercourse with smugglers or other exploiters as an alternative form of compensation for the passage (2017). Smugglers often target women traveling alone, as they know they are the most vulnerable and that they can coerce them into sexual exploitation when they lack the financial means to pay for their journey (Amnesty International, 2016).

Smuggling fees are also paid through ransom or forced labor. Most refugees are forced to pay upfront as they could not afford to pay a higher price demanded at the destination. However, paying upfront puts them at a higher risk of being kidnapped for extortion, suggesting that smugglers can make up for their losses from the lower fee by charging an intermediation fee to kidnappers or exploiters (UNODC, 2021). Kidnappings, trafficking, and the "sale of persons" are common along the journey. They are released and manage to continue their journey only when the ransom is paid by their family (UNODC, 2021). Victor, a Nigerian man who undertook the journey and made it to Italy describes his experience:

Those people that are held captive, they [smugglers] usually beat them twice a day because they say they did not pay the money they were supposed to pay. Some of them were sold as slaves, some of them did not have money to proceed so they kept them there. (IRC, 2020)

Refugees waiting to depart from Libya reportedly have the highest potential to be exploited or trafficked as compared to other transit countries (Utsch, 2021). Many are “sold” to a third party where they are offered freedom in exchange for forced labor in agriculture, construction, or prostitution (UNODC, 2021). Those whose boats were turned away at sea (and thus were deported back to Libya) were faced with torture, detention, and monetary extortion at the hands of smugglers (Utsch, 2021).

Although drowning in the notoriously turbulent Mediterranean Sea is feared by all refugees who take these routes, those who rely on smugglers are often exposed to greater risk (Utsch, 2021). Jidda explained that “There were 120 people in the boat — women, children, guys. I don’t even swim. We were sent out at 4 am, the guys were sitting on the edge, one leg in the sea and one in the boat” (IRC, 2020). Due to the smugglers' motivations to cut costs, refugees board precarious, severely crowded vessels, without the necessary equipment and provisions for the full sea crossing (Utsch, 2021). The increased likelihood of boats being captured or destroyed by EU officials has also led smugglers to use cheaper means of transportation like inflatable rubber dinghies that are much more dangerous than wooden boats (Garelli & Tazzioli, 2016). Food and water deprivation is also systematically reported by the refugees on the vessels. Furthermore, the absence of EU or national-level SAR operations and the reduction of NGO rescue operations have exacerbated the danger that being smuggled across the Mediterranean already entails.

## The EU’s Role in Jeopardizing Refugee Safety on Sea Routes

The EU has played a huge role in exacerbating human rights violations in the Mediterranean through aggressive border control policies intended to deter refugees, which are particularly noticeable on the Central Mediterranean route, but it is replicated to

varying degrees, elsewhere in the region. Rather than concentrating on human rights safeguards including transparency and accountability principles, the EU is criminalizing NGO SAR operations, and the New Pact has been enhanced to keep refugees out at all costs as part of the EU's border externalization strategy (Council of Europe, 2020). These policies fail to mitigate refugee emergencies and instead push refugees into the hands of smugglers and other perpetrators who subject them to gross human rights violations.

Although the Lampedusa refugee shipwreck in 2013 reignited the debate over SAR and led frontline EU Member States to set up SAR operations, the response proved short-lived. In an effort to minimize maritime deaths, the Italian Mare Nostrum, a complex SAR operation, was launched with the cooperation of several entities, such as the Italian Navy and Coast Guard (Gaetano, 2020). However, despite its success in saving lives, it was discontinued in 2014 due to the financial strain on Italy as well as EU authorities' concerns about it being a "pull factor" in encouraging irregular migration (Vosyliute & Conte, 2019). The mission was replaced by Frontex-coordinated border control (rather than rescue) missions like Triton (currently Themis), Poseidon, and Indalo in different Mediterranean routes. The EU Naval Force Mediterranean (EUNAVFOR Med) 'Sophia' operation was also introduced in 2015 to counter smuggling and other illegal activities (Cusumano, 2018). However, Operation Sophia has disrupted the smuggling business model, still pushing refugees into taking greater risk with cheaper and unseaworthy vessels (Damnjanovic, 2020). While these missions publicly stress their commitment to rescue "persons in distress," neither of these operations had a specific SAR mandate, and the number of rescues dropped significantly over their tenures (Cusumano, 2018). Moreover, the EU decided to suspend Operation Sophia in 2020 and launched a new Operation Irini, which focuses solely on enforcing an arms embargo, training Libya coast guard, and disrupting smugglers (Damnjanovic, 2020).

As gaps in SAR capacity were met with mass drownings and increasing death rates at sea, SAR NGOs such as Migrant Offshore Aid Station (MOAS), Médecins Sans Frontières (MSF), and Sea-Watch emerged to fill the void (Damnjanovic, 2020). Although their presence was initially seen as support of national border and coast guard authorities, EU Member

States began actively prosecuting NGOs involved in rescue activities and charging crew members with facilitating the illegal immigration of refugees (Moreno-Lax, 2021). Greece and Italy have both penalized SAR operations. As discussed in Chapter 3 of this Task Force, the Italian government signed a Memorandum of Understanding (MOU) with Libya in 2017 to jointly curb irregular migration of refugees and offer financial support to Libya's coastguard. NGOs were also later forced to sign a code of conduct that was drafted by Italy in cooperation with the EU, which prohibited SAR activities in the Central Mediterranean (Cusumano & Villa, 2019). The wave of criminalization of SAR was reinforced in 2018 under Salvini, who declared Italian ports closed and enacted a security decree that criminalized NGO activities in disembarking survivors, which led to a decline in SAR operations (Cusumano & Villa, 2019). EU support and persistent Member State engagement with the Libyan Coastguard have been normalized as a result. At the same time, Greece also adopted a policy that criminalizes rescue operations for refugees with severe punishment. Two volunteers, Sarah Mardini and Sean Binder, currently risk 25 years in prison for helping refugees arriving on the coast of Lesbos. They both face a series of unavoidable charges, including "smuggling, espionage, unlawful use of radio frequencies, and fraud" (Amnesty, 2021). Hundreds of people like Sarah and Sean face criminalization for their humanitarian activities across Europe.

The focus of the New Pact is neither on the protection of refugees, saving lives nor on the elimination of the structural factors that push them to take the sea routes to reach safety in the first place. The main concern is with managing mixed flows and countering irregular arrivals on the consideration that "dangerous attempts to cross the Mediterranean continue to bring great risk and fuel criminal networks" (European Commission, 2020). The Pact endorses and reinforces the EU's externalization agenda and strengthens a much more aggressive role for Frontex particularly in return operations (Moreno-Lax, 2021). Moreover, the New Pact also emphasizes the effort to minimize opportunities for rescue and keep the SAR operation under scrutiny (Stanimirova, 2021).

## Conclusion and Policy Recommendations

Since the New Pact fails to live up to its promise of implementing safe and legal routes for refugees, the EU must finally develop a coordinated approach to protect refugee rights. Safe and legal pathways must be established to ensure a safe passage for those who are in need of protection. Left without any accessible legal alternatives and confronted with stricter EU border control policies, refugees are forced to resort to irregular and dangerous routes to migrate (Council of Europe, 2020). This has also led to the rise of smuggling patterns that expose refugees to abuse and exploitation. Expanding safe and legal avenues for refugees to enter Europe is critical in stopping these tragedies and the rise of smuggling patterns while providing accessible solutions for all with increased transparency and cohesion (Council of Europe, 2020).

According to UNHCR, the EU should increase the availability of “complementary pathways” for admission through resettlement programs (Wood, 2020). This includes family unification initiatives, community sponsorship programs, humanitarian admission programs, education, and labor opportunities (Crisp, 2020b). Humanitarian visas and humanitarian corridors (based on the Italian model of short-stay visas) should also be implemented to allow refugees to travel safely and legally. Complementary pathways should be given with fair and effective selection procedures depending on refugees' needs or skills established by all the EU Member States (Wood, 2020). Those with urgent needs must be prioritized and separate from economic migrants with the pathway that is most appropriate to them (Crisp, 2020b). This will not only provide refugees with long-term migration solutions, but it will also allow them to integrate and re-establish themselves in the country of asylum (Wood, 2020).

In addition, the policies envisaged by the EU and its Member States do not offer real and comprehensive solutions to the loss of lives in the Mediterranean. The EU states are obligated to save lives and ensure that their policies fully protect the rights of refugees. Refugees' safety must be emphasized and assured, and responsibilities must be clearly distinguished between SAR and border control authorities (Human Rights Watch, 2021). An

SAR mandate should be prioritized and adopted by all Frontex and EU maritime operations. The EU must also force its Member States to decriminalize NGO SAR operations and establish more legal as well as predictable disembarkation and refugee distribution methods (Crisp, 2020a).

# **Chapter 6: The Impact of COVID-19 on the Health and Human Rights of Refugees**

*Danbi Jo*

## **Introduction**

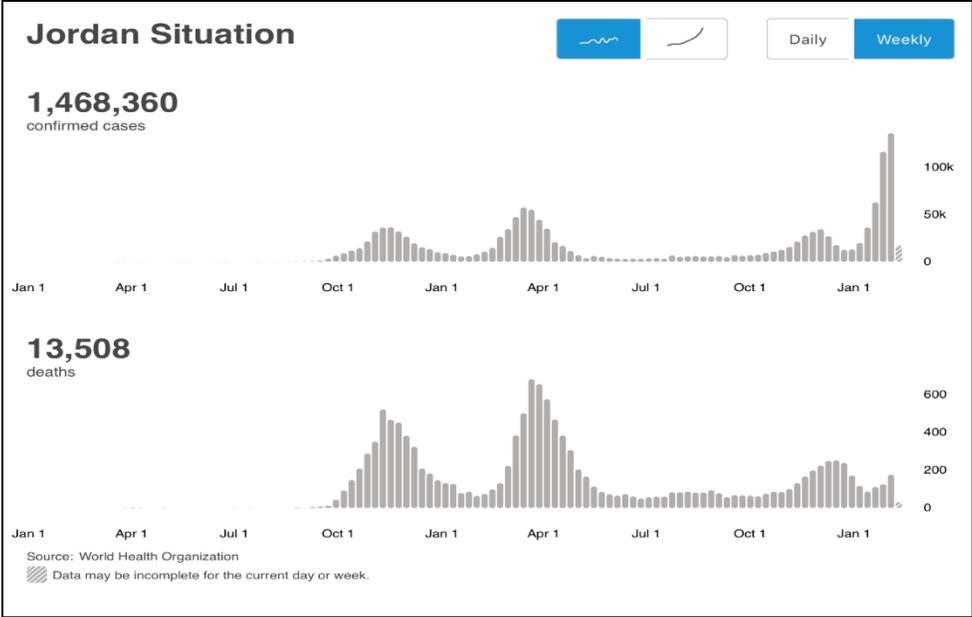
With the outbreak of the COVID-19 pandemic, the human rights of refugees and asylum seekers have become more difficult to guarantee and are continuously threatened as states and organizations are unable to meet the demand for help. Considering the rampant threat of virus transmission, the WHO has urged governments to implement active measures to prevent the spread, and states throughout and outside of the EU have shuttered borders and implemented travel bans. Many refugees are left unable to travel across borders and protect their families, and many organizations are responding with attempts to create and execute policies for refugees. These attempts have been largely ineffective, as the health and human rights of refugees continue to be violated and threatened by a lack of access to water, food, and medical services, in addition to heightened discrimination and prejudice.

Among the numerous refugees suffering from human rights abuse, refugees in Jordan especially have been sorely neglected in the face of public health concerns during the pandemic by the Jordanian government and organizations such as the UN, UNHCR and WHO. The EU should therefore fund UN programs for providing essential sanitary supplies to refugee camps in Jordan, UNHCR should engage in more campaigns and fundraising activities. In addition, by cooperating with Jordan and the UN, the EU should establish clear water quality guidelines and provide accessibility to water filters, which are measures that are not currently being implemented sufficiently from the perspective of refugees.

## **The Impact of COVID-19 on Refugees in Jordan**

Since the Arab Spring and Syrian civil war, millions of people in the Middle East have been driven into the poor conditions of overcrowded residential spaces and refugee camps

(Karasapan, 2022). Currently, the number of confirmed COVID-19 cases in Jordan has been increasing, and border closures and restrictions on movement have forced refugees into an environment where human rights cannot be guaranteed and poor living conditions further increase the possibility of disease. Refugees in Jordan are expected to see their quality of life deteriorate due to the prolonged COVID-19 (Karasapan, 2022).



The number of confirmed COVID-19 cases and deaths in Jordan from 3 January 2020 to 14 February 2022 (WHO, 2022).

Jordan has a population of 672,952 registered refugees (Karasapan, 2022). With the first confirmed case of COVID-19 in March 2020, the government responded by implementing a curfew, meaning that all trips to Syrian refugee camps were set to occur only during the day to control the movement of refugees (“Jordan travel regulations,” 2021). As COVID-19 started to spread, they closed the border between Syria and Iraq and even blocked ports and airports in a similar fashion to the EU’s intensification of border security policies. The Jordanian government implemented travel bans and limited the travel time to during the day (“Jordan travel regulations,” 2021). While Jordan's policies on the restriction of movement during the pandemic were created to prevent the spread of COVID-19, they

are worsening human rights violations as they lead to overcrowding and unsanitary conditions.

## COVID-19 and Refugee Human Rights in Jordan

The UNHCR established that it “has attached, and is continuing to attach, the highest importance to the implementation of the International Covenant on Civil and Political Rights, particularly to its provisions from which no derogation is permissible” (Refworld, 2022). The Covenant states that everyone has the right to maintain the highest level of health without discrimination and access to medical services when they are in need, in addition to establishing principles such as respect for human dignity to prevent damage in crisis situations as much as possible (UNHCR, 2022). Everyone should also be provided with sufficient and non-discriminatory health facilities, goods, and services, and those provided should be of good quality (Human Rights Watch, 2020). Despite the Covenant’s clear standards for human rights, the current reality that refugees face subjects them to many human rights violations and there needs to be a stronger response to the needs of refugees.

## Inadequate Access to Water and Food Supplies

In refugee camps and along the journey of resettling, refugees struggle to access adequate food and water. According to EcoMENA environmental consultant Amir Dakkak, “The majority of refugee camps in the world are unable to provide the recommended daily water minimum of 20 liters of water per person per day. In addition, many countries holding refugees are water-scarce” (2020). In Jordan, where water is scarce, they’ve implemented a water quota per refugee and to ensure hygiene and health protection, but more water needs to be provided. Therefore, it is essential that the Jordanian government is able to provide at least 20 liters of water per person per day, especially in the context of the COVID-19 pandemic. Dakkak also said that refugees suffer from serious diseases such as cholera, typhoid, and hepatitis due to poor water quality, and the main reason why clean

water cannot be supplied is that there are no accurate and suitable water quality guidelines (2020).

In addition, Jordan's travel restrictions due to COVID-19 have almost completely stopped the tourism industry, a crucial part of its economy, causing refugees to suffer from severe food shortages and food insecurity. According to the World Food Programme, "An UNRWA survey in May 2021 found that 82 percent of the refugees interviewed now live on less than \$1.90 a day and that 48 percent of total household expenditure was spent on food, indicating severe distress within families" (Reliefweb, 2022). Also, 53 percent of Jordan's population (about 3 million people) faces food insecurity, and 28 percent of households are experiencing child hunger during the pandemic (Fathallah & Robertson, 2018). These statistics indicate that the rights of refugees in Jordan to adequate food supplies are being infringed upon. Therefore, the UNHCR should better support the development of methods for refugees to obtain food on their own and do more campaigns and fundraising activities to publicize the severity of the food shortage.

### Lack of Access to Medical Care

With the help of NGOs, refugees have been able to receive medical services, but the reality is that Jordan's refugees are not currently receiving adequate health care. It is not only difficult to obtain medical services but also basic health kits, depriving refugees of basic sanitary supplies that could protect them from COVID-19. Medical care is provided for documented refugees in camps, but only 17 percent of documented refugees live in camps, and those who are not registered as refugees have a long waiting time to obtain documents (Mitta, 2020). This lack of medical facilities and supplies put countless people at risk during the COVID-19, and patients in urgent need of medical services are at a crossroads between life and death. Therefore, the Jordanian government should bolster its medical system with increased funding so that refugees can access medical facilities regardless of their documentation status and insurance during the pandemic. The EU should also provide medical kits to refugees to protect from COVID-19.

## Discrimination and Prejudice in Medical Care

Refugees have long been subject to social inequality and discrimination, but more prejudice has arisen recently. Dr. Ozge Karadag Caman, a public health researcher at the Center for Sustainable Development of Columbia University said, "Even though it has no scientific basis, refugees and asylum seekers are held responsible for spreading the virus in many countries during the pandemic" (Sevencan, 2020). The WHO created "communications materials on COVID-19 prevention measures" to respond to xenophobia and support the protection of refugees' human rights, but still many refugees deal with these prejudices in addition to the other safety concerns they face (WHO, 2021). Therefore, in order to prevent this discrimination and prejudice, the EU should partner with the WHO to provide citizens with more educational programs about refugees and the spread of disease, as well as provide refugees with informational resources so that they are better informed about the situation and environment they are in.

## Conclusion and Policy Recommendations

The EU should supply funds to the UN to provide basic supplies such as face masks, hand soaps, hand sanitizers, test kits, and gloves to Jordan's refugee camps, so that they can protect the health of both refugees and EU citizens. Furthermore, the Jordanian government should re-create policies to allow access to medical services during the pandemic period, regardless of refugees' documentation and insurance status. In order to provide food for refugees, UNHCR should better inform the global community on the seriousness of the food shortage in refugee camps by starting more campaigns and increasing fundraising activities. It is also essential that methods and educational materials are developed by the UNHCR for refugees to produce their own food as the COVID-19 pandemic continues to result in economic devastation. In Jordan, refugees are not provided with the adequate amount of water needed to cope with the health risks of COVID-19. Since COVID-19 can be spread faster without clean drinking water and water for personal hygiene, the Jordanian government and the United Nations must collaborate to provide

water filters and clear water quality guidelines. In addition to the health risks of the pandemic and food and water shortages, refugees face the multi-layered threat of prejudice in attempting to access healthcare. Since people lack knowledge of the difficult realities that refugees face, the EU should partner with WHO to create more educational programs about the difficult situations that refugees face to eliminate prejudice against them in the healthcare context.

As COVID-19 is highly contagious, it has caused a lot of damage to refugees by prompting border closures and travel bans. Many organizations are working to help refugees in responding to COVID-19, but from the eyes of a refugee, they are still not guaranteed basic human rights. The EU and NGOs should work together to create realistic solutions and relieve the suffering of refugees. Therefore, through the given policy recommendations, it is necessary to protect the human rights of refugees by placing the issues of lack of water, food, and medical services and discrimination in the hands of the EU for vital changes to be made to protect refugees.

# Chapter 7: EU Emergency Policy and the Pandemic

*Aidan Swayne*

## Introduction

Throughout the history of refugee emergencies in the European Union, contemporary response policies have been products of political attitudes which foster reactive inflow mitigation strategies, not emergency management efforts. The 2015-16 refugee emergency (a devastating result of conflict in North Africa, South Asia, and the Middle East), and the emergence of the COVID-19 pandemic are both contemporary emergency situations that contextualize the EU's reliance on reactive politics. This continuation of policy stance from large and often unstable migration inflows (2015-16) to large shutdowns and shifting border protocols (the COVID-19 pandemic) is seen clearly through even a simple examination of both time frames. A perspective that will not only help to explain consistent policies in place, but also highlights the reinvigoration of old externalization techniques, such as the external processing of asylum claims and the rise of offshore detention regimes (Zaiotti & Abdulhamid, 2021, p. 106). A resurgence of crisis-driven decision making which now rides on the back of safety and public health ordinances, state-of-emergency justifications, and dysfunctional central planning as of March 2020.

The EU's failure to reevaluate strategies for emergency management have facilitated the continuation of international legal rights violations and anti-refugee policy stances throughout Europe. The EU lacks the adequate methodology to withstand emergency situations and has instead resorted to a standard emergency procedure that is highly reactive. Using the refugee emergency and the contemporary COVID-19 pandemic as a policy timeline, this chapter examines the continuation of this standard procedure to determine fully that the pandemic has solidified the EU's crisis-driven strategy. By using two micro examples of externalization techniques, asylum processing and detention regimes, we can effectively map how the EU utilizes these policies to alleviate pressure from its Member States. This, of course, comes at the cost of human lives, historical commitments, and new internal adaptation strategies better fit to manage emergencies.

## 2015-16 Policy in Theory and Practice: The EU and the Refugee Emergency

In 2015, those refugees who fled from conflict in their homeland looked to enter Europe on dangerous journeys with no guarantees. Some of the data collected, including the UNHCR's "Asylum Levels and Trends in Industrialized Countries," outlines effectively that the emergency in question was something unique and daunting for a stratified European Union (Hatton, 2017). This data in particular is taken directly from two different periods, 2006-10 and 2011-15, and highlights an increase in asylum applications anywhere from 80 to 2400 percent to the EU during the 2015 refugee emergency (Hatton, 2017). Europe alone saw a 78% percent increase in asylum applications, most of which reached the 38 countries in circulation during the 2015 peak (Hatton, 2017).

When the refugee exodus from the MENA region occurred, the EU's policies including those established by the Dublin system (the Dublin and EURODAC Regulations) were not adequately adapted to this dramatic increase in asylum applications. This resulted in the creation of an unimaginably difficult reality for hundreds of thousands of asylum applicants. A reality fostered through offshore detention regimes, voluntary responsibility-allocation systems, asylum diverting to third-party protected countries, and/or multilateral migration mitigation deals proposed to "address the 'root causes' of international migration" (Frelick, et al., 2016, p.194). The EU ultimately took little care in correcting the system and took an even smaller interest in holding Member States accountable for appropriately responding to this influx as a collective unit.

### Asylum Seeker Policy: Responsibility-Allocation Systems

To understand why the aforementioned statistics on asylum applications during the 2015 refugee emergency became too much for the European Union system, it is important to examine the asylum application process itself. In the EU, protocols for granting asylum are based on the Dublin system mentioned above. As Chapter 9 of this task force will outline, the Dublin system is the sole responsibility-allocation policy adopted by the EU for

granting asylum, and purports to alleviate the 'burden' of examining asylum claims which should land primarily on third countries of safe entry (Chetail, et al., 2016, p. 105).

By limiting the application examination to a country which is deemed safe under the Dublin criteria, the EU has essentially prevented the rights of foreign nationals or stateless persons from being upheld in regard to transit, asylum, or in accordance with special status (child migrants and those fleeing abuses) (Frelick, et al., 2016, p.194). This, per the EU Council, is an attempt to "reduc[e] the aggregate effort required by Member States," and to prevent asylum seekers from participating in what the EU has dubbed "asylum shopping," a process in which asylum seekers in orbit—those who seek unjust forms of protection in a country other than that of first arrival—occur (Chetail, et al., 2016, p. 104). In reality, the Dublin system simply incentivizes destination states (often EU Member States) to render asylum applications inadmissible based on the fact that "safe" third countries exist. In 2015, this became a crutch as the EU scrambled to enable third-country states under a set of criteria riddled with gaps from theory to practice, leaving thousands victims to the malleable nature of the system and the effort of Member States to operationalize their externalization techniques (Juhász, 2017, p. 42). The UNHCR reports that within the EU, "asylum legislation and practice still vary widely from country to country," meaning that by "streamlining" the application process countries are free to abuse their own policy to elevate state capacity constraints, appease public anti-refugee opinion, and solidify nationalistic leanings (n.d.). Without conditional clauses like family ties or separated children, asylum seekers in countries of first entrance are truly at the mercy of this policy. In a message to the European Parliament, the European Commission admitted that "The Dublin system is not working as it should" (Chetail, et al., 2016, p. 107).

Although the EU Council began to recognize gaps in the Dublin system towards the end of 2015, their relocation plans, under TFEU article 78, would also prove faulty. Only a certain number of refugees were permitted to relocate and those who did not were forced into the EU detention regimes highlighted in the next section and in Chapter 9 (Vradis, et al., 2019 pp. 53-55). In 2017, the year that the relocation system was set to end, there were only 2,300 relocations per month, an increase of three and half times from 2016, the height

of the emergency (EU Commission, 2017). This new process was not only too-little-too-late but it was also structured around abstract relocation quotas which were highly contested by isolationists in Eastern Europe (Juhász, 2017, p. 48). Some Member States, including Hungary and Poland, made zero relocation commitments in the two years it operated (Iov, 2021). Hungary, in particular, stalled (until the relocation policy ended) any legal obligations for relocation through a series of amendments to the Hungarian Constitution and a hearing at the Hungarian Supreme Court (Doliwa-Klepacki & Zdanowicz, 2020). Victor Orbán, the populist and anti-migrant minister at the time, clearly stated that "Foreigners may not be placed in Hungary" (Juhász, 2017, p. 51).

### Hotspots: Asylum Alternatives, Forced Detention

Those who were unable to slip through the oppressive Dublin system, or the lackadaisical distribution scheme, were subjected to an externalized hotspot regime. Based on the UNHCR data from above, it is no surprise that detention facilities and externalized borders became the default solution for the EU shortly after 2015. These point-of-entry camps, or hotspots, are a collaborative effort between EU agencies and what would be dubbed "frontline member states," most notably Greece (Vradis, et al., 2019, p. 66). Here agency members would fingerprint, register, and identify incoming asylum seekers and other displaced persons. The most notable example of a single camp is the now destroyed Moria camp in Lesbos, Greece.

Without extrapolating on the functionality of these camps in detail as will be done in Chapter 8, for our purposes these externalized border camps exemplify a strategy known as "aid conditionality": placing management responsibility on external apparatuses in exchange for funding and political backing (Vradis, et al., 2019 p. 66). The EU began to utilize and fund Greece as their extraterritorial border in regard to the refugee emergency. Greece quickly became the Southern perimeter of the EU's blocking movement from conflict zones during the time. By externalizing the contact between the EU and refugees, the obligations to protect asylum rights as a safe country is alleviated, much in the way

responsibility-allocation systems seek to alleviate pressure at the expense of the human and legal rights of asylum seekers. Created through an emergency situation response, these are the realities of the Dublin system and the EU detention regime it has helped to create. The EU has continued to separate itself from asylum seekers and refugees by infringing on the structures in place to assist those who need protection from displacement, a story apparent but transformed since March 2020.

## The EU's Response to the COVID-19 Pandemic

The EU's refugee policy during the Coronavirus pandemic was not unlike the emergency mitigation response seen in 2015: the international rights of asylum seekers and refugees were put on hold in favor of securing Member State's borders, state health capacity, and national sovereignty. The latter being a highly prized commodity as refugees and asylum seekers are contemporarily often portrayed to Member State nationals as super-spreaders. While the EU's border security mechanisms have changed from burden shifting to lockdown strategies, the number of new applications for asylum is still high. In 2020, 471,300 asylum applications were registered in the EU, roughly 20 percent less than reported in 2014-15 at the height of the last emergency in Europe: a drop that can be most likely attributed to the restrictions of the pandemic, not a change in the situations endured by refugees, though their public health conditions have deteriorated, as discussed in Chapter 6 (Iov, 2021). Faced with that reality, the EU once again opted for mitigation over management. Member States by and large turned inward, locking down borders and utilizing new and old externalization techniques including those highlighted above: asylum application mismanagement and detention regime strategies.

## Borders, Applicants, and Externalization

While the Dublin system and its barriers to entry were upheld by extensive burden shifting and the capacity alleviating third-country system, the new pandemic policies have focused on "stopping migratory flows at the source" (Zaiotti & Abdulhamid, 2021, p. 111).

As the pandemic continued and infection rates sky-rocketed, the EU decided it was becoming more unsustainable to maintain asylum processing across the continent. This included the closure of asylum processing and refugee affairs stations in Austria, Greece, Luxembourg, Spain, and Poland (Zaiotti & Abdulhamid, 2021, p. 111). Even after asylum centers opened their doors again, there were capacity constraints like the rest of the system faced at large. In the wake of this predicament, some Member States have called for the asylum facilities to be moved offshore. However, doing so would put unjust economic and labor burdens on countries outside the EU and mean that the facilities would be outside the range of standardization for fair-claims filing and abuses would likely run-rampant. The same stratification is present within the shifty criteria for third safe country of entry under the Dublin system, meaning that we would see similar problems arise if these facilities were constructed.

### Hotspots and COVID-19

COVID-19 has also further entrenched the policies made in 2015 through the continued usage of Reception and Identification Centers or hotspots. The isolated and prison-like camps violated refugee and asylum seeker right to life in 2015-16 and have now become a death sentence for thousands who have become trapped due to internalized confinement and quarantine mandates. While Greece in particular has tried to relocate some refugees to mainland EU Member States, this has had little impact on population health in camps overall, much like how relocation strategies for state burden shifting had little impact in 2017. The health implications and capacity limitations of inter-state and agency cooperation during COVID-19 has left asylum seekers stranded, facing the threat of literal infection hotspots.

The aforementioned lockdown measures and externalization practices implemented to “safeguard” Europe’s mainland are not limited to Greece and hotspot camps alone. At the start of the pandemic, Hungary, Cyprus, Spain, Malta, and Italy banned applicants for asylum on the grounds of public health concerns, which in turn abused

emergency justification to “skirt international protection obligations” (Shachar & Mahmood, 2021, p. 139). Several countries, including Italy and Malta, went a step further and banned access to their ports and deemed them unsafe under virus conditions. Boats in Malta’s water teeming with asylum hopefuls were subsequently quarantined offshore with sufficient fuel to keep off the mainland (Zaiotti & Abdulhamid, 2021, p. 118). Stuck with each other and Red Cross staff, these asylum seekers were forced to endure harsh conditions and infection rates as they floated between safety and uncertainty.

In line with these maritime and terra border confinements, EU policy has also reintegrated “pushbacks,” in which asylum seekers are forced to return to their country of origin before reaching Europe’s borders. These pushbacks have been upheld by EU policy under its border agency Frontex, and involve more than 40,000 cases, some 2,000 of which have led to the death of asylum seekers and refugees (Tondo, 2021). It is clear that the pandemic has intensified the EU’s externalization strategy and the subsequent infringement on the international human rights of refugee and asylum seekers.

## Conclusion and Policy Recommendations

Based on the EU’s current and historical reliance on externalization techniques, the policies that uphold these must be reworked. This includes notably both the Dublin system and the hotspot regime system. Countries that are designated to be safe third countries in accordance with the Dublin criteria must be held to a stricter and more encompassing standard. This may include but is not limited to:

- The country protects the labor, health, education, liberty, and security of recognized refugees and those in transit.
- The country respects the principle of *non-refoulement*, including prohibiting forced returns or detentions to nations or external sites that may place the refugee in serious risk regarding violations to their respective human rights.
- Stricter adherence to historical commitments regarding the protection of refugees and refugee status under the 1951 Convention and its 1967 Protocol.

Regarding the detention regime and its shortcomings, the pandemic camps and other internal sites which detain refugees and asylum seekers should be dismantled in favor of stronger and more cohesive relocation strategies:

- This includes a methodology which moves away from aid conditionality for perimeter Member States such as Italy and Greece. Aid which is often used to fund the militarization of land and sea patrols (push-backs) and detention center operations.
- It should also be noted that extra-territorialization policies including “root cause” aid conditionality should also be dismantled in favor of reallocating funds for relocation efforts.

Finally in both cases, and based on the ineffective nature of binding and non-binding action policies, like the 2015-17 relocation scheme, such a system must arise in which Member States recognize that failure to compile under reasonable assumption of capability will result in conviction from an applicable European Union high court:

- This includes in the event of an emergency situation in which initial stress is put upon Member States. Stress which may give reason to render action policies inadmissible.
- This also includes in the event that a new policy plan outlines large legislative responsibilities for all Member States of the Union. Individual constitutional grievances amongst Member States, like the case in Hungary above, should be filed with a European high court; however, the implementation of the policy under reasonable capability should still take effect until the proceedings have been completed.

## **Chapter 8: The Horrors of Entering the EU: Greece as a Case Study**

*Stephanie Phillips*

### Identifying Greece as an Example of the EU Response to Refugees

The current devastation that is the Greek response to refugees is not a new phenomenon. Greece has a history of undermining EU asylum policy and violating human rights agreements. Despite historically being condemned by the EU for their practices in violation of human rights, the last two decades of war have dramatically increased the amount of people seeking refuge in Europe and the EU has shifted towards supporting Greece's actions.

Exhibiting one of the worst responses to refugees, the human rights violations in Greece exemplify the systemic violence against refugees and the undermining of international agreements across the EU. Greece, along with the other external border states such as Italy, is taking the disproportionate responsibility of managing refugees entering EU territory. This influx in people seeking asylum has led to Greece only worsening their already violent response to refugees. These tactics by Greece are supported by European leaders as a mechanism to keep refugees out of the EU in general. Considering the current ways for refugees to enter the EU, Greece has become a nightmare for asylum seekers because of the violence they are faced with at the border, as well as the dismissive and hastened asylum processing. The treatment of refugees in Greek territory does not exist in a vacuum, as every step of these unlawful and inhumane practices are either ignored or supported by the EU. These practices by Greece and the EU are an act of undermining their legally binding international agreement to protect the lives of all refugees under the 1951 Convention and 1967 Protocol. In response to this, Greece must demilitarize their response to refugees and the EU must support Greece in efforts to find alternatives to inhumane processing centers and to hold agencies accountable in the protection of human rights.

## Violence and Pushbacks: Unlawful Policing at the Border

Greece's response to the arrival of refugees is largely defined by increasing military and police presence at their borders. Along the Greece-Turkey border, there are Frontex (EU Border and Coast Guard Agency) officers, Greek police, Greek Coast Guard, and unidentified men in civilian clothing enacting interceptions and pushbacks (Human Rights Watch, 2021a). These law enforcers are being used to execute unlawful and inhumane pushbacks and expulsions of refugees and asylum seekers, otherwise known as *refoulement* (Human Rights Watch, 2021a).

This overwhelming militarized presence affects both their land borders and the possibility of refugees reaching Greek land by sea. These pushbacks and violence against refugees go against international agreements to welcome and protect the lives of refugees. Human Rights Watch conducted interviews with over 20 asylum seekers about their attempts to enter Greece, many of whom described experiencing assault through violent beatings and being robbed of all belongings before being pushed back to Turkey (Human Rights Watch, 2021a). While Frontex requires officers to respect human rights protections, the agency has come under scrutiny for "the shortcomings of its internal monitoring and accountability mechanisms" (Human Rights Watch, 2021a). This undermining of human rights is of increasing concern, as the EU has recently strengthened the role of Frontex and their ability to carry out returns (European Council, 2019).

The use of violence against refugees and asylum seekers is not only used to deflect entrance into Greece but has been reported to have been used on those deep inside Greek territory (Human Rights Watch, 2020). Accounts from several asylum seekers reported that the military and police conducted returns in which they gathered refugees from within camps inside Greece and were immediately put on boats and sent to Turkey (Human Rights Watch, 2020). After being placed on boats departing from the EU, where they cross the most treacherous paths, refugees are moved to small dinghy rafts after reaching Turkish waters and sent adrift. Evidence of this type of pushback has been piling up in recent years. These practices go against the Convention's core principle of *non-refoulement*. According to

the UNHCR (2011), this means a refugee should not be returned to anywhere they face serious threats to their life or freedom and must also not be prevented from entering a country.

In addition to the militarization of Greek land borders and violence within Greek territory, there have been countless instances of illegal and violent pushbacks against refugees at sea. The Greek Coast Guard is roaming waters to prevent arrival on land at all. Rafts heading into Greece are intercepted and returned back to Turkey in a similar manner. Last September, during one of these violent pushbacks, refugees were beaten and thrown into the water without any boat or raft. After this, refugees Sidy Keita and Didier Martial Kouamou Nana were found dead on Turkish shores (Fallon, 2022). Firsthand accounts from refugees include the police apprehending them, violently beating them, being strip searched and robbed, and babies being thrown back into rafts as if objects (Fallon, 2022). The initial and brute response of using the military to “protect against” refugee entrance is an example of Greece and the rest of the EU undermining their agreements to protect all refugee lives.

### Greece’s Denial of Allegations

Greece has been criticized by the international community for the illegal expulsions of refugees and the undermining of their international agreements. In response to this condemnation, the Prime Minister of Greece, Kyriakos Mitsotakis, has denied pushback allegations, calling them “misinformation” (Solomon, 2020). However, there is growing documented evidence that the moment refugees reach Greek territory they are met with violence and illegal deportation (Fotiadis, 2020). Recently, the Commission has acknowledged the allegations and made promises of monitoring pushback reports, although no specifications were made (Nielsen, 2020).

## EU-Turkey Deal: An Attempt to Alleviate Gone Wrong

The EU-Turkey Deal set the stage to enable Greece to send refugees back to Turkey in this manner. In its origin, the purpose of the Deal was to alleviate the disproportionate responsibility that Greece was given as an external border state with the EU lacking an effective system to share this responsibility. Greece already had a longstanding history of unlawful asylum processing. In 2010, Greece underwent infringement procedures launched by the European Commission in response to the inhumane treatment of refugees and the implementation of unlawful “closed centers” (Euractiv, 2013). This, combined with anti-immigration sentiment and economic turmoil, has set the stage for Greece to be an extremely ill-prepared external border state to receive the influx of people seeking refuge. Because of this, the Deal also aimed to improve the asylum systems and refugee situation in Greece. But in reality, this agreement has only made the situation more dangerous for refugees and new policies convoluted (Human Rights Watch, 2016).

This agreement between the EU and Turkey is an example of the externalization by remote control discussed in Chapter 3 and as established in Chapter 2, Turkey is not a safe third country for asylum. Denying thousands of people access to the EU is denying them full protection. Additionally, the Deal has contributed to the hastened asylum processing and overcrowding in the unlawful refugee camps in Greece (Human Rights Watch, 2016). Finally, the EU-Turkey Deal is an example of political entities using the lives and safety of refugees as pawns, as there is constant political back and forth (Human Rights Watch, 2016). The increasing military presence at the Greek borders has been in response to Turkey threatening to no longer restrict movement. The EU-Turkey Deal rests upon the idea that refugees can be commodified and their right to safety and protection ignored (Human Rights Watch, 2016).

## Applying for Asylum: Dismissive Processing and Inhumane Holding Centers

Even for those who are able to apply for asylum, the process is daunting and problematic due to recent EU-wide hastening of procedures and the continuous use of

camps. One of the key points of the New EU Pact, as well as the EU-Turkey Deal, is the promise of faster asylum procedures. While the Commission claims speedy processing means efficiency, haste in procedures comes at the expense of protecting the law and individual rights (Chadwick & Montalto Monella, 2020).

One of the mechanisms of quick asylum processing used by Greece is the hotspot approach, otherwise known as Reception and Identification Centers (RICs). These centers are located in the Greek islands of Lesbos, Samos, Chios, Leros, and Kos, to hold refugees away from the mainland during processing. These centers are places of horrendous and inhumane treatment of asylum seekers. While this hotspot approach is a model originally created by the EU Commission in 2015, intended to support the external border states in swift asylum processing, Greece has historically used similar camps for refugees (Médecins Sans Frontières, 2021). After the EU-Turkey Deal, these sites have only intensified in danger and unclear purpose and have become holding centers for refugees to be quickly returned to Turkey (Médecins Sans Frontières, 2021).

According to the report by Médecins Sans Frontières identifying the danger and health crisis these centers create, the RICs in the Greek Islands are places of violence and fear. These camps, specifically the notable Moria center, have the full operational support of the European Commission and Frontex, yet have limited access to basic services such as running water and shelter (Médecins Sans Frontières, 2021). This in itself is an example of the EU denying refugees their basic human rights. The organization interviewed refugees being cared for in Athens, being some of the few who made it to mainland Greece after spending time at the RICs. A refugee interviewed in the report said, “We were told that it didn't matter what we had been through. We didn't receive any protection. We didn't receive any support. We weren't even told what the decision of our asylum application was. We didn't have access to a fair asylum process” (Médecins Sans Frontières, 2021). This inhumane treatment is the framework for all refugee containment and processing camps in the Greek islands.

In response to destruction of the infamous Moria camp in September 2020, EU leaders promised change in the new Multi-Purpose Reception and Identification Centers. In

the European Commission press release, Commission President Ursula von der Leyen said, “We will bring decent conditions to migrants and refugees who arrive, as well as supporting the communities on the Greek islands” (European Commission, 2020). Despite this claim, similar facilities and new camps are practicing similar inhumane treatment of those seeking protection. Sometimes referred to as “closed centers,” MPRICs are the more restrictive refugee camps with the intent of strictly containing and deporting people arriving in Greece and otherwise in the EU (Médecins Sans Frontières, 2021). They are practically prisons for refugees. These closed camps are the same mechanism that initiated the infringement procedure concerning Greece’s violation of human rights in 2010.

This is not an isolated problem for Greece, and despite previous condemnation of Greece’s practices, the EU has played a central role in the implementation of RICs and the development of the new MPRICs. Through all the unlawful violence and mistreatment Greece has enacted on refugees, Ursula von der Leyen still praised the state as Europe’s “shield” (Solomon, 2020). The EU’s prioritization of protecting against access to its territory over the protection of human lives is unacceptable and violates all international and legally binding commitments under the Convention.

## COVID-19 and the Halting of Asylum Processing

As mentioned in Chapter 6 of this Task Force, the COVID-19 pandemic has exacerbated the lack of basic services in refugee camps. In addition to the worsening conditions of the hotspots, during the first months of the pandemic, Greece enacted nationwide restrictions on public movement and refugees remained trapped in camps. Restricting internal movement in the face of a “security crisis” was listed as Greece’s exception to their signing of the Convention. However, they have then used this opportunity to not only arrest and deport refugees from the country and the EU, but to completely halt all asylum processing (Abdulrahim & Hinshaw, 2020). As proven in Chapter 7, Greece is only a microcosm of the entire EU’s refugee response during the pandemic.

## Conclusion and Policy Recommendations

This violent dismissal of refugee rights and protection is not only a problem in Greece, but one likely to continue despite EU leaders urging for better practices. In reality, EU leaders are playing an integral role in deflecting refugees and asylum seekers. Despite the illegal practices against refugees enacted by Greek law enforcement and Frontex, Commission President Ursula von der Leyen publicly stated, “The problem Greece faces is a European problem,” and that they are fully behind the strict border control measures of pushbacks and the halting of asylum processes (Abdulrahim & Hinshaw, 2020). Additionally, the refugee camps that lack basic human rights and services are developed, implemented, and funded by the European Commission and Frontex.

The New EU Pact is supposed to solve the issue of EU migration policy and the way that the Union is dispersing responsibility. In reality, the essence of the Pact aims to protect the Member States from influxes of people rather than protecting refugees and asylum seekers from danger or risk. One of the key points of this new Pact is speeding up the processing at the external borders. While the Commission claims speedy processing means efficiency, this comes at the expense of protecting the law and individual rights (Chadwick & Montalto Monella, 2020). Another key aspect is the distribution of responsibility among EU Member States. While this entails many new policies, notably it will allow Member States who have been reluctant to receive migrants through relocation to now dismiss this expectation and contribute by organizing and carrying out returns (Chadwick & Montalto Monella, 2020). This allows Member States to avoid taking in refugees, only worsening the EU’s system of undermining their duty to protect. This shows that the violence against refugees in Greece and the EU’s external borders in general is a systemic problem. Despite the EU’s key role in developing and affirming international frameworks to protect the lives and rights of all refugees, their main concern is with “protecting” their borders (GCR Review, 2021).

Greece is enacting illegal and violent pushbacks against refugees and is doing so through the increased policing and militarization at its borders.

- Greece must demilitarize its means of border management. The presence of law enforcement should be to restrict illegal forms of pushbacks against refugees, not to foresee them.
- Any law enforcement actor involved in these illegal pushbacks should be investigated by the Greek judicial power. As a way of accountability, disciplinary measures should be taken on those found to have been involved.

The EU is denying illegal activity and publicly commending the general actions of Greece's border control mechanisms. Frontex, an EU Agency, is blatantly disregarding the protection of refugee rights and international agreements. Frontex has a history of failing to credibly investigate or take steps to mitigate abuses (Human Rights Watch, 2021b).

- The EU must strengthen the accountability practices of Frontex. Especially considering the growing power of Frontex, there needs to be a strict and effective promise of investigation when allegations of human rights violations are made. These investigations should be done by an external party, as well as conducting internal inquiry.
- Frontex should mitigate the illegal pushbacks foreseen by other law enforcement parties.

Under the support of the EU, Greece is utilizing inhumane refugee camps as holding sites during asylum processing. These camps are extremely unsafe, leading to hundreds of refugees gone missing, injured, or dead (Médecins Sans Frontières, 2021).

- With the support of the EU, Greece must evacuate refugees from the Greek Island camps and find safe and supportive alternative accommodations.
- Halt all development of MPRICs and invest in the development and implementation of safe and supportive reception centers

The New EU Pact allows for States to deny responsibility of welcoming refugees by contributing to deportation mechanisms.

- The EU must end this option and develop a legitimate responsibility sharing system that does not rely on uneven responsibility for external border States or the externalization of responsibility to non-safe third countries.

## Chapter 9: EU Policy on Determining Member States' Responsibility

*Max Schwartzkopff*

### Introduction

The general principle of the EU regarding asylum and refugees “aims to develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to all non-EU nationals who need international protection” (Schmid-Drüner, 2021). The standards governing the treatment of asylum applications are identical in the majority of Member States, and are laid down in binding EU directives, such as the Qualification Directive 2011/95, the Procedure Directive 2013/32, and Reception Directive 2013/33 (Brouwer & Riken, 2016). The listed directives essentially govern who qualifies for asylum/protection in the EU and who does not. The Qualification Directive incorporates the 1951 Refugee Convention; right to asylum and non-deportation is further supported by Article 18 and 19 of the EU Charter of Fundamental Rights. Therefore, asylum protection is considered a fundamental right and has to be exercised by EU countries according to binding contractual agreements.

### Current EU Policy Framework

Following the Maastricht Treaty of 1992, which set the foundation for the EU as we know it today, the Treaties of Amsterdam and Nice paved the way for common asylum/refugee measures and the idea of shared responsibility among EU members regarding the matter of asylum. Through the treaty, “the previous intergovernmental cooperation on asylum was brought into the EU’s institutional framework” (*Migration and Asylum*, 2018). The Council and Commission then took to bringing asylum policy matters to the European Parliament. To build on the policy decisions concluded in the Treaty of Maastricht, the Treaty of Amsterdam ratified in 1999 assigned a specific policy pathway for EU institutions to implement policy binding for all EU members. Given an initial five-year

transitional period, the Commission and Member States were able to initiate policies in unanimity with the Parliament. Additionally, the Council could adopt decisions by qualified majority (*Migration and Asylum*, 2018).

To round off EU policy regarding common procedures on asylum and what qualifies as uniform status, the Treaty of Lisbon, ratified in December of 2009, established a common system (CEAS) which included a uniform status of asylum, a uniform status of subsidiary protection, a common system of temporary protection and common procedures for the granting and withdrawing of uniform asylum as well as subsidiary protection status, among other aspects (*Migration and Asylum*, 2018). Further, the treaty stresses determination of “safe” third party countries and aims to establish a partnership with common third-party countries. The Treaty of Lisbon also adopted Article 79 and 80 of the Treaty on the Functioning of the European Union explicitly. Through the adoption of the two articles into the Lisbon Treaty, “immigration policies are to be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States” (Schmid-Drüner, 2021). The Lisbon Treaty hence plays a key role in determining uniform responsibilities across Member States and allocating responsibilities to each EU member state, while emphasizing the EU as a strong supranational organization. Through the Treaty of Lisbon, matters of immigration that affect the EU as a whole are to be governed given the principle of fairly shared responsibility.

As mentioned above, a particular achievement under the Lisbon Treaty is the establishment of the Common European Asylum System. Through CEAS, the Lisbon Treaty not only rounds off EU asylum policy but further extends desired cooperation with EU outsiders. Refugees and persons in need of subsidiary protection are eligible for international protection: the transfer to other member countries and safe third-party countries is permitted. Further emphasis is put on EU members enforcing the allocated responsibilities regarding border control, registration, monitoring, etc. and ensuring that CEAS regulations are followed by the EU. The Treaty of Lisbon really functioned as a vehicle

to make asylum policy part of the EU's institutional framework. The treaties made asylum a responsibility of the "first pillar" signed in the Maastricht Treaty of 1992.

To assess the EU's overall policy regarding asylum seekers and refugees, the examination of the Dublin III agreement is key. Dublin III counts as a regulation, in that it "is a legislative act that applies directly to member states" (Ayoub, 2019). The regulation sets the criteria for identifying the member state responsible for examining an asylum application. It dictates Member States that have played the largest role in a refugee's entry resettlement in the EU to take on the responsibility of processing their application for asylum in the EU. EU member countries in which applicants apply for asylum are also tasked with data collection of individuals according to the Eurodac Regulation. Therefore, if fingerprints are taken in a certain country when an EU border is crossed without formal entry, an asylum seeker can only apply for asylum in that country (European Commission Council Regulation No.2725/2000, 2000). As established by the Dublin II Regulation passed in 2003, all data is stored at a centralized database accessible for all EU member countries. Through this EURODAC central unit, countries can see if refugees or asylum seekers have transited through other countries or applied for asylum in other countries (Fratzke, 2015). As Dublin III was upheld by the European Court of Justice in 2017, it remains the main policy in place that regulates procedure on asylum seekers in the EU, "continu[ing] to place the predominant responsibility for examining an asylum application with countries of first arrival" (International Rescue Committee, 2021).

Dublin III has come under fire as "it does not contain a mechanism enabling member states to distribute...responsibilities between them" (Brouwer & Riken, 2016). Low transfer rates of immigration amongst EU members and so-called secondary movement have undermined the Dublin III regulation (Fratzke, 2015). Countries of arrival are forced to take more responsibility which puts a strain on immigration systems in Mediterranean countries already known for poor governance within Europe. Countries like Greece and Italy are often ill-equipped and cannot manage the additional burden. This often puts asylum seekers and their families into positions of hardship and rights violations. While on paper much secondary travel among other reasons leads to asylum applications being

processed in central European countries like Germany as well, the number of transfers actually carried out across European countries is quite low (Fratzke, 2015). The way applications are often being dispersed across European countries also does not account for the capacity of those country's social systems. Germany may be able to accept much more additional asylum applications given a more ready social and asylum system than countries like Italy that carry a large burden, simply given their geographical location on European borders. Overburdened asylum systems also negatively impact asylum seekers as they keep them and their families waiting and prevent set protection and the quick establishment of safe environments for people seeking shelter.

In response to the 2015 migration emergency, the EU adopted measures to transfer a total of 160,000 asylum seekers from the most heavily impacted Member States—Greece and Italy—to the other EU members, such as France and Germany, but also many others with lower asylum application rates. Such transfer measures are more symbolic in nature, as they do not provide proper relief to the situation Mediterranean countries face with overcrowding in refugee camps and inflows of thousands of new refugees every day at their borders. Planned transfers of refugees also remain the largest cost aspect of enforcing the Dublin system. While costs depend on the destination, large-scale transfer of refugees puts a big financial burden on enforcing the existing Dublin system (Fratzke, 2015).

To find a general solution, the New Pact's proposal by the EU Commission in 2020 is supposed to bring the EU together under a more unified approach of managing refugees and establishing better regulation for allocation of resources and refugees within the EU, while also improving the quality of border checks, documentation and pathways for refugees or asylum seekers within the EU. The Pact has come under fire as mandatory solidarity mechanisms are limited and the way solidarity is supposed to be enforced in each nation is flexible, leaving the option of mere financial support for other EU members or sending back rejected asylum applications after less than a year. As it becomes clear that the EU as a governing body has failed to establish a proper system/set of policies that governs Member States' responsibility, this chapter examines drastically different

governmental responses by an EU member to the refugee emergency starting in 2015. Comparing Germany's asylum policies with those of the EU, to look at what has worked well and what has not, is essential to determining policy conclusions.

### "We can manage it!"

Germany, since the onset of the refugee emergency in 2015, has taken a similar position to its general status within the EU: building on its reputation as a political and economic powerhouse, Germany has signaled an open-border policy to set an example within Europe that EU members can and should react to the refugee emergency and inflows of refugees and asylum seekers with open doors. The general response to the refugee emergency is best encapsulated by Merkel's "Wir schaffen das!" ("We can manage it!"), spoken in August of 2015 following the visit to a refugee camp in Dresden (Delcker, 2018). Of the over 5 million asylum seekers in the EU from 2015 to 2020, around 40% have sought asylum in Germany (Noestlinger, 2021). As a country, Germany hosts the 5<sup>th</sup> most refugees worldwide and the most of any EU member: 1.1 million (Karasapan, 2020). Germany, through Merkel's aim to assist refugees and asylum seekers on such a large scale, has also stepped in where the EU has fallen short by taking on more responsibility with a strong, individualistic governmental system.

As Fratzke (2015) explains, between 2015 and 2018 Germany had close to two million asylum applications: by 2018, 72 percent of the asylum seekers had been granted protection in Germany, gaining the right to work without restrictions. 17 percent were granted pending claims with restricted work authorization. Integration into the labor market for asylum seekers and refugees has become the forefront of German asylum policy over time: recognizing that beyond providing protection, asylum seekers and refugees can become integrated into society as contributing members of the German labor force has become the vehicle driving the opportunities for work authorization and university education without given EU directives. Germany has also received the largest number of secondary asylum applications early on in the refugee emergency at over 33%,

showing not just Germany's desirability as a destination but also that many countries of first arrival are overburdened (Fratzke, 2015).

To assess how Germany has taken up its allocated responsibility by the EU, it is important to look at asylum seeking history into Europe as the refugee emergency of 2015 unfolded. The mark of 1 million refugees from Syria was first surpassed in 2013. After it became apparent that many refugees looked for shelter in Germany, as they believed larger economies could provide better support, attempted migration into Germany increased. Many countries at the border and their executive institutions (police, coast guard, etc.) were overwhelmed with the situation as refugees were dying at European borders and on their path to Germany; in the last week of August 2015, 71 dead bodies were found in a lorry in Austria, all Syrian and Afghan refugees attempting to travel to Germany (Harding, 2015). Germany's Chancellor Merkel reacted by suspending the Dublin regulation for Syrian refugees, meaning they could travel through Europe and have their application processed in Germany even though they first arrived in another country. As the decision to suspend Dublin III was an uncoordinated effort with her EU counterparts, Merkel drew both internal and external criticism at the alleged violation of a binding EU directive.

As migration flows increased through the Balkan route, mainly in an effort to get to Germany, Hungary closed its borders and demanded Dublin III be properly enforced by the EU, effectively forcing migrants to apply for asylum in Hungary, even if passing through. Germany opened its borders to the migrants stuck there and saw a significant upshoot in immigration of refugees: while immigration was constant all the way up to May (~10,000 monthly immigrants), the opening of borders led to an upshot of monthly immigrants of up to 30,000. Asylum recognition numbers, legal precedent to actually offering shelter also saw an uptick. Due to increased pressure on the German government given a subsequent change in public opinion, policy revisions were enacted over time. Germany as well as other countries like Sweden started to adopt much stricter immigration regulations, for instance the Migrationspaket in Germany (Manthei, 2021).

## Asylum Process in Germany

Germany provides three kinds of protection to foreign immigrants: refugee protection, entitlement to asylum, and subsidiary protection. The protection of persecuted individuals/groups is guaranteed by the German Constitution (Article 16a) which grants a three-year residence permit which can be turned into a permanent residence which allows family unification. Protection stresses that refugees should be protected through subsidiary protection if they face unjust treatment/violence in their home country.

Due to political backlash, Germany has added rather restrictive amendments to their open-door policy that further regulates immigration. Asylum Packages I and II of 2015 and 2017 accelerated the asylum process and classified more “safe countries” to reduce the number of eligible candidates; in effect the lack of documentation often shut applicants from war-torn countries out of the process quickly (Ayoub, 2019). Refugees are continuously denied access to the EU due to a lack of data collection and documentation, as the systems in place have been neglected under Dublin III and Eurodac systems. On the other hand, the collection of data and pan-European usage of the Eurodac database is often one of Dublin’s selling points. Compared to planned refugee transfers, data collection is quite inexpensive and the acceptance of Eurodac data across countries is often said to enforce the adoption of the common system itself (Fratzke, 2015). The Eurodac database hence carries some importance for enforcing Dublin’s validity.

Further, to tackle the cause of refuge at its root, Germany is a large investor of foreign aid to prevent and assist with refugee matters world-wide. Federal expenditures allotted to asylum seekers stood at €20.8 billion in 2018, or a little more than 6 percent of the entire federal budget (Trines, 2019). It has to be mentioned that while most of these benefits are dedicated to housing, social benefits etc. about one third of this spending is allocated to decrease causes of migration in states of origin or to prevent immigration from these countries in the first place. Germany is a major investor of foreign aid dedicated to international organizations that are concerned with international migration: just in

December of 2021 Germany committed 120 million Euros to the UN Refugee Agency as part of their foreign aid package (Federal Foreign Office, 2021).

## Policy Recommendations

The EU needs to put policies in place regarding three aspects of their current policy set for asylum seekers and refugees:

- The EU needs to implement policies that measurably and quantifiably distribute responsibility between EU members.
  - Establish quotas, distribute refugees/asylum seekers to countries with low application rates or good social systems, map out financial responsibility similarly to Germany as in the “Koenigsteiner Schluessel”
  - Establish policies for a “Union Resettlement” to strengthen resettlement measures and provide an EU framework to possibly establish global resettlement efforts with safe third countries
  - Strengthen the EU as a supra-national entity, as many of the existing policies are non-binding
- Overhaul policy to allow more flexibility with pan-European travel and application to asylum across countries
  - Add amendments to Dublin III to balance out processing of asylum applications, overhaul Schengen agreements to eradicate illegal travel, etc.
  - Enforce existing regulation (Temporary Directive) allowing temporary residence for refugees of war, allowing access to education and employment
  - Create a “coalition of the willing” allowing countries with resilient social systems like Germany to take more responsibility; implement binding base policies that all Member States have to follow such as minimum quotas allocated on a per-capita basis and in relation to per-capita production
- Enact funding for pan-European integration (language courses, universities, schools, employment, etc.)

## Chapter 10: Refugee Resettlement in the EU

*Katie Rabus*

### Introduction

The UNHCR outlines three durable solutions for refugees, one of those pathways being resettlement (Core Group on Durable Solutions, 2003). When looking at what qualifies a pathway as a “durable solution,” the focus must reside in ending the cycle of displacement (UN Refugee Agency, 2011, p. 28). As defined by the UNHCR, resettlement is the process “in which refugees are selected and transferred from the country of refuge to a third state which has agreed to admit them as refugees with permanent residence status” (UN Refugee Agency, 2011, p. 28). The European Union acknowledges a shared definition for resettlement with the UNHCR yet chooses to specify that refugees who are accepted in a third state within the EU must meet the requisites designating their status for “international protection” (*Resettlement: Definition(s)*, n.d.).

Individuals who are referred to the EU by the UNHCR and qualify as refugees under the EU Qualification Directive of 2011 are granted the right to reside in the EU, along with additional dignifying rights as outlined under the 1951 Refugee Convention and the 1967 Protocol (Council Directive 2011/95, p. 9). Those granted refugee status in the EU have the right to equal access to housing accommodations, social assistance, and freedom of movement within the state, in the same manner as nationals of that specific EU Member State (Council Directive 2011/95, pp. 12-13). Additionally, refugees in EU Member States should be provided social welfare assistance, adequate healthcare, and access to education “under the same eligibility conditions as nationals,” as legally bound by the EU (Council Directive 2011/95, p. 13; *European Union law*, 2020). However, many complications arise from the lack of specific and clear guidelines in these directives. Individual states are allotted the leeway to fulfill these directives through their own legislation, which prove incompetent and detrimental to the protection and provision of universal human rights to refugees.

Under international refugee human rights precedents, resettlement is deemed as an important option for assisting refugees (see for example the 1951 Refugee Convention, 1967 Protocol, UNHCR Resolution no. 112, *New York Declaration*), however there are no explicit mandates requiring resettlement programs in all nations (Executive Committee, 2016; Nicholson & Kumin, 2017; UN General Assembly, 2016). This has opened the conversation around “burden and responsibility sharing,” with the 2018 Global Compact on Refugees outlining the need for nations to “help share each other’s burdens and reduce the impact of large refugee situations on host countries” (UNHCR, 2018, p. 36). The European Union similarly acknowledges this sentiment in the Treaty of the Functioning of the European Union (TFEU) under Article 80, which explicitly outlines the responsibility of the EU and Member States in regard to burden and responsibility sharing of refugees:

The policies of the Union...and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle. (2016)

Acknowledging the need for more equitable sharing of responsibilities in supporting refugees and asylum seekers, the EU published the New Pact on Migration and Asylum (European Commission, 2020). The Pact aims to confront flagrant issues made apparent through policies such as the Dublin Regulation and the EU-Turkey Deal, where special “burdens” have been taken up by Member States of first entry (Italy, Greece, Malta, Spain) to house refugees and asylum-seekers due to their proximities to migratory sea routes. Within the Pact, bureaucratic inter-EU concerns are addressed to “streamline” the processing of asylum cases (Panayotatos, 2021; Ruy & Yayboke, 2020). However, components also include calls for Member States to step forward with programs for resettlement. In addition, the Pact created the EU Agency for Asylum (EUAA), which could prove useful for advancing plans for resettlement (European Council on Refugees and Exiles, 2022). The EUAA, now operational, defines its mission as ensuring that “the asylum practices in all EU+ Member States are harmonized in line with EU obligations,” through

providing technical, operational, and training support (EUAA). In addition, the establishment of the Asylum, Migration and Integration Fund could prove promising in advancing the development of resettlement programs in the EU Member States and “lifting the burden” off of the Member States of first entry (Council Regulation 2021/1147, 2021).

There still remains a need for an EU Resettlement Framework, which proves to be a politically contentious issue. In 2016, the EU submitted a proposal for the Union Resettlement Framework, which has remained “on hold” through today, with clashing views surrounding a compromise for specific measures (Bamberg, 2018; *Towards a new policy on migration*, 2022). In the meantime, the European Commission acknowledges and confirms the need to address resettlement, publishing recommendations such as 2020/1364 which call for more Member States to accept refugees and asylum seekers for humanitarian admission and resettlement, and for the creation and implementation of resettlement and integration programs within each state (Commission Recommendation, 2020). Yet, in order to effectively operate, universal, explicit directives and enforcement mechanisms must be put in place from the EU to ensure progress is being made towards resettlement efforts (UN General Assembly, 2016).

## The Resettlement Process Today

Due to the strict protocols of the UNHCR and the vast limitations in state resettlement options, few refugees qualify for resettlement. However, the need for resettlement is greater than ever. To further exacerbate the issue, the current capacities in resettlement programs are miniscule in comparison to the need (Fratzke & Kainzl, 2020, pp. 5-6). Since 2011, projected global resettlement needs have increased by nearly 80 percent (Solf & Rehberg, 2021). In 2020, 1.4 million refugees were in need of resettlement and out of this staggering number, a mere 22,800 refugees were resettled worldwide with only 36 percent of them resettled in the EU, albeit with a disparate distribution among states (*Resettlement Data Finder*, n.d.). The COVID-19 pandemic has further restricted states’ policies and protocols for refugee resettlement. Prior to the onset of the pandemic in 2019,

63,726 refugees were resettled on a global scale, with the pandemic showing a reduction in resettlements by over 60 percent in a single year (Sundberg Diez, et al., 2021, p. 6). The coronavirus pandemic illuminated the crumbling structures of the EU's resettlement programs, simultaneously providing an opportunity for systemic evaluation (Fratzke & Kainz, 2020).

Pivoting from a statistical scale, which already may prove startling in itself, it is crucial to assess the complexity of the resettlement process from the perspective of asylum-seekers. The UNHCR divides the resettlement process into three steps: identification, access to resettlement, and submission of cases. On a yearly basis, the UNHCR publishes estimates of, or "identifies," the number of individuals in need of resettlement. In order to qualify for resettlement, refugees must first be found by the UNHCR to be ineligible for the other two durable solutions for refugees: repatriation and integration. In addition, the UNHCR prioritizes resettling refugees from certain "resettlement submission categories" and from "resettlement priority levels," as outlined in detail in the Resettlement Handbook (de Boer & Zieck, 2020; UN Refugee Agency, 2011, pp. 245-296). Following the release of the annual estimated need from the UNHCR, states who choose to voluntarily participate in resettlement will begin discussions amongst themselves and with stakeholders to determine their annual quotas for resettlement cases.

Access to resettlement as an option is then determined on a case-by-case basis for refugees. Refugees fill out Resettlement Registration Forms and participate in highly scrutinized interviews and case reviews from the UNHCR (Solf & Rehberg, 2021). Throughout this process, invasive medical screenings, background checks, and other bureaucratic processes are also required. The second step involves a case review by the potential country of resettlement – essentially repeating the process completed in the first step for sake of "additional precaution" (Solf & Rehberg, 2021). This additional case review by the national government also serves to ensure independent criteria regarding refugee status are met under national laws. However, states can still pick and choose who they want, on the basis of a refugee's specific circumstance. This could include whether or not they possess certain skills or have relatives who reside within the state (Solf & Rehberg,

2021). Simply put, the bureaucratic processes for resettlement within the EU are not streamlined and refugees are the ones who are suffering from these systemic failures.

The resettlement process is vague and complicated for essentially every party, including states, governing bodies, and refugees themselves (de Boer & Zieck, 2020). There are no international human rights and refugee rights precedents explicitly protecting the right to resettlement. And, arguably most important of all, the agency in charge of these processes is not in the hands of refugees seeking resettlement. Rather, the future of these refugees is at the behest of the UNHCR, the first nation of asylum, and the state of resettlement. Considering the global scale of the failures of resettlement policies, the EU has a great opportunity to position itself as a changemaker and model for refugee resettlement at this crucial moment.

### Resettlement Problems: A Case Study of Greece

Although expectations are set by the EU regarding state responsibilities, the reality for resettled refugees in Member States is far from equitable. For years, Greece has been overwhelmed by the number of asylum seekers entering the country. The conditions are so poor that the vast majority of arrivals seeking asylum plan on limiting their time in Greece as much as possible (Crawley, et al., 2018, p. 123). It is also important to note that the EU has historically failed to support Greece. In 2015, the EU agreed to resettle 160,000 refugees from Greece/Italy over a span of two years. By the end of 2016, only 8,162 refugees were resettled into EU Member States (Crawley, et al., 2018, p. 136). Many of the political actions from the Greek government are far from humane in regard to refugee treatment, and the EU could be doing much more to better the situation by pivoting away from strengthening migration control efforts in allocating funding.

The number of asylum seekers entering Greece has fallen dramatically but the cause of this decline is deceptive in addressing the refugee emergency in the long term. In April 2020, approximately 40,000 asylum seekers resided in Greece. As of September 23, 2021, approximately 4,590 remain (Fallon & Malichudis, 2021). Greece has been granting

fewer titles of refugee status, and over the past few years, continuous anti-refugee legislation by the national government continues. In addition to violating numerous basic asylum protections, refugee policies in Greece have made it more difficult for those “who are granted protection to access accommodation, financial support, and services such as healthcare and education” (Fallon & Malichudis, 2021). But, instead of providing funding for the strengthening of such programs, or for more equitable distribution of the “burden” through strengthening EU-wide resettlement programs, the EU has funneled millions of euros towards the creation of five new detention centers on the islands of Greece. The millions in euros provided for these endeavors of migration control are not going to do anything to confront the heart of the refugee emergency.

## Conclusion and Policy Recommendations

In addition to further oppressing the human rights of asylum seekers, the migration control practices discussed in this chapter will drain resources and provide little long-term benefits in tackling the issue at hand. The EU must shift away from minimizing the numbers of asylum seekers entering its borders through mechanisms of border control, and towards providing sustainable resettlement options for refugees (UN General Assembly, 2016). This necessitates the prioritization of a human-rights based approach to resettlement, through the following recommendations:

- Center the focus in EU asylum and refugee (resettlement) policies on protecting the human rights of refugees. EU policy focus needs to be shifted away from assigning numbers, strengthening migration control, and limiting the flow of asylum-seekers into the EU, to accommodating and providing refuge to human beings. Not only are current policy actions violating the international human right to seek asylum, but they are entirely unsustainable and burdensome on first states of arrival. Most importantly, the focus on migration control draws attention away from international responsibilities of protecting and providing for refugees which can be accomplished through resettlement.

- Reallocate funding and focus from migration control towards efforts for resettlement across all Member States. The example of Greece illustrates the problem of inequitably distributing responsibility for asylum seeker and refugee care among the first states of arrival to the EU. Greece is failing to uphold the rights of refugees under international humanitarian and EU law but the state is not completely to blame. The EU must uphold its commitment to implement policies that fairly distribute shares of responsibility across all Member States. This funding could be distributed to resettlement efforts for the new EU Agency for Asylum.
- Reinvigorate EU efforts to push forward the passage of the Union Resettlement Framework. Establishing common rules and responsibilities for all states will help to combat the lack of diligence of individual states to implement “recommended” measures for resettlement. Although achieving consensus among all Member States to establish the framework can seem to be an uphill battle, institutions such as the EUAA, could greatly support states, in a way that was not present when the momentum for passing the framework was stalled. Special caution should be made to prevent the continuation of migration control efforts through the Framework (Bamberg, 2018).
- Increase funding for the EU Agency for Asylum to advance resettlement efforts. The New Pact outlines the purpose and qualifications for the development of the EUAA. In late 2021, Council Regulation 2021/2303 was passed to officially establish the EUAA, with brief references to helping states with resettlement in Article 2.1.s, 8.4.n, and 35.3 (*On the European Union Agency for Asylum*, 2021). Although 172 million euros have been allocated to the EUAA in the 2022 year, there is no clear specification of what funding will be delegated to resettlement efforts. Through strengthening the funding towards the EUAA for the specific use of resettlement program efforts, great strides can be made towards supporting states with building resettlement infrastructure.

# Chapter 11: Refugee Integration into the EU

*Emma Saunders*

## Introduction

According to the UNHCR, integration can be defined as the measures taken to ensure that refugees “adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and meet the needs of a diverse population” (United Nations High Commissioner for Refugees, 2014). Specifically, the fundamental components of successful social integration include access to housing, education, and the ability to adapt to a new culture and its societal norms. In an attempt to integrate refugees into Member States, the EU has continuously neither recognized nor successfully resolved barriers to both education and housing for refugees. While the European Union has set out potential solutions for successful integration through documents such as the Action Plan on Integration and Inclusion 2021-2027, they fail to ensure that refugees have access to the aforementioned resources due to a lack of monitoring at the local level and vagueness regarding the specific funds for various Member States. Therefore, the EU should shift monitoring efforts to the local level with the inclusion of refugee voices whilst ensuring funds for education are allocated to Member States that have a higher number of unaccompanied minors as well as refugees overall.

## Current EU Policies for Integration

Through various social integration policies surrounding key facets of integration such as housing and education created by the European Union, local and regional bodies' roles entail ensuring integration policies are successfully implemented. The Action Plan on Integration and Inclusion 2021-2027 outlines policies for ensuring refugees' access to education, employment and skills, health, and housing, and methods to monitor the effectiveness of integration through programs such as the “Eurobarometer” whilst encouraging states to “develop or update systems for monitoring integration to identify key

challenges” (European Commission, 2020b). Specifically, the standard Eurobarometer utilized throughout the EU focuses on various surveys that reflect the public opinion of topics and issues within the EU. While the Action Plan mentions the development of a Eurobarometer for integration, it does not specify if refugees’ opinions will be utilized within it, creating a disconnect between refugees and EU integration policy.

Implementation of the proposed solutions proves to be difficult since Member States are simply “encouraged” to integrate these solutions (European Commission, 2020). The term “encourage” reiterates that despite the Action Plan’s numerous initiatives to ensure successful integration, it is ultimately soft law, which is difficult to enforce among Member States. The Action Plan focuses on the fundamentals of both education and housing, yet it fails to provide durable and specific solutions.

## Housing

With refugees’ potentially traumatic past experiences in mind, accessibility to housing is essential to their well-being as it creates a “sense of place in the receiving society, and therefore is a critical part of the integration process” (United Nations High Commissioner for Refugees, n.d.). Article 21 of the Convention and Protocol Relating to the Status of Refugees defines that

The Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances.

(United Nations High Commissioner for Refugees, 1951)

The Action Plan acknowledges the need for affordable and accessible housing in the integration process, however, it does little to address housing *discrimination* against refugees in their host communities. It states that the EU would like “Member States and local and regional authorities [to] have access to a wide range of tools and good practices to fight discrimination on the housing market” (European Commission, 2020b). While the

Action Plan promises Member States these tools, it fails to define what the tools and resources consist of, ultimately leaving housing policy up to the discretion of individual Member States. There is no guarantee that states will implement the EU's "tools and good practices" into their own policy (European Commission, 2020b). Furthermore, ensuring the right to housing in the refugee integration process has historically been difficult for the European Union due to continuous housing discrimination practices. According to the Study on Active Inclusion of Migrants by the IZA (Institute for the Study of Labor) and ESR (The Economic and Social Research Institute), "housing and housing subsidies seem to be the least accessible to non-EU migrants among the considered enabling services" (Zimmermann, et al., 2012).

Much like the provisions of the New Pact, the Action Plan's proposed housing resources and anti-discrimination policies are unlikely to be sustainable solutions due to lack of clarity and overall vagueness in how to address discrimination. A large part of this stems from strong sentiments of xenophobia and racism throughout the European Union which has led to "violence and forced evictions targeted [towards refugees]," (United Nations Economic Commission for Europe, 2021). Discrimination tied with forced eviction practices are seen repeatedly throughout the EU and ultimately lead to inadequate and overcrowded living spaces, sometimes even homelessness. The correlation between public opinion and policy is a huge factor as to why integration is integral for not only refugees but society as a whole.

## Education

In addition to housing, education is crucial to the integration process as it facilitates interactions amongst host communities that promote interconnectivity and cultural education. Ensuring access to education and language training for refugee children is fundamental to their adaptation within the host country as it provides opportunities to understand host country norms and culture, integrate with other families, and establish a sense of belonging at an early age. However, multiple barriers continue to occur

throughout the EU that inhibit refugees' access to education. Article 22 of the Refugee Convention outlines the following rights regarding public education:

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to refugees treatment as favorable as possible, and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, with respect to education. (United Nations High Commissioner for Refugees, 1951)

In their piece on refugees in the European school system, Koehler and Schneider (2019) clearly show that due to various education procedures and with the likelihood of multiple relocations, it could take a long time to find a stable school setting for refugee children. Similarly, the common age limit of 16 for compulsory education is a significant barrier to education as many unaccompanied minors who fled their country are 16 or older, leading to decreased educational access with age. Refugees' wish to finish their secondary school degree may be denied as EU countries "might not feel the obligation to provide them the possibility to complete a degree because of their age" (Koehler & Schneider, 2019).

While the Action Plan does recognize the barrier of age within education, encouraging states to "develop support programmes that are specific to unaccompanied minors who arrive past the age of compulsory schooling," it fails to specify how these programs will be implemented into education systems amongst Member States (European Commission, 2020b). The programs are integral, yet many local communities may not implement them, largely due to the fact that according to the UNHCR:

only seven EU MS (Member States) have explicitly recognized undocumented migrant children's entitlement to basic formal education (Belgium, Bulgaria, Finland, Italy, the Netherlands, Spain and Sweden) while three MS explicitly exclude or limit their right to schooling (Hungary, Latvia and Lithuania)...as the right to education is not systematically guaranteed or facilitated, local procedural requirements can restrict or deter access. (United Nations High Commissioner for Refugees, 2019)

Evidence from the Council of Europe also reveals that “local authorities in most of the Member States failed to provide social services and care to uams (unaccompanied minors) in line with a child-rights based approach” (Iusmen, 2020). The failure to provide a baseline of social services and access to education at the local level reveals the failure of the implementation of solutions provided by the EU.

This issue of accessibility to education also intersects with the issue of funding throughout Member States. The Action Plan emphasizes the use of funding through the European Regional Development Fund of €21.5 billion in which it “support(s) investments in infrastructure and equipment in education and training, housing, social health and childcare, and employment” (European Commission, 2020b). However, the plan does not specify how much funding states will be allocated. Because of this, many local communities in states with large refugee populations could become underfunded and not be able to develop intercultural inclusionary programs that focus on the integration of refugee children and their access to education. Furthermore, if these support programs are developed yet are not inclusive within the general education system, it could lead to a gap between refugees and their classmates, ultimately fueling discriminatory practices and beliefs.

## Refugee Integration in Italy

While Italy considers itself to be a short-term host country for refugees, the escalation of the current refugee emergency has accelerated its transition to being a long-term host for refugees and their families. Looking at Italy’s lack of effective integration methods reveals the shortcomings of the EU Action Plan as it fails to successfully implement the proposed integration methods in Member States. In an attempt to address this situation, the Italian cabinet approved the revised Immigration and Security Decree by Luciana Lamorgese, the Interior Minister of the II Conte government (European Commission, 2021). While the Decree focuses largely on refugee transportation to Italy and potential employment opportunities, it fails to recognize the need for socio-cultural

integration methods through access to education and housing. The old decree exemplifies the failure of the EU as well as the Action Plan to accurately monitor integration methods as it promoted “restrictive criteria for humanitarian protection,” eventually abolishing the humanitarian protection permit by the past Interior Minister, Matteo Salvini (European Commission, 2021).

Additionally, the continuous negative sentiment resulting from the past decree by Salvini has furthered the lack of reception as well as integration efforts at the local level. Furthermore, the fact that Italy does not see itself as a long-term resident state for refugees and asylum seekers blocks the initiative by the Italian government to implement these methods. The Italian approach to the refugee emergency is based on a short term “emergency response logic” rather than a long-term integrated approach which advertently overlooks vital aspects to integration such as education and housing (Della Puppa & Sanò, 2021).

The “National Integration Plan for Persons Entitled to International Protection” was developed to promote interculturalism and focus on elements such as access to education and language training, however the implementation ultimately was “limited to pilot actions carried out in three regions, Piedmont, Emilia Romagna and Calabria,” rather than Italy as a whole, revealing the consistent lack of initiative to implement proposed methods of integration at the local level (European Commission, 2020a). Italy has historically offered various decrees and plans such as the National Integration Plan for Persons Entitled to International Protection that have lacked fulfillment due to little monitoring efforts within local communities, and nonexistence of hard laws on how integration should be implemented within the state. Lack of integration monitoring is seen specifically within Italy as there is “no systematic evaluation of integration policies,” rather the Ministry of Labor and Social Policies focuses primarily on labor integration (European Commission, 2020a). As can be seen, Italy’s attempts at integration policy embody the primary issue with the EU Action Plan: absence of successful integration implementation at the local level into Member States due to a lack of comprehensive monitoring efforts.

## Conclusion and Policy Recommendations

While the Action Plan provides a rough framework to refugee integration throughout the European Union, it fails to recognize the need for diverse policies amongst individual Member States that directly affect integration. The Plan presents a more positive approach to resolving various errors within the 2016 Action Plan, however, a more comprehensive approach with greater focus on the needs of refugees and what individual Member States can do for them in regard to access to housing and education is vital to the success of the integration process. Because of this, the focus of integration efforts should be shifted to the local level with an increase in monitoring by the EU. Additionally, funds toward social integration, specifically education, should be primarily allocated to states with high volumes of refugees and unaccompanied minors. Implementing integration policies that break down education and housing barriers is integral to the well-being of refugees and the communities they ultimately resettle in. By developing these inclusive policies within host countries, communities are more likely to have a more positive outlook towards refugees as they become more involved with communities and their members.

States should implement the Action Plan's recommendation to monitor integration at the state level in addition to monitoring efforts at the provincial/municipal level. Through regular monitoring efforts, accurate data regarding the effectiveness of integration efforts at the local level can be developed. Compare this data to that of the EU standard and work at the local level to ensure successful social integration. Furthermore, the Eurobarometer suggested within the Action Plan should focus on the public opinion of both EU citizens and refugees, so refugee voices are included within the data that is collected for integration amongst the EU.

A more comprehensive approach to social integration funds should be developed. The plan to utilize the European Social Fund (ESF) as well as Erasmus+ towards education efforts should remain in place, however, detailed accounts on which states receive what amounts of these funds should be developed. Specifically, Member States with high numbers of refugees should be allocated a vast amount of funds and resources to ensure

specific intercultural programs within education systems as well as housing centers are developed.

Provide concrete EU integration standards for each member state as well as local communities within those states. Considering most states do not rely on EU agreed indicators, the EU should work closely with individual states and provide a baseline standard that is unique to each state. As a baseline rights-based approach is integral to the effectiveness of integration efforts, it is vital that Member States can acknowledge a baseline of standards to uphold.

## **Chapter 12: Disinformation in the EU: A Threat to Refugee Integration**

*Sarah Jacob*

### Introduction

While threats to physical safety along the path of migration can endanger refugee and asylum seekers' safety, more intangible threats play a critical role in derailing safe resettlement and integration. When refugees and asylum seekers reach host countries, they are often met with xenophobic sentiment from citizens, media, and policy. The EU has been unsuccessful in combatting this xenophobia and it only continues to become a more urgent issue. The UN High Commissioner for Human Rights explicitly expressed concern in the rise of xenophobia in the EU, citing a 173 percent increase in violent racist crimes in Italy (Human Rights Watch, 2020). Several EU Member States have also seen the rise of far-right politicians in response to the perceived threat of inflows of refugees and asylum seekers, with many running their platforms on populist sentiment and xenophobic disinformation. The disinformation crisis that the EU currently faces is directly impacting the integration process, as disinformation that specifically targets the portrayal of refugees and asylum seekers permeates both social and traditional media and fuels xenophobic sentiment.

### EU Identity

As refugees and asylum seekers migrate to the EU from southern shores, they challenge European ideas surrounding identity and citizenship. Non-white refugees and asylum seekers in particular force EU citizens to separate the idea of whiteness as analogous for EU identity. As refugees and asylum seekers cross borders to enter Europe, with the broader narrative of "otherness," refugees are increasingly surveilled once they enter the EU (Ammaturo, 2018).

Extremist groups worldwide have weaponized the topic of migration and criminalized those displaced from their homes by promoting conspiracy theories that feed

into the power structure of whiteness. These stories of propaganda paint migration as a deliberate plot to replace “native Europeans” and bring about a “white genocide” through a conspiracy theory called “the Great Replacement” (Institute for Strategic Dialogue, 2021). An example of this conspiracy theory in a disinformation campaign is best shown in a series of images that were circulated across varying countries in the EU. The series of photos were used to exemplify how migrants from Africa would soon replace Europeans, in terms of culture, religion, and population size (Mas, 2018).



This piece of disinformation has led many Europeans to fear the end of Western Civilization, as the majority of propaganda circulating online reiterates this idea, where refugees and asylum seekers, like all migrants from the Global South, are viewed as invading the European host country (Mas, 2018).

Borders are symbols of both power and physical boundaries, but when a migrant is able to cross over these borders that separate the EU from the Global South, they represent the “weakness” of those borders. The Syrian War predates the media’s mention of the “refugee crisis” but it only became framed as a “crisis” when the borders that separated the EU from its Muslim “others” were disrupted (Abbas, 2019). The verbal othering of refugees and asylum seekers from the Middle East and North Africa

has shown to have dire effects: “The former-United Kingdom Foreign Secretary’s decision to compare women in a burqa to letterboxes, was followed by a documented rise in hate crimes towards Muslim women, with perpetrators directly referencing his words ” (Dieng, n.d.). When the media and politicians fail to highlight the important intersections of race and class for refugees in contrast to white Europeans, white nationalists play the role of a dispossessed white subject threatened by the presence of (“Muslim looking”) refugees (Abbas, 2019). Additionally, when users on social media or traditional media outlets amplify coverage that discriminate against refugees, it plays into the systemic power dynamic of race and class that exists in the EU. Refugees are now left to be treated as second class citizens, which inherently promotes the supremacy of whiteness (Dieng, n.d.).

Examples of fake news stories and anti-refugee propaganda are seen through all forms of media in the EU, often “othering” refugees and asylum seekers to white EU citizens. In Italy, between 2014-2016, most media outlets were found to have presented refugees and asylum seekers as economic, criminal, or health threats (Szakács & Bognár, 2021). A prominent example of refugees being framed as a threat comes from a story out of Sweden that played into a “Muslim/immigrant rape wave” disinformation campaign. In this case, bloggers pushed the narrative that whiteness was something to be protected, resulting in the creation of an online breeding ground for Islamophobia. This online narrative reiterated the sentiment that Muslims were de-purifying whiteness and the Swedish identity (Horsti, 2016). Another disturbing incident occurred in France, where a post including images of 16 different women who were “victims” of assault and rape by migrants was widely circulated; these images were then proven to be fake, as many of the women were wearing stage makeup (Mas, 2018).

## Far-Right Movements

The increase of far-right movements within the EU goes hand in hand with disinformation campaigns, as far-right campaigns often *utilize* disinformation surrounding

refugee emergencies to fuel their platforms. Muslim refugees in particular are often the subject of the disinformation used by these far-right groups. Major right wing populist groups in Europe have emphasized their cultural and religious objections to Muslim immigration (Hamid, 2019). This includes refugees and asylum seekers, a population who are the most vulnerable members of immigrant movements (Hamid, 2019). Many political scientists believe that anti-Muslim and anti-Islamic sentiment is to be considered a defining feature of right-wing populism in Europe (Hamid, 2019).

When stories that accurately portray refugees and asylum seekers are broadcasted, populist leaders often attack the experts and claim there is bias in their media coverage (Newman, et al., 2019). This is a particularly effective tactic in an increasingly polarized context, where populist supporters and adversaries are less willing than ever to engage with one another (Mason, 2018). As a result, disinformation has gained a stronger foothold in public discourse, reducing the space for evidence-based debate (Tumber & Waisbord, 2021). This continuous dehumanization of refugees in European media frames refugees as less deserving of universal protection. This narrative is then used by various leaders to legitimize the violence of their supporters, by depicting refugees and asylum seekers as a threat to their culture and identity, essentially a white European identity (Dieng, n.d.).

## Policy Implementation

Legislation and policy are similarly subject to the dire implications of populism, xenophobia, and disinformation. In Denmark, a home for many Syrian refugees, the anti-Muslim and anti-refugee sentiment has allowed leaders to make permanent residence even more difficult for Syrian refugees. This anti-immigration and anti-refugee policy has made the process of family unification more difficult and jeopardized refugees' safety (Institute for Strategic Dialogue, 2021). In France, there is a direct tie to the perception of Muslim refugees as terrorists: "In 2016, 46% of French survey respondents claimed to fear that Muslim refugees would increase the chance of terrorist attacks" (Jamal, 2021). For much of France, this rampant Islamophobia is tied to living in a post 9/11 world,

where the negative perception of Muslims comes from associating Islam with violent events and terrorism (Abdelkader, 2017).

This negative sentiment is then transformed into irrational fears and poor attitudes towards Muslim refugees amongst French citizens. Additionally, in a UCLA survey about European Islamophobia, it was found that 53 percent of French respondents feared that refugees would take jobs and social benefits, 52 percent believed Muslims did not want to integrate, and 29 percent had negative sentiment towards them (Abdelkader, 2017). In a country with such widespread Islamophobia, disinformation is built upon the aforementioned perceptions of Muslims and Islam, further fueling these sentiments in France. The circulation of images taken out of context have also helped push narratives of savagery and terrorism surrounding Muslim refugees. In 2015, a picture of a group of people waving an Islamic state flag and attacking police was used as “proof” to argue that terrorists were hiding themselves as migrants in Europe (Mas, 2018). It has become common amongst European media outlets to depict “Middle Eastern looking” people as “terrorists” in public discourse, diminishing their individual histories of displacement (Abbas, 2019).

The EU has acknowledged that disinformation is a large contributor to different forms of violence. They have created initiatives to address COVID-19 disinformation, but not disinformation specifically targeting refugees. One of the suggested points of the Digital Education Action Plan was to create media literacy plans for citizens and work with independent journalists (European Commission, 2020). The EU has previously sponsored a European Media Literacy week in order to keep citizens informed, but ultimately failed to acknowledge how some populations are more vulnerable to the impacts of disinformation as a critical aspect of both cultural and media literacy (European Commission, 2020). While the European Media Literacy week has only recently begun, the EU should continue to sponsor this week by making it an annual event with an added focus on refugee disinformation.

The media play a crucial role in how citizens view, react, and comprehend information. Common criticism against the media has been how statistics surrounding

refugees, migrants, and people of color are often portrayed soullessly. The European journalism community has agreed that these practices must be addressed, with sharing the faces and voices behind the statistics as an important step. Additionally, there has been recognition amongst journalists on the “trend towards digitizations” which “has increased incidents of hate speech” (Media Against Hate, 2017). Digitization has paved the way for echo chambers, providing a space for increased polarization and a bubble of information that reaffirms a user’s perspective. With digitization comes radicalization and reaffirmation of a user’s potentially racist and xenophobic opinions (Pai, 2020). Digitization provides a platform for fringe communities to emerge and echo chambers to grow.

## Integration Impacts

Social media platforms, such as Facebook, are tools in disinformation that have led to a rapid rise of hate crimes across the EU. Researchers in Germany tracked that towns that have higher increased usage of Facebook have seen more anti-refugee hate crimes (Fisher & Taub, 2018). This is particularly concerning as Germany recorded nearly ten attacks a day against migrants and asylum seekers in 2016, with specifically 3,533 attacks on asylum hostels, a place that is inherently supposed to be safe for asylum seekers; therefore, any form of platforms or tools used to exacerbate the pre-existing problem is an issue (BBC, 2016). Disseminating posts on social media platforms that portray refugees as terrorists and violent criminals will only continue to feed into the cycle of fear and violence perpetuated by communities in the EU. To further prevent cases of violence from disinformation, the EU should focus on creating an internal task force compiled of fact checkers and researchers that track rising campaigns. Additionally, this process of combating anti-refugee sentiment would require representatives from EU Member States to work with representatives from social media companies.

As citizens and states move towards more anti-refugee policies and opinions, the process of integration is hindered. One large component of integration is equitable access to the labor market. The absence of national migrant integration plans across the EU to

address racial discrimination in the labor market results in inclusion and progress becoming increasingly difficult (OSCE Office, 2017). While some may be able to find employment, many are subject to exploitation within the labor market (OSCE Office, 2017). This again falls into the larger issue of refugees and asylum seekers not seeming to fit the narrative of the supposed European identity, thus continuing to be discriminated against. COVID-19 has provided an additional set of economic inclusion challenges, as we have seen a rise globally in disinformation relating to the pandemic. COVID-19 disinformation has impacted policies aimed at improving economic inclusion for refugees, as much of the false media has a trend of blaming foreigners for the spreading of the virus (Dempster, et al., 2020). This focus of blaming refugees is a manifestation of the lack of cohesive cultural and digital literacy within the EU.

The refugee and asylum seeking population already faces a wide range of barriers to economic inclusion and specifically distinct challenges from their host countries preventing them from obtaining decent work to earn an income coinciding with their skill set (Dempster, et al., 2020). Gorlick (2010) shows that, according to a study, "In France, a Christian citizen is two-and-a-half times more likely to get called for a job interview than an equally qualified Muslim candidate." With a large number of migrants coming from Muslim majority countries this has huge ramifications for the population. To combat this perspective and France's extreme Islamophobia, school curriculums in France and a cohesive EU digital and cultural literacy program would help teach how to identify disinformation and how to participate in the digital world with awareness of falsehoods. This would allow for a smoother integration process for refugees across all sectors, including housing, the cultural, and the economic.

### France: A Case Study on Anti-Refugee Discourse

France is an excellent case study of how disinformation can impact the livelihoods of refugees. In France, the main form of xenophobia that refugees face is Islamophobia. Within France's heavy emphasis on secularism, the increasing population of Muslim

refugees, migrants, and asylum seekers is viewed as a threat to this the French government's continued support of the white French identity and subsequent secular beliefs. These combined forces of disinformation and the xenophobic belief systems manifest as enforceable policies that place Muslim women especially in a highly surveilled state. In 2011, France became the first European country to impose a ban on full-face veils in public areas and in more recent years, the Hijab Ban passed by the French senate would ban minors from wearing hijabs (Beardsley, 2021; Takieddine, 2019).

France in particular has had a difficult time in the integration process of immigrants, as many majority Arab communities live in the poorer areas of France. From both sides of the political spectrum, France has failed in any efforts to integrate North African immigrants (Takieddine, 2019). The European Union Agency for Fundamental Rights created their *Integration of young refugees in the EU: good practices and challenges* in 2019 to help integrate refugees into host countries but the responsibility is placed on Member States to ensure these standards are carried out. In the document, FRA touches on how "International law requires that refugees enjoy the same treatment with respect to public relief and assistance as is accorded to nationals of the host country" (FRA, 2019). Despite this being clearly outlined in the report, host countries remain hesitant and inconsistent in their approaches to doing what is necessary to ensure refugees are welcomed.

The growing disdain surrounding immigration and integration in France provides the perfect breeding ground for far-right movements. In 2021, France banned the far-right parliamentary turned private militia group Génération Identitaire, their mission being to "enter into war against all those who want to tear us from our roots and make us forget who we are" (Willsher, 2021). This foundation of ultra-nationalist and anti-immigration policies led to a suggested proposal of remigration for refugees, essentially sending refugees back to their countries of origin. Despite banning or dismantling such groups or organizations, with online platforms and loyal followers, their anti-refugee messaging is still swiftly disseminated. In these cases, the responsibility is on France to continue to

monitor the online activity of these extremist groups and correct disinformation with fact-checking organizations.

## Conclusion

With the rise of technology and new media platforms, disinformation will undeniably continue to be a problem. It is now a responsibility upon EU Member States to protect the most vulnerable communities against disinformation. It should be a priority for EU Member States to implement policies and strong educational programs that promote both cultural and digital literacy. Tackling ideas of whiteness and European identity will be crucial to safely integrate refugees and asylum seekers into the EU. Muslim and non-white refugees in particular are more prone to the impact of disinformation and if the EU hopes to continue to stand against the rise of populism, it is important to adequately address how Muslim migrants are disproportionately impacted. Refugees and asylum seekers are a part of the EU's most vulnerable populations and without concrete initiatives put into place and important conversations about xenophobic sentiment, disinformation will continue to threaten refugees' process of integration.

# Chapter 13: Sustainable Support and Economic Integration in the EU

*Sarah Schmitz*

## Introduction

Upon resettling in the European Union, refugees face many economic challenges as they integrate into new societies. As established in Chapter 11, it is imperative that countries in the EU provide safe, supportive environments for refugees, as many refugees may not be able to return home for years, if ever. With the growing number of refugees seeking to restart their lives in Europe, it is equally vital that the EU creates sustainable solutions for long-term support and economic inclusion. Short term support and humanitarian assistance, while helpful at many points on a refugee's journey and during emergencies, are not sustainable for integration efforts because they do not provide enough opportunities for refugees to contribute economically to their host countries or to become economically independent, and for host countries, it becomes costly to assist refugees who could become dependent on this aid over time.

Sustainable support for refugees should promote self-reliance and social, economic, and political inclusion. Long term support programs may appear costly for nations in the EU, which can deter them from accepting and supporting refugees. This, however, highlights the importance of economic inclusion and integration. Through better economic integration, refugees can become more independent while also contributing to the EU's economy, which many Member States could use to help stimulate much needed growth. Through analysis of shortcomings of the EU and Italy's current policies on long-term support and economic integration, it becomes clear what the EU can do to better support refugees over time. Thus, the EU and Italy need to expand existing economic integration programs, reduce or eliminate employment ban policies, implement more work training programs, expedite professional retraining programs, and encourage entrepreneurship in policy in order to overcome the problems of systemically high rates of unemployment and

underemployment amongst refugees over time that prevent refugees from thriving economically.

## Economic Integration and Barriers to Participation in the EU

Economic integration efforts are currently fragmented across the EU. Many countries are falling short on goals set out by the 1951 Refugee Convention, which promises refugees the right to wage-earning employment, to be self-employed, and to practice liberal professions (Zetter & Ruaudel, 2016). The EU's New Pact on Migration and Asylum further emphasizes the need for economic integration, but refugees still face many barriers to economic participation. Legally, this can include temporary employment bans, difficulties obtaining asylum seeker status—which puts refugees at risk of deportation—receiving work authorizations, or having credentials recognized (Vončina & Marin, 2019). This can result in a lack of rights and opportunities for refugees, which can lead many to turn to illegal employment opportunities where they may experience exploitation. Educational or language barriers, discrimination based on gender, ethnicity or race, and many forms of labor exploitation like underpayment, risk of injury, job insecurity, and lack of rights in the workplace also deeply impact refugees' ability to properly integrate and participate in the economy. Breaking down barriers to economic participation would be the most feasible manner of sustainably supporting refugees.

The New Pact on Migration and Asylum attempts to resolve issues surrounding economic integration by making the asylum and migration system more efficient through developing additional legal pathways into the EU. Unlike the UNHCR's Global Compact on Refugees, the EU's New Pact on Migration and Asylum advocates for a "European way of life" and includes refugees, non-refugee migrants, and "irregular migrants" in its policies (European Commission, 2020). Including refugees and other migrants in the same pact may help the EU streamline their processes and deal with mixed migration flows, but it can also blur the distinction between the two groups, possibly hampering legal processes for refugees. Many refugees enter the EU irregularly, so finding more legal pathways to live

and work in the EU is essential to making sure refugees are not caught in cycles of lengthy appeal processes, rejections, returns, and refoulement. Alternate legal pathways for refugees and asylum seekers through study and work-related admission schemes are important for refugees to consider when entering the EU because receiving refugee status is not a guarantee. The Blue Card Directive, for instance, creates an EU-wide permit for highly skilled workers which can be beneficial for refugees who struggle to have their credentials recognized. Even though this is a promising step forward, it was not established with refugees in mind. It is meant to attract the immigration of skilled workers in occupations with shortages, and it does nothing to support low to medium skilled workers. Revisions to simplify the Single Permit Directive procedures for low and medium skilled workers have yet to be agreed upon, leaving this option limited for many refugees and asylum seekers until further notice (Panayotatos, 2021).

The period of time between a refugee's arrival in the EU and acceptance or rejection of asylum status is a crucial time for integration, especially into the labor force. European governments are often reluctant to allow refugees with pending asylum claims to integrate into local labor markets upon arrival because many fear that if they become economically integrated people could be more difficult to deport if their application is not approved. With the exception of Greece, Norway, Portugal and Sweden, all EU countries impose temporary employment bans, lasting anywhere between two months to a year before refugees can be authorized to legally work (Marbach, et al., 2018). Advocates for temporary employment bans assert that allowing refugees to access the labor market and to integrate during the asylum process could make deportation more difficult if their asylum claim is rejected. In addition, employment bans may quell negative backlash from constituents who want to discourage refugees from entering and staying in the country indefinitely or from those who fear more job competition (Marbach, et al., 2018).

If a refugee's asylum status is accepted, temporary employment bans can have negative short-term and long-term impacts on their economic integration. In the short-term, these bans leave refugees dependent on the government, unable to pay taxes, and poorly positioned to find work even after their asylum applications are approved after

lengthy waits. Furthermore, this can fuel xenophobic ideologies in the EU, impacting refugees' ability to successfully socially integrate. Some constituents of the EU fear fiercer job competition, and on the other hand, others may view refugees' idleness and unemployment as exploitative of the EU's welfare systems (Mocan, 2016). The socio-economic repercussions of this xenophobic thinking are long lasting and not sustainable for the safety and well-being of refugees who have no choice but to wait for the end of their employment ban period. The longer the employment ban, the more consequential it is to integration efforts and to the subsequent employment rates of refugees. A 2018 study by Marbach, Hainmueller, and Hangartner on the long-term impacts of employment bans on the economic integration of refugees observed "scar effects" of extended, involuntary unemployment. Groups of refugees who were subject to longer employment bans displayed greater demoralization and had higher levels of unemployment over several years compared to their peers who had shorter waiting periods, even though the groups who endured longer employment bans had more time to acquire knowledge about their host country, learn the language, build networks, and search for opportunities. This gap in employment between the two groups could take several years to close. While employment bans deeply impact refugees and their economic integration, there is also a marginal social cost to the host country, costing taxpayers millions in terms of forgone tax expenditures and welfare expenditures from unemployed refugees (Marbach, et al., 2018).

When refugees do find employment, they encounter systemic obstacles like workplace discrimination, labor exploitation, lack of educational opportunity and diversity management skills, and inadequate mechanisms to recognize qualifications and credentials. Across Europe, work place discrimination is rooted in racist and xenophobic attitudes that reinforce barriers to economic inclusion. Negative perceptions and stereotypes of refugees can generate hostility in the workplace, severely limiting opportunities for inclusion and career growth. Then, the lack of educational and training opportunities for refugees is detrimental to their economic inclusion as well. To meet the needs of both refugees and the EU economy, refugees, especially those who are low-skilled workers or have little formal education, must be given opportunities to attain the skills

necessary to be qualified for the jobs available in the economy. On the other hand, refugees who are more highly skilled may find themselves overqualified for the jobs they secure. If a doctor migrates to Europe as a refugee, for instance, they may spend years going through medical school again; if not, they may need to go through a series of assessment tests, expert interviews, and other theoretical tests in order to practice medicine in their host country. Meanwhile, this highly skilled worker must work in another job they are overqualified for in order to make a living, even though doctors are in demand across the EU (Federico & Baglioni, 2021). To support refugees and integration, employers and government agencies must work with refugees to better understand their individual needs and develop economic opportunities, whether this means providing more education and training or finding ways to recognize international credentials.

## Economic Integration in Italy

The laws of the societies in which refugees resettle are essential to understanding how refugees can be economically integrated and supported over time. Italy, with its prominent location on the Mediterranean Sea, has received hundreds of thousands of refugees on its shores. Refugees and asylum seekers arrive with hopes of finding safety and security but Italy's resources are stretched thin with a chronically weak economy, high unemployment, increasing depopulation, and a state bureaucracy that struggles to provide a social safety net even for native-born Italians. As refugees are often faced with dire circumstances, sometimes waiting for legal work is not possible, so many turn to the illegal where exploitation is far more likely. This is common in the southern region of Italy, where refugees and migrants are often received and where the mafia is extremely prevalent (D'Angelo, 2018). Whether a refugee is working in the wealthier north or in the more corrupt south of Italy, refugees still run into difficulties such as not being paid livable wages, not receiving pay in a timely manner, and being exploited in other ways, ultimately creating more difficult conditions for refugees to become self-sufficient (Giudici, 2021). Many refugees are forced to live on the streets or to live as squatters in abandoned

buildings as these issues persist (Legorano & Ball, 2017). This has occurred even though Italy has lowered barriers for finding legal employment in a timelier manner. Before 2015, refugees in Italy had to wait at least six months, and prior to 2005, refugees could not work until their asylum status was approved (Ortensi & Ambrosetti, 2021). By reducing the duration of employment bans down to two months for refugees awaiting asylum status, refugees are able to go to work in a timelier manner, decreasing the risks of higher unemployment rates over long periods of time.

In Italy, NGOs, church groups, and national programs assist refugees seeking work. The Protection System for Refugees and Asylum Seekers, also known as the SPRAR system, is based on voluntary participation of local networks of municipalities, public social services, NGOs, and cooperatives in reception and integration projects financed by the Ministry for the Interior. Through these locally led projects, refugees can benefit from many integration services such as employment orientation, enrollment in training courses, professional retraining, and support in looking for a job and a home (SPRAR Project, 2013). Decentralizing the integration process, as SPRAR has done, allows social workers to work closely with refugees on a personal level, fostering personal and professional growth and helping refugees to become more economically independent over time. While the contributions of these organizations have been supportive of refugees and their economic integration, the SPRAR program is unfortunately overburdened, underfunded, and understaffed. SPRAR cannot support the amount of refugees currently applying for the program, and the social workers who run it feel pressured to produce results, risking quality results for quantity. Without proper funding, staffing, and support, finding the balance between quality support and being able to help as many refugees as possible will be difficult to upkeep (Litner & Elsen, 2020).

## Conclusion and Policy Recommendations

The EU's current systems of economic integration and sustainable support, as exemplified by Italy, do not address some of the larger issues refugees face in the labor

market and in the workplace. Across Europe and especially in Italy, economic growth has slowed significantly and people are aging out of the labor force, putting European markets in danger of shrinking. Refugees can contribute significantly to host communities both culturally and economically, stimulating growth by participating in the workforce or even through entrepreneurship, which would allow them to create new businesses and jobs. To ensure that refugees can find independence, security, and stability in addition to positively contributing to host communities, they must be provided with opportunities to thrive as soon as possible. Eliminating employment bans across Europe, implementing more relevant work training programs, expediting processes for refugees to have their credentials recognized, and providing fair, stable wages can help refugees begin the integration process immediately. Expanding and funding programs like Italy's SPRAR program can put refugees on the path toward economic independence as they acclimate and contribute to new communities. Though funding economic integration programs may be costly at first, the economic benefits of refugees participating in the economy will offset these costs in the long run (Bahar, 2018). Refugees are not likely to stop coming to Europe, so instead of dedicating resources to keep migrants out or to keep refugees dependent on short-term aid, Europe must embrace refugees into the economy so all parties can benefit.

## Chapter 14: Refugee Political Rights and Citizenship

*Leah Han*

### Introduction

The term citizenship in the context of the European Union holds an ambiguous meaning with a plethora of terms that lie beneath it. While citizenship is described as a relationship between a person and the state where they owe allegiance and are ensured protection, citizenship also includes political rights to participate in politics without the fear of repression or discrimination. In the EU, adult citizens' political rights include being able to vote in elections of the European Parliament and in their respective countries. Political rights are not only essential for current EU citizens, but also for refugees and asylum seekers that are undergoing the integration process in their new countries. When refugees and asylum seekers obtain citizenship, they must be given their rights and responsibilities equal to every other member within the country. However, obtaining citizenship for refugees in the EU is a long and tedious process. Depending on the individual country, the process of naturalization typically takes a few years for refugees.

Granting refugees and asylum seekers political rights with their citizenship will ensure a smooth process to resettlement. The guarantee or grant of these political rights are actually seen as a threat to the country, since they see it as disrupting the cohesion of the country. Thus, this establishes a barrier between a successful and unsuccessful integration of refugees and asylum seekers. Furthermore, to mitigate this issue of discrimination and xenophobia towards political rights, one approach to this situation would be to create a policy ensuring that all informational pamphlets for elections are sent through mail and provided in respective languages of refugees. In this way, the main concern of this controversy is eliminated as the policy combats the language barrier of understanding different political viewpoints and also making sure that there is a fair ballot vote. Essentially, it is important that political rights and steps towards citizenship are protected, including a citizen's right to vote and participate in the political life of the state without being discriminated against or oppressed.

## Current EU Policy on Political Rights

Citizenship is a prerequisite for political rights, but there is current controversy surrounding how much political activity refugees and asylum seekers can engage in due to discrimination from the country of resettlement. Refugees are “entitled to the same freedom of expression, association and assembly as citizens. The granting of political rights is, however, often seen as a threat to the national cohesion of the country of asylum or to its relations with the country of origin” but may be and often are “perceived as a threat to domestic harmony, generating negative attitudes towards their involvement in matters of a political nature” (Mandal, 2003, p. iv, 1). In most EU Member States, only the citizens are allowed to have complete voting rights, while refugees and asylum seekers are devoid of political rights. Refugees and asylum seekers are not only lacking in participation in their host country’s political process by the restrictions and concerns of their host states, but the right to freedom of expression and assembly, the right to vote, and stand in election.

The steps into integration in a country involve the rights and voice in a political party once citizenship is gained, but “Some refugees...said that regional and national politicians still didn’t take their views seriously...in many host countries, refugees faced negative stereotypes as well as insecure legal status, making it difficult to participate in politics, even where it is allowed” (Wallis, 2018b). For this reason, many refugees and asylum seekers who have citizenship are still facing xenophobia and discrimination from their country of resettlement which deprives them of political integration. While even people of authority such as regional and national politicians do not consider their political voices as valid as those who are lifetime or long-term citizens, it negatively impacts the sense of belonging for refugees. Although the Convention protects refugees and asylum seekers’ rights, the exercise of the right to vote shows a discrepancy between these granted rights. The Convention states that “unjustified discrimination on grounds of race, religion, nationality, political opinion, or membership of a particular social group, may constitute persecution in international law” (UNHCR, 1951). Moreover, this issue of

discrimination towards refugees does not measure up to the standards of the Refugee Convention because of this discrepancy which shows that the citizens are allowed to vote, but not fully due to discrimination in tandem with the lack of importance in which the politicians see their political voices.

## Political Rights in Germany

Germany, in particular, is a country that will be analyzed in this chapter as one of the biggest host countries within the EU for refugees. In 2019 alone there were 1.15 million refugees and 309,000 asylum seekers that settled in Germany (UNHCR, n.d.). Because of Germany's openness to helping seek asylum for refugees from war-torn countries like Syria, Iraq, Afghanistan and the Western Balkans, Germany as a case study is an insightful barometer regarding issues with refugees' political rights throughout the EU. Within the past few years, the number of refugees and asylum seekers in Germany has exponentially increased. As mentioned in Chapter 8, Germany has the highest number of refugees and asylum seekers of the Member States, making it the biggest host country in the EU. Through times of desperation and draconian violence, refugees are hopefully seeking safety, resettlement, and protection.

A refugee granted asylum that has lived "in Germany on a residence permit for at least eight years" can apply to be a citizen of Germany if they have fulfilled listed requirements or conditions (Germany Visa, 2022). However, some potential obstacles in this process are that Germany has recently imposed asylum laws that have resulted in the increased risk of deportation. For instance, refugees and asylum seekers must apply and be interviewed through the Asylum Procedure Act by the Federal Office for Migration and Refugees and will be granted a "temporary residence permit and are given the same status as Germans within the social insurance system ... [they] are entitled to social welfare, child benefits, child-raising benefits, integration allowances, and language courses as well as other forms of integration assistance" (Federal Ministry of the Interior and Community, 2017). Although not all refugees and asylum seekers are accepted during the

interview process. If they are unable to receive a temporary residence permit, they will be deported back to their respective country. After a temporary residence, moving towards citizenship in Germany is a more difficult process. Naturalization takes up to 8 years for refugees and asylum seekers, whereas it would take 3 years for an EU migrant or a migrant married to a German spouse. Some of the requirements include, to “demonstrate a clean legal record and the financial ability to support themselves, as well as be able to speak German to at least B1 level” (Wallis, 2018a). Consequently, the length of the naturalization process negatively impacts refugees as it takes years to learn German, while also being able to adapt in Germany and make a stable income. Nonetheless, this is all if the refugees make it through the vetting process.

While citizenship is a prerequisite for political integration, during the process of citizenship, there are many refugees that have sought political integration by joining and participating in political groups. In an interview with a member of the Social Democratic Party, Syrian refugee Abdulrahman Abbasi states that “the right to vote marks ‘a big step in the process of integration’” (Wallis, 2018a). Even though Abbasi is not a German or EU citizen, he emphasizes the importance of being politically active since deciding on who leads the country affects the society that he and other refugees and asylum seekers will be living in. Refugees and asylum seekers participate and become members in these political groups so that they are able to fight for democracy and also fight for more rights in Germany. Additionally, after interviewing 14 male and 14 female refugees, Nora Jasmin Ragab concluded that most of them “faced obstacles to participating in their home communities due to the failing systems, and felt somewhat excluded from the political spaces in Germany due to the perception of being labeled as refugees or ‘the Muslim other’” (Wallis, 2018a). On top of Germany’s elongated citizenship process, most refugees in Germany face xenophobia and also Islamophobia. These two factors are major obstacles that refugees in Germany face, solely on account of their race and status in the country, which in hand, set them back from political rights and integration.

## Conclusion and Policy Recommendations

To resolve the issue of discrimination towards refugees and asylum seekers, a policy ensuring that all information during election season (e.g., pamphlets, newsletters, brochures) will be distributed and translated for all refugees into their mother tongues would ensure equity and grant more political rights. Because of the concern from native country citizens that votes from refugees would disrupt the voting pool, in this way it would refute their concern, when refugees and asylum seekers who are citizens are voting in the elections they have thoroughly understood the political parties and history of what exactly they are voting for. In addition, for young children, the integration of a curriculum in school for politics would also be helpful in long-term goals of resettlement. As most refugees and asylum seekers come to seek sanctuary with their families, teaching politics to children and adolescents in school would ensure a more equitable teaching

The EU and Germany's citizenship and political rights for refugees and asylum seekers fall short of the Convention standards due to the discrimination, xenophobia, and Islamophobia that they experience in political activities. The Refugee Convention standards have said to persecute those who do discriminate, yet national and regional politicians have failed to meet those expectations. Although asylum seekers and refugees are able to find sanctuary and are granted some protection, they are still vulnerable to political rights, integration, and discrimination from native citizens, even when granted citizenship. Through such practices, the EU and its Member States are hampering refugees' holistic integration process. However, it is also important to note that not all refugees and asylum seekers have the same experience; there are some that successfully have resettled into countries of asylum and there are some that have a harsher experience and are still battling towards a successful resettlement. Through policy recommendations that aid refugees who are not fluent in the language of their country of resettlement and a curriculum for students, this policy would in turn succor those who are unable to fully integrate politically and belong while simultaneously giving those who are against refugees voting less of a reason to not let these citizens vote.

## **Conclusion**

*Sofia Brekkan*

Our Task Force illuminates the urgent need for reform within the EU's current framework for addressing the needs of refugees and asylum seekers in the context of today's mass mixed migrations on top of the effects of the pandemic, exposing the grave shortcomings of the EU response. The current policy framework established by the EU and its Member States fails to protect the human rights and international legal rights of asylum seekers and refugees, as inadequate policy consistently treats them as burdens rather than as valuable members of the EU community.

With the currently unfolding exodus of refugees from Ukraine due to Russia's invasion, the mass movement to the EU is on track to mirror the severity of that seen in 2015. But the EU is just as, if not more, ill prepared for another such influx. It is possible, Higgins (2022) writes, that "five million Ukrainians could flee into neighboring countries if the war drags on," with the number increasing to seven million by other sources, serving as a test of Europe's commitment to upholding human and international legal rights. While nations like Poland and Hungary willingly turned away refugees from countries such as Afghanistan and Syria in the past five or so years, they now welcome Ukrainians with open arms. Despite past human rights violations, the recently triggered Temporary Protection Directive could allow refugees currently in limbo throughout Europe, hoping for an in, to enter the EU, despite having been previously turned away. This is to say, the flight of Ukrainians is now stacked on top of preexisting refugee emergencies that have left EU refugee policy in disarray due to its reactive nature. The EU's response has exposed a "humanitarian double standard" through welcoming those who fit the white European identity while turning away those who do not (Pronczuk & Bilefsky, 2022).

This situation also raises questions about how the EU will approach integration, resettlement, and the sharing of responsibility among the Member States. With this occurring while the pandemic rages on, reforming border security and fostering relationships between the EU and neighboring states are vital to ensure those seeking

asylum are granted security and that their human rights are protected as their lives are upended.

Most presently, the EU has enacted Temporary Protection for Ukrainian refugees, a directive never before used after being established over 20 years ago. This directive grants Ukrainian refugees the right to settle in EU Member States “from one year to three years” and grants rights otherwise reserved for integration such as work, housing, education, healthcare, family reunification, as well as “access to the normal asylum procedure” (“Temporary protection,” 2016). The directive is supposed to be “a balance of efforts’ between member states: the allocation of refugees is done according to the accommodation capacities of each country” (Liboreiro & Murray, 2022). Although these actions may distribute responsibility among Member States and grant refugees security, it is far from a long-term solution, proving once again that the EU consistently relies on reactive policies without sustainable solutions.

Our policy recommendations focus on ensuring and protecting the human rights and international legal rights of refugees and asylum seekers throughout their journey, from leaving their homes to resettling and gaining rights as citizens within the EU. Before entering the EU, refugees should receive support from NGOs and the governments of transit countries. At the border, refugees are met with EU-funded monitoring systems established to prevent their ease of travel rather than assist them on their journey to safety. Whether traveling by land or sea, refugees should not have to rely on smugglers to reach EU borders. The need for safer and legal pathways is more apparent than ever, as well as dismantling the EU-funded militarized border protection and we propose reallocating these funds to create legitimate search and rescue programs and complementary pathways. Once refugees reach countries of resettlement, integration programs should be centered on fostering cultural connections through education, work opportunities, and the extension of equitable political rights to ensure refugees are treated with respect and dignity and are welcomed in their new communities.

When rethinking EU policy regarding refugees and asylum seekers, it is vital to take into consideration the past, present, and future, creating sustainable structures that center

refugee voices and ensure human rights are not only upheld but prioritized. We strongly recommend that the EU and its institutions work with refugees, local NGOs, and Member States to take the necessary steps to enact policy that reshapes the EU's reactive approach. They should instead implement a comprehensive framework designed to handle emergency situations at the onset, as opposed to irrationally reacting to each emergency as it comes. The reactions of EU Member States to the exodus of refugees from Ukraine demonstrate just how quickly and drastically policy needs to be equipped to change and exposes the fault lines and inequities in the EU's framework deeming them not only ill prepared but negligent of the needs of all refugees. Reform in policy would allow a recentering of human rights and a sustainable approach that recognizes the inevitability of continued refugee migration across the EU. With the knowledge of past and present refugee and asylum seeker emergencies, the European Union must reframe its policy to prioritize refugee voices and the human rights of all.

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## Conclusion

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