

EUROPEAN COMMON IMMIGRATION AND ASYLUM POLICY

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OUTLINE OF THE LECTURE

- **Concepts and Definitions**
- **EU Policy Making: Common Policies and Coordinated Policies**
- **Development of EU's Common Immigration and Asylum Policy**
- **Main Issues in the Mediterranean Region**
- **Migration Routes in the Mediterranean Region**
- **Recent Developments in the Region: Mass Refugee Flows**

WHO IS A MIGRANT?



Migrant: Persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family (IOM,2004)

WHO IS IRREGULAR MIGRANT?

- **Irregular Migrant:** Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called clandestine/ illegal/ undocumented migrant or migrant in an irregular situation). (IOM, 2004)

Illegal Migration?

Undocumented Migration?



ASYLUM-SEEKER OR REFUGEE?



ASYLUM-SEEKER OR REFUGEE?

- **Asylum-seekers:** Persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds (IOM,2004).
An asylum-seeker is someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated (UNHCR)
- **Refugee:** A person, who “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, 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” (Convention relating to the Status of Refugees, 1951)

TURKEY

Turkey retains a geographic limitation to 1951 U.N. Geneva Convention ("Refugee Convention"), which means that only those fleeing as a consequence of "events occurring in Europe" can be given refugee status.

WHO IS A REFUGEE IN TURKEY?

- “A person who as a result of events occurring in European countries and owing to 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 citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process”.

Article 61, Law on Foreigners and International Protection

EU POLICY MAKING

■ COMMON POLICIES

- Decided and monitored at supranational, Community level
- Binding over all member states
- Ex: Common Agricultural Policy, Common Monetary Policy

■ COORDINATED POLICIES

- Harmonization of policies between the member states
- Shared competence between the EU and the MS
- Member states keep their own authority to decide and monitor their own specific policy aspects.

EU'S COMMON IMMIGRATION AND ASYLUM POLICY

- Immigration is a complex and multifaceted phenomenon:
??? demographic constraints, economic needs, social expectations, health impacts, trade commitments, development needs, education opportunities, security dimension, etc
- European history is shaped by migration:
 1. Period of «emigration from Europe» (19th and 20th century) (1815-1932: 60 million people)
 2. Period of «migration to Europe» after 1945 (post-war reconstruction)
 3. Period of «regulation and control» after 1970s
 4. Period of more “refugee flows” after 2000s
 5. Securitization of migration

EU's COMMON IMMIGRATION AND ASYLUM POLICY

Total population of the EU-27 : 502.5 million
19,5 million: non-EU citizens (4 % of the total EU population)
(Eurostat, 2014)

Migration?

Challenge
(Political, economic,
social and cultural)

Migration?

**Economic
welfare and
development**

EU's COMMON IMMIGRATION AND ASYLUM POLICY

- **Gradual and slow process...supranational and intergovernmental decision-making**
- Schengen Agreement 1985-1995
- Maastricht Treaty (1992) «matters of common interest», third pillar «Justice and Home Affairs», limited role to community institutions.
- Amsterdam Treaty (1997) «Communitarization» of immigration and asylum policy
- Nice Treaty (2001) from unanimity to co-decision procedure
- Tampere European Council (1999), reconfirmed by the Hague Programme of 2004:
development of partnerships with countries of origin and of transit (Global Approach)
- Stockholm Programme for 2009-14, establishing common asylum policy

STILL MOSTLY INTERGOVERNMENTAL RATHER THAN SUPRANATIONAL

MAIN ISSUES IN THE REGION

Push Factors: Conflicts wars and political instability, persecution and totalitarian regimes, poor economies, poverty

- Wars in Iraq and Syria, poverty and unrest in the Horn of Africa and West Africa and chaos in Libya and Egypt has spurred a massive exodus of refugees towards Europe



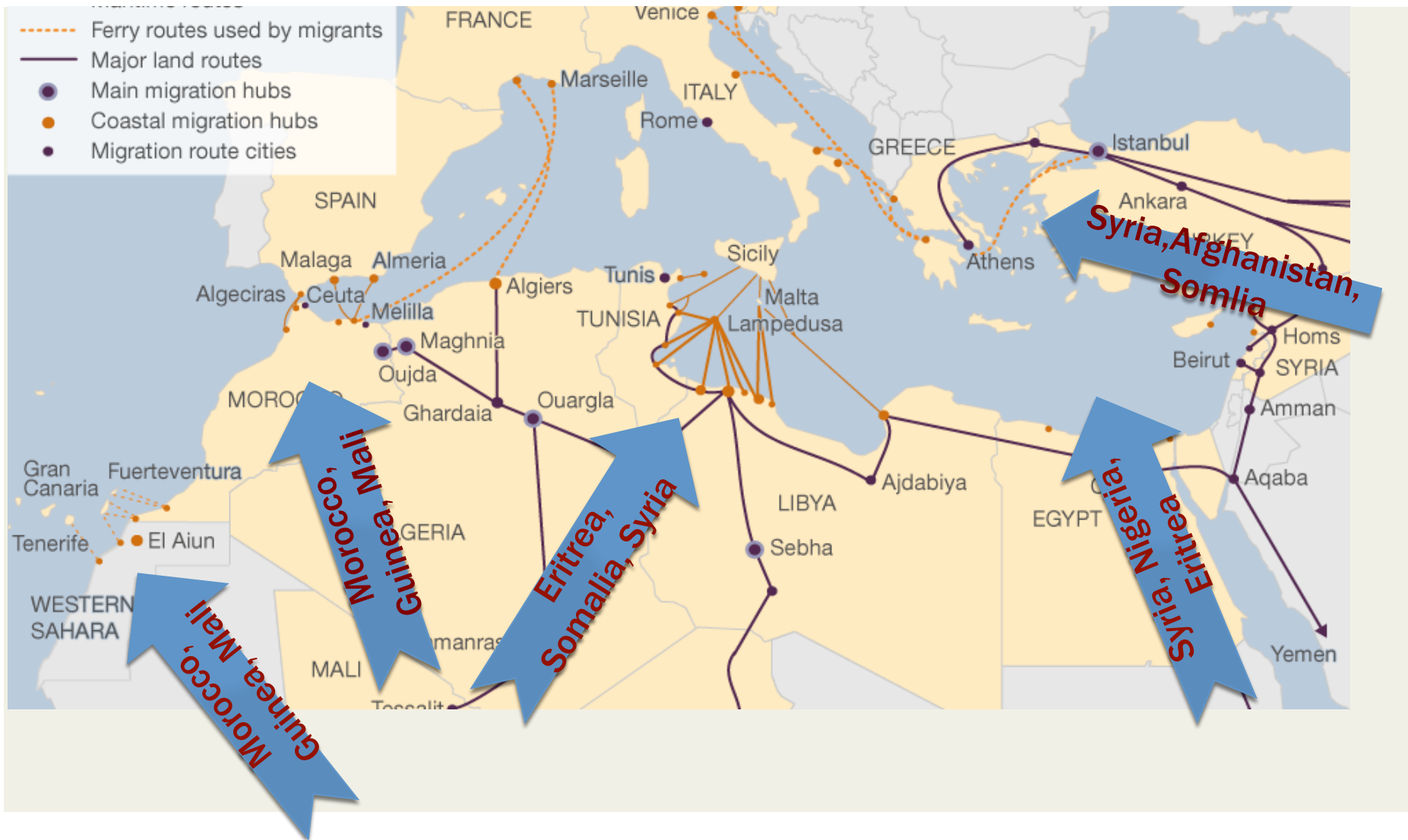
MAIN ISSUES IN THE REGION

- **On the migration route:** Immigration from and through the Mediterranean region accounted for nearly 92% of total immigration to the EU from non-EU states
- Greece, Italy and Malta have complained that the EU's current asylum system puts an **unfair burden** on them.
- Securitization of migration, uncontrolled mass flows, danger of linking migration with terrorism

MIGRATION ROUTES IN THE MED.

1. **The West Africa Route** (land and sea-based): Starts in West African countries and ends in the Canary Islands, via Senegal, Mauritania or Morocco
2. **The West Mediterranean Route**: Starts in West Africa, transits through Morocco and Algeria, and ends in Spain
3. **The Central Mediterranean Route**: Starts in West Africa, runs through Algeria, Libya and Tunisia, ends in Malta or Italy
4. **The East Africa Route**: Starts in the Horn of Africa, progresses through Sudan, Libya and Egypt, heading to Italy and Malta
5. **The East Mediterranean Route**: begins in Asia, Central Asia or the Horn of Africa, ends in Cyprus, Greece or Bulgaria via Turkey.

MIGRATION ROUTES IN THE MED.



MAIN ISSUES IN THE REGION

Mediterranean: «A Cementery for Desperate Migrants»

- <https://missingmigrants.iom.int>

Latest data

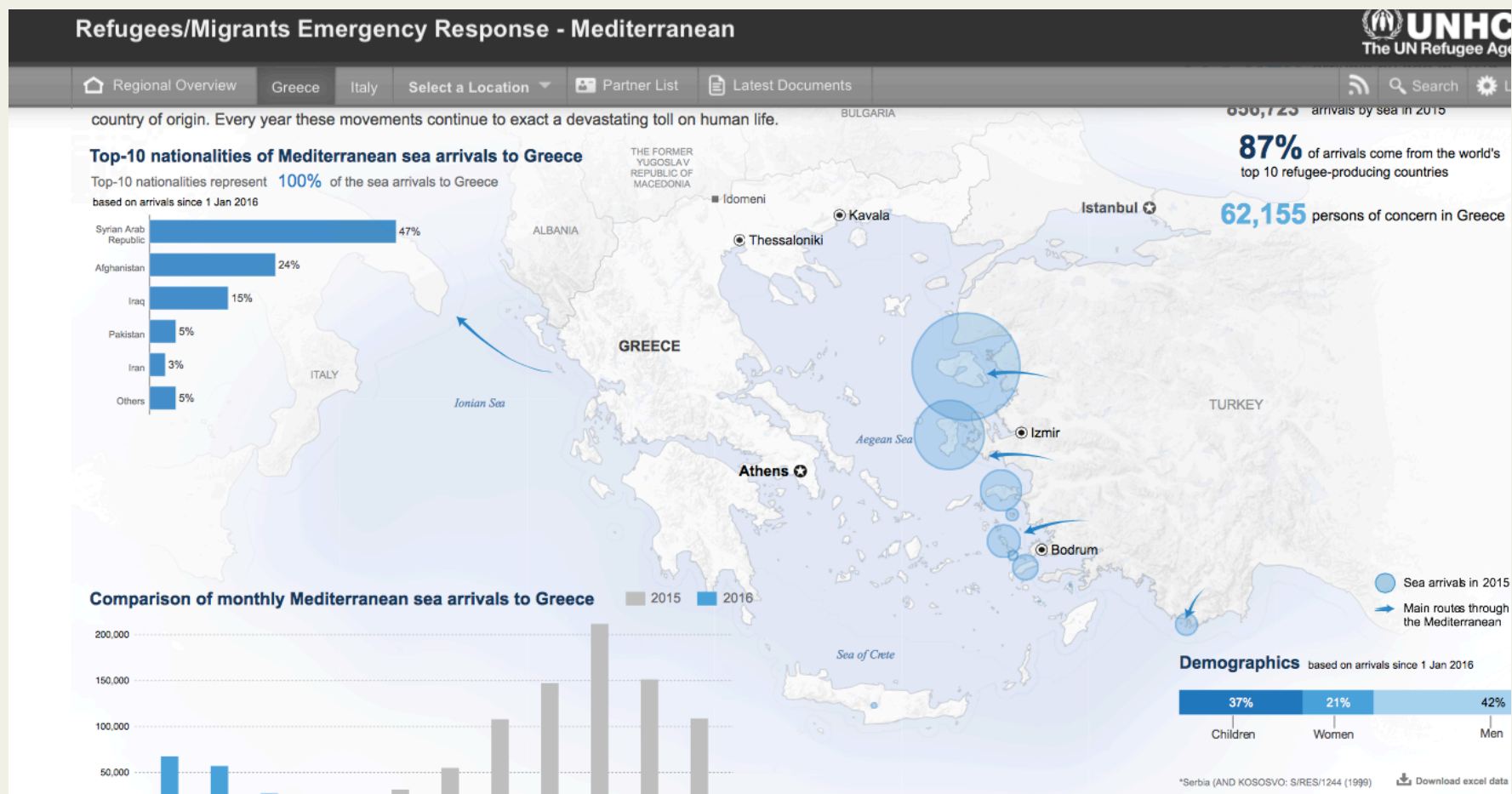


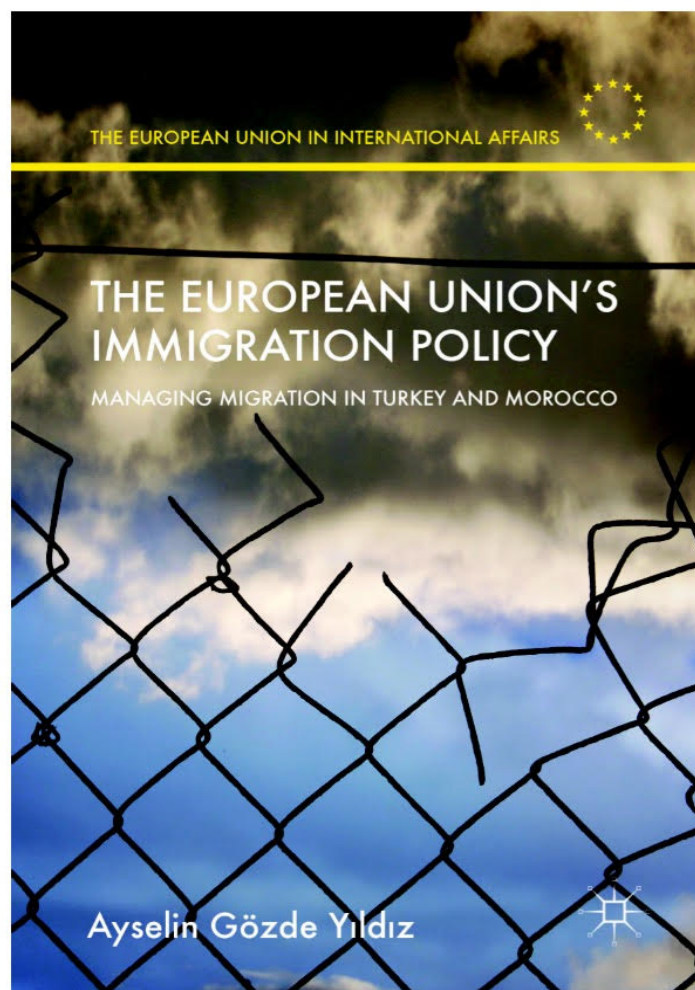
4,733

migrant deaths
in the Mediterranean
of **6,352** deaths
recorded worldwide

Published 16:00 CET 08 December 2016

HTTP://DATA.UNHCR.ORG/ MEDITERRANEAN/





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“The European Union’s Immigration Policy: Managing Migration in Turkey and Morocco”. Palgrave Macmillan, October 2016