



MIGRANTS ARE NOT “PROBLEMS AT SEA”:

From corpse-free gates towards a comprehensive system of human protection

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A compulsory resettlement scheme based on a quota system should be launched and EU external representation offices installed with a capacity to issue humanitarian visas.

Calls for solidarity-based responsibility sharing have not answered; we need more efficient and more advanced systems with clear legal frameworks put in place.

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POLICY BRIEF

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In the light of mass deaths in the Mediterranean, EU leaders were pressured to do more to save lives – citing EU foreign policy chief Federica Mogherini. Doing more has so far involved decision by the EU Emergency Council on April 23th 2015 to triple the funds for the Frontex Operations Triton and Poseidon and to offer 5,000 resettlement places per year on voluntary bases, as well as the EU 10-point action plan proposed on April 20th including, among other things, interfering human smuggling paths, rapid return of irregular migrants, and more efficient cooperation.

As indicated in the Joint Statement on April 23th by UN High Commissioners Al Hussein and Guterres, Special Representative Sutherland, and IOM Director Swing, tripling the funds is an important step forward but will not help to offer comprehensive legal protection nor alternatives for those fleeing conflict, so they would be spared from the need to turn to the smugglers. Instead, the EU declaration aims to limit access to Europe, simply relocating the graves outside its borders, rather than offering extra resources of protection and flexible options for people pushed to escape hardship.

A voluntary resettlement scheme is not working

While the Joint Statement argues for an increased cooperation among the Member States, increased resettlement places and comprehensive pre- and post-arrival assistance, it is evident that no amount of voluntary resettlement places will bring about a structural change. A voluntary project based on hope for solidarity would only keep the *status quo* of overburdened Southern Member States and other Member States with very different asylum situations. Needless to say, 5,000 places is an inadequate response to the contemporary migration patterns to Europe. As pointed out by the European Commission President Juncker when speaking at a European Parliament plenary session in Strasbourg on April 29th, there is a need for a refugee quota and a legal migration system for the medium term.

The Foundation for European Progressive Studies (FEPS) stated in 12-point proposals “Towards a Solidarity-based European Asylum Policy” (2015) as well as in policy brief “Why not triple?: three pledges towards a progressive migration policy” (2013) a necessity to install a truly functioning and effective resettlement scheme, instead of increasing border control. Additionally to this, solidarity with EU Member States in asylum crisis should also be increased. In this new agenda, national governments would not maintain full power over deciding on admission and asylum procedures and laws but would be part of a compulsory relocation system that leaves no space for ignorance towards common responsibilities. This would help to ease the EU-wide disproportionate responsibility and system of deflection, in conjunction to the Lisbon Treaty which clearly demands ‘solidarity and fair sharing of responsibility’.

Hence, FEPS demands and supports the swift adoption of a quota system to distribute asylum seekers between all EU Member States, which translates the principle of solidarity pragmatically into practice. The mechanism must be flexible, pragmatic, and fair, while taking the personal situation and preferences of asylum seekers duly into consideration. The scheme should be introduced gradually. The Dublin Regulation must be replaced by the new scheme. The setting up of a fair

financial mechanism should compensate those EU Member States that exceed their fair share in shouldering the overall burden.

External offices needed for issuing humanitarian visas

Under the current EU framework, as a main rule refugee and asylum applications need to be registered in the country where a migrant enters the EU. With the decisions agreed upon on the latest EU Council, options to enter illegally and under extremely dangerous circumstances, such as by sea, will be further limited, as intelligence systems will focus on closing down the business models of the smugglers. However, restricting and punishing access is not going to protect lives.

Instead, a necessary step towards a new common European policy beyond the Dublin Regulation would require providing more flexible options for access aimed for people who are forced to escape homes. External EU processing centers have been long discussed as an alternative instrument, and there have been moral and legal concerns as well. Instead of continuing doubts on the expertise and efficiency of such an instrument, EU should immediately prepare to establish these representation offices in the neighbouring countries with the highest acceptance rate, so that those in need would be allowed to enter the EU legally with an issued humanitarian visa.

No progressive proposal with regard to migration can be established without addressing the hardships that force people to emigrate from wars and failed states in the first place. The dangerous journeys that migrants, including many women and children amongst them, face include being kept in inhuman conditions in detention centers where they are exposed to systematic physical and verbal violence, sexual abuse and malnutrition. Many refugees arrive from lawless Libya which has an uncontrolled coastline. It cannot solely be the responsibility of the EU to aim to establish stability in its neighbourhood. Nevertheless, common efforts are needed to move towards stable and reliable governance in Libya so that responsibility of the shore would be assured.

Moral imperative of preventing further fatalities

Those who flee conflict have a legitimate right to protection. The EU and its Member States are urged to match up to their international legal commitments and moral values. We call for a continuation of the operations as carried out under the Italian operation Mare Nostrum, funded by the EU. At the same time, EU Member States are called upon to comply with their national search and rescue responsibilities. And EU Member States are urged to reconsider their rejection of the proposal to establish a sound search and rescue competence under the Frontex Regulation. The EU must be in a position to complement or, if and when necessary, substitute national efforts where EU Member States are not able to comply with their tasks.

As borders become impermeable and access to protection in the EU virtually denied, the EU must compensate the shrinking protection space by creating legal channels that provide real alternatives to the deadly Mediterranean route. Enhanced legal migration channels, increased resettlement, including on the basis of a comprehensive commitment by all EU Member States, and the activation

of the EU Temporary Protection Directive are some of the measures which the international community would have expected the EU to adopt. Furthermore, immediate focus on the streamlined processing of asylum requests will allow to relieve national asylum systems. European Asylum Support Office (EASO) should intervene on the basis of strengthened budgetary resources, supported immediately through the setting up of an EASO led task force for this end. At the same time, civil society is invited to launch multiple creative initiatives to enhance protection space at local levels, through sponsorships, advocacy and practical solidarity.

Towards a comprehensive system of human protection

Lives lost in the Mediterranean have been viewed as a tragedy threatening the reputation of the EU as the frontrunner of human rights. Under the slogan of saving more lives, the decisions made so far seem to be targeted more at punishing and limiting migrant access in order to avoid disturbing news from the coastline, rather than moving towards a comprehensive system of human protection.

Migrants should not be referred to as “problems at sea”. As calls for solidarity-based responsibility sharing have not been answered, legal frameworks should be advanced and new policies put to place. For this purpose, the Foundation for European Progressive Studies supports a compulsory resettlement scheme based on quota system and installation of external EU representation offices with a capacity to issue humanitarian visas.

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