

Is Recent Asylum Migration Threatening Europe?

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ASSUNTA SOLDOVIERI, JUL 20 2015

Is Recent Asylum Migration Threatening Europe? Asylum Seekers: A Threat or a Resource?

Europe has always been a land of migrants. In the past, people, especially from the Western countries, travelled the five continents trying to colonize and impose their values. Then, during the 20th century many Europeans emigrated to America or to the northern neighbour countries in order to find better economic conditions. However, recently this trend underwent an important change due to a huge increase of immigrants coming to Europe, especially during the last two decades of the 20th century (Hatton & Williamson, 2006; Huysmans, 2000). Now the Western countries view migration as a threat, thus it has become a security issue (Huysmans, 2000: 752). Moreover, as the number of immigrants has continued to increase in the last years, it is considered a challenge to the European Union's culture and stability. Initially, each of the EU Member States hurried to implement restrictive policies in order to discourage new entrance flows; afterwards, the EU as a whole begun to develop a common approach, which has been one of the main points in the EU's agenda of last decades.

It should be borne in mind that there are different kind of immigrants – 'economic migrants', 'refugees', 'asylum seekers' and many others. The asylum seekers are the more challenging ones because of several characteristics: their growing number, the fact that many of them enter illegally in one country and, above all, the right of '*non-refoulement*' that is mentioned in many international and regional instruments (Schuster, 2003). This migration category will be dealt with in the next chapter, explaining what it actually is and showing some data. Then, the EU policies concerning this specific topic will be pointed out; and finally, the conflicting academic debate will be analysed in order to understand whether asylum seekers are a threat or resource.

Asylum seekers

The asylum is an ancient concept and the right of asylum has been recognized in different ways over time (Rescigno, 2012); however, nowadays the term is still questioned. Asylum seekers are often confused with refugees since they share almost the same definition, but generally people are more sympathetic with the second group since their 'well founded fear[s]' have been confirmed, while the former group claims to be refugees, but this condition has still to be evaluated (UNHCR). The first official international acknowledgement of 'the right to seek and to enjoy' asylum can be found in article 14 of the Universal Declaration on Human Rights (UDHR). This article paved the way to the Geneva Convention relating to the status of refugee of 1951. The Convention offers a general definition of refugees in article 1 referring to those who flee their country where their safety has been endangered and they are 'unable or, owing to such fear, [...] unwilling to return to it'; then the article 33 establishes the principle of '*non-refoulement*' which prohibits the expulsion or the forced repatriation to a place where human rights might be threatened. The Convention and its New York Protocol of 1967 constitute the basis of the European Asylum Policy. The former was a post-Second World War instrument, therefore initially it was limited to those who fled from occurrences happened before 1 January 1951 within Europe. Since the negotiators disagreed on the geographical restriction, the signatories had the possibility to choose whether to include also people from outside their continent (Rescigno, 2012; Petrovic, 2013). The Protocol of 1967 removed the two restrictions and the definition became universal.

According to the European Migration Network (EMN) Glossary, asylum seekers are those who make 'an application

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for protection under the Geneva Convention in respect of which a final decision has not yet been taken'. Individual applications can be lodged directly on arrival or once they have already entered, legally or illegally, one country. In the last Directives the EU established that the most appropriate term to address these people is 'applicant for international protection'; however, 'asylum seeker' is still more commonly used.

Numbers

According to Eurostat, the highest number of asylum applications in the EU was reached in 1992 (670.000). The 90s were a delicate decade: the end of the cold war determined a wide flow of people from the former USSR territories and many conflicts rose, such as the crises in the Former-Yugoslavia and in several African countries. However, in the new millennium the number of asylum applications decreased gradually until 2006 when it reached the lowest point of the last decades (less than 200.000). Afterwards, the asylum applications started to increase again until the new peak of 2013. Nowadays the situation is still worsening due to the conflicts in the EU Mediterranean and Eastern neighbourhood (Cochetel, 2015: 2; Peter, 2015). After looking at Eurostat data, it is possible to link asylum to humanitarian crises because the asylum seekers' movements prevalently follow the world occurrences. Although many of those people head towards the neighbouring countries (Hatton & Williamson, 2006: 260), a large amount try to reach more developed countries. In 2013, indeed, the EU received around 43,5% of the overall asylum applications and it should be borne in mind that almost 890.000 people claimed asylum, according to UNHCR data. Moreover, the 450.000 applications lodged in the EU in 2013 were not equally shared among all the Member States, indeed more than 90% of them were addressed to only 10 countries: this is one of the main reasons why EU is trying to implement a common approach (EC, 2014: 9).

EU policies

Each European State, during the 90s, individually implemented restrictive asylum policies in order to reduce the burden on the country; at the end of the century many of those, such as Visa restriction and carrier sanctions, were extended to all Schengen parties (Hatton & Williamson, 2006: 269). The first step towards a communitarian approach was undertaken in 1990 with the Dublin (I) Regulation, amended in 2003 (Dublin-II) and again in 2013 (Dublin-III), which established the criteria for determining which Member State is responsible for examining an asylum claim – generally the one of first entrance (Petrovic, 2013). It eliminated the Asylum shopping (when an asylum seeker lodge multiple applications in several European States), but it also increased the burden on the outlying States and, since each country had its own policies, asylum seekers were treated differently. After Dublin-I, during a meeting in London, three other criteria were introduced to reduce the burden on the EU: the 'safe third country' concept, the 'manifestly unfounded' claims and the determination of 'safe country[-ies] of origin' (Hatton & Williamson, 2006: 269; Petrovic, 2013). However, only at the end of the century, after the increase of the number of asylum seekers in the EU territories in the 90s and the establishment of Schengen Area (1990), the EU started to actually working on the creation of a Common European Asylum System (CEAS). Guaranteeing to each asylum seeker the same treatment in every member state was, and still is, the primary aim. The shift from several asylum policies to a unique communitarian system has been not an easy task, then it required several steps to gradually achieve it. The first phase of this communitarian journey went from the Tampere Programme of 1999 to 2005 and its main objective was to establish 'common minimum standards' in the asylum policies of the different members. Its goal was achieved with the implementation of four Directives: '2001/55/EC on minimum standards for giving temporary protection'; '2003/9/EC on minimum standards for the reception of asylum seekers'; '2004/83/EC on minimum standards for the qualification [...] as refugees or as persons who otherwise need international protection'; and '2005/85/EC on minimum standards on procedures'. The first one was the EU response to the crisis in Kosovo, but it is still valid and concerns the possibility to offer temporary protection in case of mass influx. This exceptional measure promotes burden-sharing among Member States and solidarity. Moreover, a new Regulation introduced a very efficient EU asylum fingerprint database (EURODAC) in order to fully implement Dublin-II. The goal of the second phase was established in The Hague Programme of 2004: 'the establishment of a common asylum procedure and a uniform status for those who are granted asylum or subsidiary protection' (The Hague Programme). During this phase, ended in 2012, an in-depth analysis of the evolution of the CEAS was considered to be necessary, thus a Green Paper was presented in 2007 and it paved the way to Policy Plan on Asylum of 2008. The Hague Programme also suggested the creation of an European Asylum Support Office which was actually established in 2010 and became fully

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operational one year later. Its main functions are: developing practical cooperation, supporting the EU States in specific need and helping to implement the CEAS. Since 2012 a new, final phase has started. 'Effective implementation of all relevant legal instruments needs to be undertaken and full use should be made of relevant Agencies and Offices operating in this field' (Stockholm Programme, 2012) is the new goal to achieve a common policy. In this last phase, three of the four 'minimum standards' instruments were amended. The first was the 'Qualification Directive' of 2004 which was revised in 2011 with the Directive 2011/95/EU; then, in 2013, the Directives 2013/32/EU and 2013/33/EU respectively amended the 'Asylum Procedure Directive' of 2005 and the 'Reception Conditions Directive' of 2003. These new instruments are meant to strengthen the CEAS, surpassing the previous vague guidelines and providing much more precise 'common standards'. They ensure that all asylum seekers, wherever in Europe they lodge their claim, receive fair and equal treatments improving decision-making and providing a coherent, high-quality common system.

Public opinion

The opinions about immigration and European responses have always been contradictory. Concerning the former, since the end of last century the migration topic has been 'securitized' (Huysmans, 2000: 752), but it should be highlighted that, as Boswell demonstrated in her 2007 article, the securitization of migration policy has not increased after 9/11, thus it might be stated that immigration is not commonly linked to terrorist threats. However, people generally see immigrants as a threat and it is mostly due to the 'politicization' of this topic (Huysmans, 2000). Immigrants are too often depicted as a danger for national integrity as well as for cultural identity spreading nationalist and, sometimes, racist feelings among natives. Politics is supposed to represent public opinion, but politics in turn are seen to affect people mind. Anyway, it should always be borne in mind that actually immigrants can be an asset for the receiving country. The consensus on the need for labour force, for instance, is growing and immigrants usually cover those sectors that Europeans refuse (Fargues, 2014); even centre-right parties are accepting this idea, but still many politicians disagree on the need of more migration (Schuster, 2003: 235).

Even though different kind of immigrations exist nowadays, the most controversial feelings are those concerning the asylum seekers (Verkuyten, 2004). There are several reasons that can explain this conflicting approaches towards people who claim asylum. First and foremost it is due to their uncertain status: they are not yet refugees, but they still cannot be repatriated since they are protected by the international principle of 'non-refoulement'. Secondly, an important aspect is that many of them enter the country illegally; however, as Schuster stresses, 'many asylum-seekers have no alternative' because of the restrictive migration policies (Schuster, 2003: 237). The different opinions towards this group of migrants are also reflected in the terminology used to address them (Verkuyten, 2004: 294-5). Derogatory terms, such as 'invasion' or 'flood', are used to talk about the flows of those people (Huysmans, 2000: 769). In the Italian scenario the word 'stowaway' commonly identifies migrants without distinction; asylum seekers, as a consequence, are mostly perceived as a danger without even try to know their stories (Boldrini, 2010).

All these growing negative feelings towards asylum seekers and migrants have spread throughout Europe in the last decades, especially due to the intensification of asylum seekers flows and the recent economic crisis (Fargues, 2014). The European debate is going always more in the direction of those who present immigration as a threat generating several stereotypes that consider all the economic and social diseases of the EU States to be immigrants' faults. Philippe Fargues, the director of the European Migration Policy Centre, tries to explain why the eight most common stereotypes are actually wrong. In his booklet, he demonstrates that immigrants and asylum seekers in reality are a resource for the EU that actually needs them, above all as labour force. Without them the European economy would suffer, with a decreasing labour force affecting the job market and an increase of the elderlies burdening the welfare state. Then, in the booklet it is also underlined that the majority of asylum seekers are actually not just pretending to be in danger and those who actually reach the European States are only a modest number. Moreover, the European history demonstrates that the EU can afford this new challenge since in the post-war periods the refugees in Europe were more than 30 million; besides, Germany in 1992, a delicate moment for the nation, received about 400.000 asylum seekers and its economy resisted (Schuster, 2003: 242).

According to what has been assessed at the beginning of this chapter, the European responses to migration have been frequently questioned. The mismanagement of this phenomenon might generate negative consequences that

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would even call into question what has been acknowledged in historical research. The harshest position is the one expressed in the media, such as 'Telegraph' where Booker affirms that the Asylum Policy is the worst EU failure highlighting two major problems: the burden on the external States and the asylum seekers' wills to reach the northern EU States. Also other authorities agree with this belief; in 2011 'The network' interviewed three distinctive personalities: Daniel Endres (UNHCR), Souad Sbai (right-wing Italian politician) and Nicolas Gros-Verheyde (European affairs journalist). They agree that the EU could and should do more to manage this challenge, but only Sbai affirms that EU policy have been a failure since it seems not to take into account the consequences and this, according to the rightist politician, is tearing apart the Schengen system. Endres and Gros-Verheyde, instead, have more indulgent views. The latter affirms that the context is changing, thus the EU should redefine its policy; while for the former, although the EU has to commit more, its responses are not a failure.

Conclusion

Asylum seekers' flows have been fluctuating since the last decades of the 20th century. The number of asylum applications lodged in the EU countries has been increasing and consequently the fear of this new kind of 'invasion' has risen again. Asylum seekers in the collective unconscious are perceived as a threat, this can be considered to be a product of the politic discourse and the media pressure, which push nationalist and, even sometimes, racist sentiments. However, as discussed, new theories on migration, supported by actual data, have demonstrated that asylum seekers, as the other migrants, are actually a beneficial resource for the EU Member States. What might limit the advantages are some restricted and uncoordinated policies, therefore since the end of last century the EU has been developing the CEAS to harmonise the asylum legislations of the Member States. Although some people question and oppose the EU responses to the asylum challenge, it should be emphasised that the CEAS has still to be improved and concluded, and the EU is conscious of the possibilities offered by asylum seekers, thus they should not be seen as a threat.

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UNHCR: *the UN Refugee Agency* <http://www.unhcr.org/>.

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