

# LIBERAL STUDIES

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# *Refugee Governance Challenges and Responses*

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## **Introduction**

The moving image of a Syrian child, Alan Kurdi, drowned off the coast of Turkey has shaken the conscience of the entire world. Though it is certainly not an isolated incident, it has become the symbol of the refugee crisis bringing world wide sympathy. And, it has also brought to the fore, hitherto unanswered and uncomfortable questions regarding the movement of refugees across continents and the inheritance of forced responsibility by the local, natural inhabitants of those regions. Given the nature of the subject, it is perhaps inevitable that a discussion on refugees sparks emotional questions and conclusions with strong policy implications. The refugee crisis that has struck the European Union (EU) in the recent past is massive in its scale and unparalleled in its known history. More than a million refugees, reaching the territory of EU after a perilous journey, have been reported as originating from regions as diverse as Syria, Iraq, Morocco, Albania, Afghanistan, Pakistan and elsewhere. In most cases, the main reason behind their mass migration was to avoid civil war, terror, political prosecution, war time atrocities, and ofcourse, the prospect of a better and secure life for themselves and for their children.

Though the refugee influx is not a new phenomenon, many of the EU countries are either unprepared or unwilling to cope with the scale and diversity of refugees. While some of the EU countries are still struggling to cope with the refugee influx, others have tightened border controls. This has led to a humanitarian crisis as tens of thousands of migrants are stranded in many entry places to the EU, most predominantly in Greece. Consequently, the EU as a supranational institution has been facing the toughest challenge of ‘refugee governance’ both morally and institutionally. It has had to safeguard its international obligations and commitment to the EU ‘values’ and ‘ideals’.

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And at the same time, it has also had to cope with the domestic implications of the refugee arrivals.

## I

The prolonged civil war in Syria followed by the unrest in Afghanistan and Iraq are the main driving forces behind the mass influx of refugees into the EU. Together, these three countries constitute more than eighty percent of the refugee flows. Acute poverty, large scale human rights violation, collapsed state apparatus, unpredictable political situation, and deteriorating security scenario have been forcing people to abandon their homes in countries such as Eritrea, Pakistan, Albania, Morocco, Iran and Somalia and seek asylum elsewhere. The physical proximity to Europe, its comparatively liberal approach, socio-cultural ties and institutional support are hence driving most of these refugees to move towards Europe. They are seen risking everything in this process and most importantly, even their lives.

There are two major ways for refugees to enter the EU. The first one is from the North African countries to the shores of Southern Europe by crossing the Mediterranean Sea and the second one is from Turkey to Greece via the Aegean crossing. Most of the refugees who embark on the journey to Europe via Greece prefer the short route from Turkey to the Greek islands of Kos, Chios, Lesbos and Samos. These islands are not equipped to handle the mass influx of refugees. Therefore, their arrival leads to the breakdown of administrative machineries while dealing with a problem of such large scale proportions. Others migrants embark on a long perilous journey from North African countries like Libya and Morocco to Italy and Spain through the Mediterranean Sea on flimsy rubber dinghies or small wooden boats.

As per the Dublin Regulation, the refugees who arrive in any of the EU countries can apply for asylum in the same country. But some member states of the EU, like Greece, Italy and Croatia allow the refugees to pass through their lands in a bid to unburden themselves and move further into the northern countries using the Schengen mechanism. Germany remains the most preferred destination for refugees for its rather liberal approach towards them. This is evident from the fact that, Germany received more than a million refugees seeking asylum there. Germany is followed by Hungary where refugees arrive following a long perilous journey through Greece and the western Balkans. Other refugees are scattered around the UK, Croatia, Austria, Serbia and elsewhere.

As per an estimate of the International Organisation for Migration (IOM) in 2015, more than 1,011,700 migrants reached the shores of Europe. In addition

to these, more than 34900 migrants had arrived by land route. The EU's external border force, Frontex puts the number of arrivals at more than 1,800,000. In 2014, approximately 280000 had arrived. These numbers do not include those who remain undetected for a number of reasons. The crisis continues as more than 1,35,000 migrants arrived in the first two months of 2016, data for which is now available.

The desperate conditions of the migrants have been exploited to the maximum by the human traffickers. Traffickers charge hefty amount for smuggling refugees into Europe. Many who have tried to cross the Mediterranean through a perilous journey, die before reaching shore, mostly because of boat capsizes due to overload. The IOM puts the reported deaths in 2015 to around 3,770, though unreported deaths are believed to be much higher in number. The summer months are the deadliest and busiest months for such migrants who want to cross. Survivors often face violence and abuse at the hands of traffickers.

Though Germany is said to have received the highest number of asylum applications, in proportion to population, Hungary can be perceived to have the most followed by Sweden, and then Germany and the UK. Many refugees are applying for asylum, but the number of asylums granted are less. In 2015, the EU countries offered asylum to only 2,92,540 refugees which is pretty less as more than a million refugees had applied for asylum. It even included those refugees who might have applied in previous years. The refugees granted the highest numbers of asylum were from Syria, followed by Eritrea, Iraq, Afghanistan and Iran. As per Eurostat (2016) data, in 2015, Germany approved the largest number of asylum applications (1,40,190) followed by Sweden (32,215), Italy (29,615), France (20,630), The Netherlands (16,450) and the UK (13,905).

In the EU, the sharing of the burden of refugees has been quite disproportionate among member states. Germany has been very critical of other EU Member States like France and the UK for not taking a fair share of the burden. Greece, Italy and Hungary are feeling the heat, while other states are housing very few refugees. In September 2015, an understanding was reached among the EU interior ministers to relocate approximately 1,60,000 refugees among the Member States with binding quotas. Member States like Romania, Czech Republic, Slovakia and Hungary had opposed the scheme. The UK did not opt for any quota system. As a result, very few people have been relocated from Italy and Greece. Many East and Central European countries are refusing

to accept any. Some figures obtained from the UK Home Office indicate that, in 2015, under the Vulnerable Persons Relocation Scheme, only around 1000 Syrian refugees have been resettled. The UK has committed to receive more only in the next five years. Many of the EU countries are pinning their hopes on Turkey to stem the flow of refugees because of its unique geographical location. In February 2016, the EU approved a funding to the tune of € 3 billion for Turkey to help the EU stem the flow of migrants especially Syrians.

The receiving countries have become desperate to control the flow. Therefore, they have taken some measures, which have brought condemnations from many quarters, especially from human rights activists. For example, Hungary, receiving a massive scale of arrival of refugees has erected a 175 km (110 mile) long barrier of a razor-wire fence along the Serbian border to stem the flow. Slovenia and Bulgaria have also erected similar obstacles. Austria and some other Balkan countries like Macedonia have placed a cap or cut-off on the number of people allowed to cross its borders. Due to such restrictive policies, tens of thousands of refugees have found themselves stranded in border countries like Greece, which is already facing hardship due to its economic condition. Greece has demanded nearly € 500 million from European Commission to face such a humanitarian catastrophe at its border.

It is widely believed that refugee flows could have been manageable had the EU countries acted together as a whole. Instead, many of the European countries are still doing window shopping. Germany and Sweden have been left to face the music alone and are facing more pressure due to their liberal approach. As a result the political situation has been changing fast, leading to border closures. The most disturbing part of the crisis is an increase in the xenophobic and right-wing nationalism tendencies.

The arrival of migrants has attracted social and political attention as well. In most cases, the EU citizens believe that refugees are competitors for social goods and services. This view embodies the political/populist conviction that refugees enter the job markets illegally, reducing wages and increasing unemployment among resident citizens; the refugees are also perceived as destroyers of the native community and its culture, pushing up the crime rate; and exploiting the social services provided by the host community. What has complicated the problem further is that many EU countries are facing financial meltdown. This in turn is breeding the welfare chauvinism and racial violence. A number of violent incidents across the EU are standing testimony to this fact. A lack of mutual understanding between the 'natives' and the 'immigrants' has led to the rise of populist politics. Rather than becoming an integrated component

of the society, these migrants are often ‘ghettoised’ and/or ‘marginalised’ which further adds to the scenario of social unrest.

The EU has an obligation to protect the persecuted people (already established as the minority figure) in danger. In contrast, the EU countries have created a mess in recent months as a result of the lack of a pan-European approach. The EU countries need to be well prepared to arrange finance and negotiations. Otherwise Member States will face domestic discontent and continued violence.

## II

Against the background of ageing European societies and labour market deficiencies, there are conflicting views regarding the necessity of migrants. While the EU does need legal, high-skilled, economic migration, the arrival of illegal migrants and refugees has overburdened the economy and the trend shows it is set to increase over the coming decades. Refugee flows are neither constant nor evenly distributed across the EU. As per Eurostat (2016) data, the number of refugees arriving varied from 4,25,000 in 2001 to 2,00,000 in 2006. In 2012, the EU reported approximately 3,35,895 refugees. But in 2015, this figure has escalated to an all time high with more than one million refugees arriving, leading to a crisis the EU countries were not expecting. Refugee movement from third countries has emerged as an important issue at both EU and Member States’ level.

Across the EU, there is wide variety of refugee movement experiences. Refugees display a wide heterogeneity as regards regions of origin, cultural backgrounds, socio-economic characteristics, and have varying reasons for migrating to the EU. The pattern of recent refugee movement to the EU is also somewhat different to that prior to 2000, with indications that flows have become more diversified. For example, the recent refugee influx is largely from the Middle East, while in terms of destination countries within the EU, the general increase in net refugee movement to countries in Northern Europe has increased in recent years, making them as important as the more traditional refugee destination countries in Southern Europe. Similarly, refugee flows from war torn hot spots are not the only contributor of migratory flows. Climate induced refugee movement has emerged as one of the other push factors behind mass migration.

The climate change has been recognised by the EU as a threat multiplier which exacerbates the existing political tensions and instability. In a broader approach to climate change, ‘climate-migrants’ or ‘environmental refugees’

have been identified by the EU countries as a further challenge. In this respect, the EU's immediate concern is Africa, where more than thirty per cent of the world's refugees and internally displaced people are housed. Especially North Africa, which has not only become a migration destination itself (for internally displaced and cross border migrants), but also a transit area for people from sub-Saharan Africa and Asia to reach Europe, especially Southern Europe. The EU countries like Greece and Spain, are already undergoing hard times to control illegal immigration and the further threat of the likelihood of millions of climate refugees has complicated the situation.

The Darfur crisis has been cited as a case study of climate induced migration among dozens of others. The crisis encouraged a mass exodus of people in distress, many of whom tried to enter the EU illegally. Heightening stress and tensions in many parts of Africa especially in Sahel can further intensify the mass migration.

In view of the threat of illegal migrants and refugees, the EU has taken a number of initiatives to deal with the problem. Since 1995, the EU is giving financial assistance in the form of grants and loans to ten such countries sending out migrants, stretching from Morocco to Turkey to promote democracy and to end poverty. Apart from stricter visa regimes, the EU has set up a militarised European Border Control Agency called FRONTEX. The EU has also developed a surveillance system (Eurosor) as well as Rapid Border Intervention Teams (RABITs). To prevent illegal departures, FRONTEX also operates from African countries with a majority of their focus on the Canary Islands, Mediterranean and Black Sea routes. A major initiative has been the "common immigration pact" between the EU and a number of African countries that includes Senegal, Gabon, Benin, Congo among others. At an individual level, some EU Member States like France, Spain and Greece are also making initiatives to pre-empt the problem.

The EU is thus virtually erecting a 'fortress Europe' to restrict migration which has come under sharp criticism. Some believe that the EU, in alliance with the governments of transit countries is 'ghettoizing' refugees and illegal migrants. The EU and its Member States have erected militarised barriers on their borders and have instituted police-state measures internally to bar refugees who have fled disturbed regions.

### III

The EU considers granting asylum to those fleeing from prosecution or violence as a fundamental right and as an international obligation under 1951

Geneva Convention on the Protection of Refugees. The EU with its 28 Member States share open borders and freedom of movement. Therefore, the Member States are under an obligation to have a joint approach towards management and protection of refugees. So the EU countries committed themselves for a Common European Asylum System (CEAS) at a supranational level. It is thus expected that the Member States share the responsibility so that refugees are treated fairly and in a dignified manner under a uniform standard.

It is difficult to harmonize and synchronize this system with the domestic policies of 28 Member States, which provides scope for misuse of the system. Many economic migrants in order to easily enter the EU, are identifying themselves as refugees. To stop this misuse, it is necessary to replace the present system with an improved system in which asylum applicants are thoroughly screened at the EU borders and if possible before they set sail across the Mediterranean or any of the other transit routes.

Since 1999, the EU has been trying to harmonize the standards governing the asylum system. To sustain the new mechanisms, financial solidarity has been strengthened in the form of the European Refugee Fund. The most important mechanisms so developed, include the Temporary Protection Directive and Family Reunification Directive that require a common EU response to a mass influx of refugees.

The EU's Policy Plan on Asylum adopted in 2008, underlines three pillars of CEAS: Firstly, harmonizing the EU countries' asylum legislations; secondly, effective cooperation; and thirdly, a sense of responsibility among the EU countries, and between the EU and non-EU countries. In the spirit of such an understanding, common high standards have been put in place to ensure that refugees are treated in a dignified manner and their asylum applications are processed fairly. Firstly, the revised Asylum Procedures Directive aims to ensure a fairer, quicker and better quality of asylum decisions. Secondly, the revised Reception Conditions Directive ensured a humane material reception conditions (such as housing) for asylum seekers. Thirdly, the revised Qualification Directive clarifies the grounds for granting international protection. Fourthly, the revised Dublin Regulation enhances the protection of asylum seekers during scrutinizing of applications. It puts a thorough system in place so that problems occurring at the onset, associated with national asylum or reception systems can be immediately detected, and their root causes efficiently addressed before they develop into a fully fledged crises.

The resettlement program by the UN's refugee agency which can only house 1,60,000 spaces is insufficient. The management of refugee flows needs



a coordinated approach, both by the sending and receiving countries. This calls for an action, both in the short and long runs.

In the short run, this can be done by managing immediate push and pull factors that move people outside. Firstly, the EU countries need to increase the aid to victims of civil wars in Syria, Iraq and Afghanistan. The EU should also enlist Gulf states to do their part. Secondly, the EU needs to thoroughly study the asylum claims of refugees on a merit basis: fleeing from hotspots of Middle East or transitory places like Greece and Italy. Thirdly, asylum-seekers need to be discouraged to enter as long as applications are under process. The EU should take a strong stand against illegal migrants who are not eligible, They should be denied entry or deported. Though these actions will invite criticisms, the system will be sustained, and this needs to be done in an efficient and fool-proof manner, which can be enforced.

In the long run, the EU countries need to take more proactive steps to end the civil wars in Syria and Iraq. Syria peace talks in Geneva were called off without any progress. Simultaneously, aid to Syrians was cut to half in 2015 in comparison to 2014. At the Donors Conference on Syria in London, \$9 billion for 2016 was demanded. These expenses are only set to increase in future. Lasting peace still eludes these disturbed regions and the situation has only gotten worse with the rise of ISIS. The EU does not have a magic wand to bring changes overnight. But it certainly has some competences as a soft power to bring warring factions onto one table and expedite the peace process so that a larger threat like ISIS can be dealt with more effectively. Monetary support should also be extended to some of the EU countries like Greece and Italy to make arrangements to deal with the immediate situation, especially Greece, which is already under economic hardship and should get maximum help. Similarly, some countries who became their first host i.e. Turkey, Jordan and Lebanon should be encouraged by the EU through financial aid to provide livelihood to refugees fleeing from conflict zones. Recently, Turkey has begun to grant them work permits. The EU should further press Jordan and Lebanon to follow suit. This will significantly stem the flow of economic refugees.

In terms of Member State practices, there are discernible trends towards, on one increasingly selective refugee policies and, on the other hand, tightening of criteria for granting asylum status and allowing family reunification. However, most countries continue to accept refugees. A common European approach would be beneficial if it covers areas where the EU Member States have recognised that it would be more rational and efficient to do so, while leaving to the EU Member States flexibility to follow their own policies and priorities. The

European framework could encompass, for example, the goals of providing more clarity and transparency through the development of some common rules and procedures and making this information widely available to third countries, of ensuring that refugees are offered access to “a secure legal status” and “a guaranteed set of rights”, and of enhancing cooperation with countries of origin. Some of the EU Member States have special historical and cultural ties with certain countries of origin, reflected in their refugee movement policies, which they would like to maintain. For these reasons, the European framework should be sufficiently flexible to allow Member States to follow their own policies and priorities to the extent required. Particular attention should be paid to find adequate tools and mechanisms to ensure that the coexistence of an EU refugee movement policy with national policies does not lead to more administrative complexity than that which already exists currently.

The EU also needs to develop a comprehensive refugee policy that balances socio-economic and humanitarian aspects and incorporates procedures for selection and admission of refugees.

- All refugees need to have access to a “set of core social and economic rights.” The principle of equality and absence of discrimination as enshrined in the European and national laws should benefit refugees through an efficient and transparent enforcement mechanism.
- Alienation breeds hostility. Therefore, it is necessary to ensure that appropriate measures are taken for the smooth integration of refugees in the host society. The EU countries have a rich experience of (more or less successful) approaches to integration. The legal status not only encourages a sense of belonging and thus motivates integration, but also renders a more secure status to the refugees. Naturalised refugees have better opportunities for political mobilisation and hence more space for securing their legitimate interests through political programmes.
- A mechanism of cooperation with the sending countries needs to be created to prevent detrimental effects of the refugee movement on the host countries.
- The integration of refugee issues into external relations is an important way of addressing refugee problems. In this context, the EU has taken a number of initiatives with Mediterranean countries. Especially with Morocco, the EU’s development assistance has been directed towards alleviating the existing refugee pressures.

- Designing an effective refugee policy is as much a political as a technical issue. Given the complexities involved, most EU countries have so far tried to keep refugee movement issues at the lower end of the political agenda. They attempt to cope with the issues either through crisis management or stop-go defensive tactics, including tightening border controls and selective refugee programs. Refugee management merits an integral part of the European policy debate along with issues of integration of both skilled and unskilled labour..

## **Conclusion**

According to the UN Security Council, mass migration has the potential to threaten international peace and security, particularly if it originates initially from regions of ethnic and social tensions. Dealing successfully with refugee problem depends crucially on their successful integration into the host societies. The EU must therefore prepare for current and future refugees in a responsible, comprehensive and effective way. A successful policy approach will have to strike the balance between the interests of refugees and the local populace of the host societies while anticipating future impacts. Employment and social policies have a critical role to play in this context. A European strategy could also reduce irregular refugee movement by providing legal routes of entry. A successful EU policy on refugees requires that refugee flows be managed in close coordination with the countries of origin by understanding their actual situation and considering their legitimate needs.

Refugee movement poses challenges and necessitates responses. Proper management is necessary to strike a fine balance between often conflicting interests of host country and the migrants themselves. The overall aim of European refugee policy should be to manage refugee movement, not to prevent it. This will require a political acceptance by Member States of their role as keepers of ideals of protecting those in distress, and the development of flexible, evidence-based models of refugee selection which are both adaptive to national requirements and based on consistent principles established and monitored at the European level. An EU policy based on common definitions, criteria and procedures for entry and settlement of refugees must be progressively put in place while leaving a high level of discretion with Member States. The failure to do so will undermine the idea of EU and the ability of Member States to maintain social, political and economic stability.