

European Union Asylum: Towards 2020

The *EU Asylum: Towards 2020* project focuses on developing policy proposals and ideas for reform of the European Asylum system. This work is carried out by the International Migration Initiative (IMI), in partnership with the Migration Policy Institute Europe (MPIE), and led by IMI Fellows Gregory Maniatis and Madeline Garlick.

Advocacy Issues and Outcomes

The Dublin system

The issue: Examining the Dublin Regulation's implementation and considering ways to make the system more fair and effective. The project is looking at the case for change to Dublin's underlying principle, and alternative approaches to distribution of responsibilities among Member States.

What we've done:

- Published an analysis of the Dublin Regulation.
- Published an analysis of key decisions of the EU Court of Justice, highlighting consequences for the system's operation and implications for the reform process.
- Convened Member States, EU institutions, and civil society to discuss the shortcomings of Dublin in Rome. We consulted the European Asylum Support Office (EASO) and held bilateral discussions with Member States' representatives in Brussels.

Outcomes:

- The analysis has been widely quoted by policymakers and the media, and used extensively by NGOs, legal practitioners, and academics in advocacy with Member States, the European Commission (EC), and the European Parliament.
- OSF and MPIE have been invited to take part in high-level panels with the European Parliament.
- The EC's consultants evaluating the system have asked OSF/MPIE to be involved as experts.

Distribution key

The issue: Finding ways to ensure more equitable distribution of costs and responsibilities for asylum-seekers is a crucial priority for the sustainability of the system.

What we've done:

- Produced two discussion papers.
- Convened two meetings among senior civil servants (from Austria, Belgium, Czech Republic, Denmark, France, Germany, Greece, Italy, Latvia, Poland, Luxembourg, Malta, Slovenia, Sweden, UK, as well as the EC, UNHCR Bureau Director, and ECRE Secretary-General) to discuss a 'distribution key,' the first time the subject was formally considered.
- Held a dinner in September 2015 for Member States representatives (Denmark, Germany, Greece, Luxembourg, Malta, Netherlands, Slovenia, Sweden, UK, as well as UNHCR and EC) to discuss what is needed to make the initiative work.

Outcomes: In May 2015, the EC proposed a temporary scheme for relocating 40,000 Syrian and Eritrean asylum-seekers from Greece and Italy, influenced by the project, according to EC officials. They've said these discussions provided an informal 'sounding-board' to test Member States' reactions.

Resettlement and extraterritorial processing

Issue: The possibility of creating EU-funded or managed facilities in one or more transit countries is being explored to increase alternative safe and legal channels of entry to the EU.

What we've done:

- Produced analysis on increasing scope for alternative safe and legal channels of entry.
- Conferred with state representatives (Austria, Belgium, Denmark, Greece, Luxembourg, Netherlands, Slovenia, Sweden, UK) about creating conditions for expanding legal avenues (i-e: humanitarian visas, family reunification) to strengthen legal access.
- Developed ideas with resettlement experts, including the US and Canadian governments, civil society actors, UNHCR, and IOM.
- Facilitated a discussion with 14 civil society groups in November 2014 on legal and political aspects of extraterritorial processing. The meeting elicited cautious but positive interest.
- Led a discussion among 14 NGOs in June 2015, which generated elements of possible models in potential host countries.
- Held a discussion among Member States in July 2015 on developing safe and legal entry measures.

Outcomes:

- Civil servants from the UK, Netherlands, Denmark, Germany, and Sweden expressed appreciation of this information. The EC confirmed that project discussions have provided ideas and confirmed the scope of potential interest in a resettlement initiative, which was subsequently launched in the Agenda for Migration.
- Austria has acknowledged the relevance of the work for its 'Save Lives' initiative of September 2014.
- Member States have indicated that their knowledge levels and interest in further resettlement have significantly increased as a result of project discussions.
- While extraterritorial processing has not been proposed as a concrete new initiative, interest remains high, as confirmed by the strong positive response to a planned meeting in September, as well as a proposed discussion among Member States.

Cooperation with non-EU countries

Issue: There is little clarity about what cooperation with non-EU countries should entail, and about how best to engage with countries of origin and transit.

What we've done:

- Produced a policy brief on how cooperation could be more strategically developed.
- Convened a seminar in October 2014 for Member State representatives, EU officials, academics, leading civil society bodies, and international organizations, exploring the potential of EU-funded capacity-building projects for regions hosting significant refugee populations.
- Arranged a convening in 2014 with NGOs and produced research papers on cooperation with third countries in North Africa, the Middle East, Horn of Africa, and Southeastern Europe.

Outcomes:

- The EU's Agenda for Migration highlighted third country cooperation as a priority, as well as greater engagement in North Africa, the Middle East, and the Balkans, major areas of focus for the project. OSF and MPI's input was sought by EC officials and Member States on areas where greater EU investment and efforts to establish cooperation could strengthen protection.

Policy-making on Asylum

Issue: Examined difficult questions around the EU's policy- and law-making processes.

What we've done:

- Led discussion among Member States and stakeholders, including the EC, Council Secretariat staff, European Parliamentarians, and civil society on the 'strategic guidelines,' emphasizing the importance of long-term thinking to address increasing asylum flows.

- Commissioned a paper exploring ways the EU and Member States could respond to significant increases in arrivals of asylum-seekers and irregular migrants.
- Brought together senior EC officials including DG Migration and Home Affairs, DG Enlargement, DG Development Cooperation and Humanitarian Aid, and the European External Action Service to explore ways to achieve effective coordination.
- Produced a paper examining the reasons for weaknesses in data-gathering, and the potential implications for informed policy making.
- Undertook research to identify gaps in available data and ways to address them.
- Input provided by Madeline Garlick (IMI) and Liz Collett (MPIE) to Council meetings.

Outcomes:

- Analysis has been used in discussions with Member States and European institutions involved in strengthening data collection and use.

Contingency planning and emergency preparedness

Issue: Few Member States have contingency planning and emergency preparedness systems.

What we've done:

- Commissioned a paper on strengthening contingency planning capacity at national levels and improving coordination and the effective use of resources at EU level. Conclusions from this analysis have been discussed in detail with EASO.

Outcomes:

- The need for greater emergency preparedness has been acknowledged in discussions on EASO's work implementing 'early warning' mechanisms.
- The EU's Agenda for Migration underlines the need for greater preparedness, and EASO has included contingency planning as a priority for its work.
- Representatives of the EC, EASO, and individual Member States have indicated that their reflections have been aided by input from the project.

Mutual recognition of positive asylum decisions

Issue: A refugee recognized in one Member State does not have the right to move to another, even if he or she has language or cultural links, family, qualifications for jobs, or other contributions to make.

What we've done:

- Commissioned a research paper on the implications and scope for mutual recognition as a way to ensure Lisbon Treaty goals, notably the establishment of a 'uniform status of asylum, valid throughout the Union', and of subsidiary protection. Also examined the potential of mutual recognition and transfer of protection status as a means of enabling refugees to integrate more effectively.
- Madeline Garlick and Costanza Hermanin met with the Italian Presidency in early 2014 to advocate for a Presidency seminar on mutual recognition.

Outcomes:

- Issue was taken up by the Italian Presidency, which included promotion of mutual recognition as one of its policy priorities. Italy specifically requested the project's substantive advice and input in preparation and the meeting discussions.
- Findings and proposals were discussed at a Presidency conference in Rome in November 2014, where Madeline Garlick chaired plenary sessions on the subject.
- Work was cited in a European Parliament report
- In its 2015 Agenda, the Commission identified mutual recognition as a central question to be addressed in on the next steps for development of the CEAS.

Private sponsorship

Issue: There has been little discussion of how private sponsorship could be developed.

What we've done:

- Commissioned a paper examining various models of private sponsorship and setting out policy recommendations for governments looking to implement national private sponsorship efforts.

Outcomes:

- Sweden has invited OSF/MPI to participate in the EU-FRANK project, which is seeking to reinforce resettlement capacity and engagement.

Reception of Asylum Seekers

Issue: Reception facilities and systems for asylum-seekers are inadequate to meet demand in some states.

What we've done:

- Currently creating an analysis of how states could address fluctuating demand.
- OSF/MPIE has met with EASO, the Italian presidency, UNHCR, and individual states' reception authorities.

Outcomes:

- The EU's Agenda for Migration endorsed the idea of cooperation among a network of reception authorities, as well as the idea of pooling places, alongside proposals for immediate steps to address reception crises in Italy, Greece, and Hungary.