

Course: GV251

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LT Week 8: Immigration and asylum policies

PART I) Origins of the EU's common asylum and immigration policy

(a) Through which successive steps did EU member-states enhance the level of their cooperation in the area of asylum policy? Please match the events mentioned in Column B with the correct treaty or chronology mentioned in Column A.

Column A:

1986-1991

Maastricht Treaty (1992)

Amsterdam Treaty (1997)

Hague Council (2004)

Column B:

Institutionalisation of intergovernmental cooperation in asylum & immigration within the JHA "third pillar" of the EU

Intergovernmental co-operation outside the EU framework; Agreement on the Dublin & the External Frontiers Conventions

Invocation of the passerelle clause of the Amsterdam Treaty; decision-making by QMV & the co-decision procedure

Transfer of asylum & immigration policy to the EU's "first pillar"; decision-making by unanimity & the consultation procedure

(b) Why does the EU have a common asylum policy?

Here are some possible explanations: (1) Exogenous pressures such as increasing migration waves to Europe forced EU policy-makers to design a common policy; (2) The common asylum policy was a spillover effect of the free movement of people within the Single Market and the Schengen area; (3) Member-state governments wanted to shift the political cost of adopting particular asylum policies to the supranational institutions; (4) The common asylum policy was the design of supranational entrepreneurs.

*Working in groups, (i) please pick of **one** of those explanations and briefly elaborate on it in theoretical terms. (ii) If this explanation was valid, what kind of evidence could one expect to observe? In other words, what are the observable implications of this explanation? (iii) Empirically, is it in fact possible to point to such evidence? How convincing is the explanation after all?*

(i) **Explanation:** _____

(ii) **Observable implications:** _____

(iii) **Empirical evidence:** _____

PART II) Impact of the “communitarisation” of asylum and immigration policies on policy outcomes

(a) From the perspective of intergovernmentalism and the supranational politics approach, what impact would we expect the “communitarisation” of asylum and immigration policies to have on policy outcomes?

i. Intergovernmentalism: _____

ii. Supranational politics: _____

(b) Empirically, did increased cooperation at the EU level lead to more liberal or to more restrictive policies for asylum-seekers and immigrants wishing to enter Europe?

(c) Through what mechanisms and under what conditions can the supranational EU institutions affect policy outcomes in the areas of asylum & immigration?

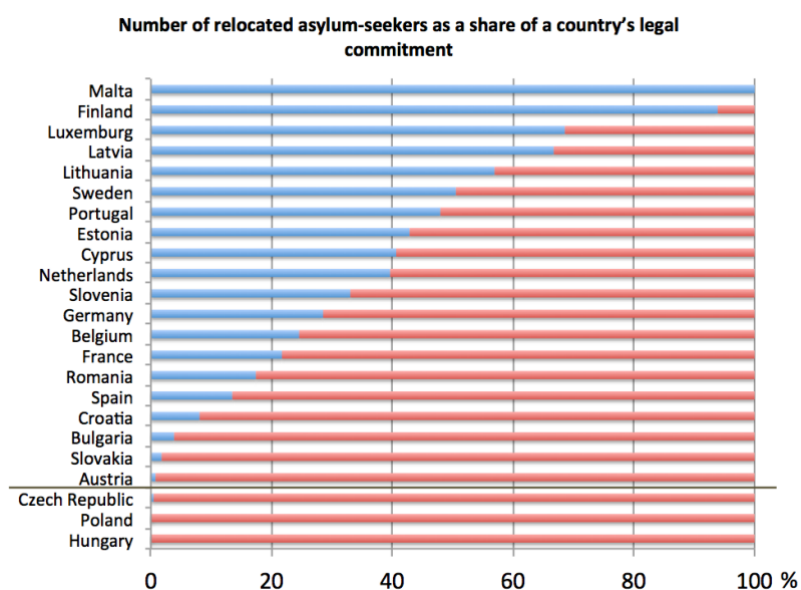
PART III) Managing the 2015 refugee crisis

(a) Consider the following policy measures that the EU took in response to the 2015 refugee crisis. Please assess the effectiveness of each policy measure in terms of:

- (i) safeguarding asylum-seekers' rights;
- (ii) ensuring that the burden of managing the crisis was shared among all member-states in a fair way;
- (iii) being compatible with the free movement of people inside the EU and the Schengen zone;
- (iv) being responsive to the will of the majority of the citizens in most EU member-states.

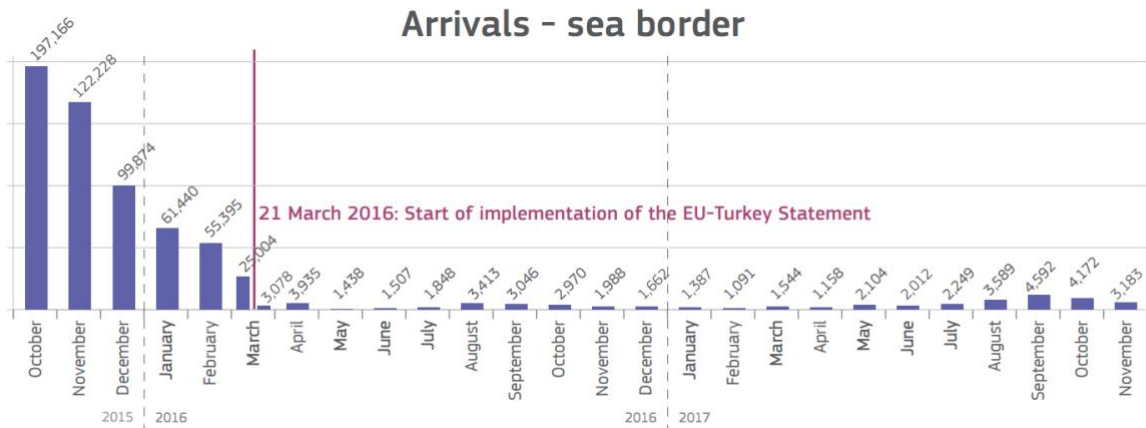
Context: In 2015 there was a large influx of immigrants and refugees in Europe. Most entered the EU via Greece from Turkey, while some followed the so-called Central Mediterranean Route, from North African countries to Italy. In 2015, 1.26 million people applied for asylum in the EU (compared to less than 450,000 per year during the previous spike in 2001-2003), while almost 4,000 lost their life at sea. Thousands continued to arrive to Greece and to move on to Northern Europe on foot each day until February-March 2016, when the countries along the Western Balkans route progressively shut their borders, and the EU-Turkey Statement was adopted.

(1) EU Emergency Relocation Mechanism: In response to the large influx of asylum-seekers in Greece and Italy, in July and September 2015, the Council of the EU decided to relocate about 65,000 asylum-seekers from Greece and about 35,000 asylum-seekers from Italy within two years. This decision was significant because it was the first time that the EU moved away from the rule associated with the Dublin Regulation, namely that the responsibility for examining asylum applications lies with the country through which the applicant first entered the EU. By the end of the programme, around 22,000 asylum-seekers were actually relocated from Greece, and around 12,000 asylum-seekers were relocated from Italy. The graph below shows the number of asylum-seekers relocated by each member-state as a share of the member-state's legal obligations under the relocation decisions. It is worth noting that the shortfall of relocations compared to the initial aim was not only due to the fact that some countries did not abide by their obligations under the Relocation Decisions, but it also had to do with a lack of asylum-seekers who were eligible for relocation in Greece and Italy, particularly following the precipitous drop in daily arrivals in Greece after the adoption of the EU-Turkey Statement.



Effectiveness: (i) _____
 (ii) _____
 (iii) _____
 (iv) _____

(2) EU-Turkey Statement: On 18 March 2016, the European Council and Turkey adopted a joint statement, through which they agreed that Turkey would “take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU”, and that all “all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey”. In exchange, the EU agreed to resettle one Syrian refugee from Turkey for each Syrian refugee being returned to Turkey from Greece; to activate a further voluntary resettlement scheme from Turkey “once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced”; to provide financial assistance to Turkey; and to accelerate the process of visa liberalisation for Turkish citizens wishing to enter the EU. Although the process of returning asylum-seekers from Greece to Turkey progressed very slowly due to legal impediments, the number of immigrants and refugees arriving from Turkey to Greece declined precipitously immediately after the adoption of the Statement, as illustrated in the graph below. Two years after the adoption of the EU-Turkey Statement, around 12,500 Syrians had been resettled from Turkey to the EU. The full text of the EU-Turkey Statement can be found at: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/pdf>



Effectiveness: (i) _____
 (ii) _____
 (iii) _____
 (iv) _____

(3) Hotspot approach: In order to assist frontline member-states that faced a disproportionate number of refugee arrivals, the Commission adopted the hotspot approach, which stipulated that personnel from four European agencies, namely the European Asylum Support Office (EASO), the EU Border Agency (Frontex), the EU Police Cooperation Agency (Europol) and the EU Judicial Cooperation Agency (Eurojust), would “work on the ground with the authorities of the frontline Member State to help to fulfil their obligations under EU law and swiftly identify, register and fingerprint incoming migrants”. At the peak of the crisis, there were a few hundred Frontex and EASO officers assisting the Greek and Italian authorities on the ground.

Effectiveness: (i) _____
 (ii) _____
 (iii) _____
 (iv) _____

(4) EU spending on asylum & migration policy during the crisis: The allocation of EU funds to be spent on asylum & migration policy between 2015 and 2018 amounted to €22 billion, a very notable increase compared to previous years. The box below shows the breakdown of this spending by policy item. Of this spending, €946,000 has been allocated for supporting Greece (e.g. provision of reception facilities, support of the healthcare and education systems, support to the Hellenic Police and the Asylum Service, etc.)

Source for all data above: European Commission (especially https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/background-information_en)

EU funding inside and outside the EU for the period 2015-2018

Planned funding inside the EU

AMIF (Asylum, Migration and Integration Fund), ISF (Internal Security Fund) and Emergency Support Instrument	€8.2 bn
<i>Emergency funding</i>	€1.8 bn
<i>Long-term measures</i>	€6.4 bn
Support to agencies and their operations	€1.4 bn
TOTAL	€9.6 bn

Planned funding outside the EU

Humanitarian aid ¹	€3.5 bn
Support to border and migration management in Turkey and the Western Balkans	€0.3 bn
Support to livelihood opportunities, health, education for refugees and mobility policy	€0.8 bn
Return of refugees and displaced persons, aid and support to migrants, fight against root causes of migration ²	€1.6 bn
Support to stabilisation and peace, security and border management of third countries	€0.4 bn
Trust Fund for Syria (MADAD Fund) ³	€0.6 bn
Pledges from the London Conference in February 2016 and the Brussels Conference in April 2017 supporting the future of Syria and the region ⁴	€1.6 bn
EU Emergency Trust Fund for Africa ⁵	€2.6 bn
Facility for Refugees in Turkey (FRIT) ⁶	€1.0 bn
TOTAL	€12.4 bn

Effectiveness: (i) _____
(ii) _____
(iii) _____
(iv) _____

(b) In your opinion, what would an ideal EU asylum policy look like?