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Managing Migration and Integration in EU: An Attempt to Balance Solidarity and Responsibility

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Introduction

Over the past decade EU countries experience a rising influx of migrants including persons seeking international protection, refugees, economic migrants, etc. Coping with migration pressure is a complex challenge that necessitates cooperation and coordinated efforts among EU member states. This includes ensuring effective border control, managing asylum processes, and dealing with the social, economic, and political implications of migration. Due to the increased migration pressure on the EU's external borders, it is necessary to revise the existing migration

policies, such as the instrument of the Dublin procedure, and to develop new ones. The adoption of the Lisbon Treaty in 2007 led to a growing call for the implementation of a unified EU migration policy. The emphasis has been on advancing legal immigration, as illustrated by the 2008 European Pact on Immigration and Asylum. This Pact prioritizes legal immigration considering the priorities, needs and reception capacities of Member States. It also underscores the importance of immigrant integration and more effective border control, aiming to curb

illegal immigration and to encourage voluntary returns. However, even after the Stockholm Program of 2009, enacted for the period 2010-2014, the European Union has been unable to provide a solution for establishing a common asylum procedure and solidarity mechanisms.

Further steps toward strengthening the common European asylum system were taken in 2015 with the adoption of the European Agenda on Migration. The agenda outlined a comprehensive approach to migration management addressing the Mediterranean migration crisis and defining steps to be taken to ensure better managing. Around 1.3 million people applied for asylum in EU countries in 2015, with half of them coming from Syria, Iraq and Afghanistan, mainly through maritime routes. In 2016 the European Commission communicated Political Guidelines based around four pillars to manage migration better in all its aspects. These included the revision of the Blue Card Directive, establishing a more effective model of legal migration, strengthening cooperation with countries of origin to ensure legal pathways to the EU and improve the return system for irregular migrants. However, these guidelines did not yield the desired results, as irregular migrations and a constant increase of asylum applications persisted. On the other hand, EU countries are losing the race for talent as it seems that the EU is less attractive to migrants

than other high-income country markets such as the United States, Canada, Australia, and Japan. Therefore, the EU needs a more proactive labor migration policy to attract the skills and talents it needs. With the rapid increase of the migrant population in the EU in recent years, the need for an effective migrant integration policy is growing. The recent increase in the number of third-country nationals, especially asylum seekers, launched numerous measures driven by the EU aimed at creating policies for better integration of migrants. The 2016 Action Plan therefore established fundamental guidelines and concrete measures to promote the integration of third-country nationals in the Member States. A crucial role in fostering coherence in the EU's approach to asylum, migration, and integration policies plays the AMIF (Asylum, Migration and Integration Fund) as an EU financial instrument designed to provide financial support. Considering that the common asylum system in Europe is not functioning, the EU is working to reform its asylum system and to achieve a better balance of responsibilities and solidarity among member states. Discussions and efforts to reform the Common European Asylum System (CEAS) within the EU started in 2016. The goal was to address shortcomings and challenges in the existing system while fostering a more balanced and effective approach to asylum and migration.

The New Pact on Migration and Asylum

The New Pact on Migration and Asylum as a response to the shortcomings and inadequacies of the Dublin Regulation was introduced on September 23, 2020. The new Pact seeks to comprehensively regulate issues related to migration, asylum, migrant integration, and border management. The main goal of the Pact is to establish a new balance between the responsibilities and solidarity of the member states based on European values and international law. Due to the persistent migratory pressure from African, Asian, and European countries (since February 2022 especially Ukraine), and the need for solidarity with the countries with the external EU borders, new negotiations took place in the EU Council. These negotiations, in June 2023, resulted in an agreement to reform regulations for asylum and migration. The Council proposed the adoption of two regulations: the Asylum procedure regulation (APR) and the Asylum and migration management regulation (AMMR).

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The asylum procedure regulation will be applied at the external borders of the EU as a

mandatory procedure for assessing the validity or admissibility of asylum applications. The aim is to expedite the process by quickly determining at the external borders of the EU whether asylum requests are unfounded or inadmissible. Persons subject to this procedure will need to stay at the external border or in transit zones and at other locations within the country's territory, as determined by the state. They are not permitted to enter the member's state territory. The new regulation fundamentally changes the approach towards international protection seekers at the border and raises the question of how this will be logistically implemented. Apart from the fact that member states are still debating the solidarity scheme regarding the asylum seekers reception, discussions on the infrastructure and institutional support that will be needed at the external EU border are expected to take place in the upcoming period.

New regulation fundamentally changes the approach towards international protection seekers.

On the other hand, standards related to the rights of asylum seekers, including the right to free legal advice, are to be established as well as clear obligations for applicants in terms of cooperation with competent authorities. In addition to applying to asylum seekers who

submit their applications at the border crossing at the external border after being arrested for illegal crossing or after disembarking following search and rescue operations at sea, the procedure will be also mandatory for individuals who are citizens of a country with a recognition rate of less than 20%. Unaccompanied minors will be excluded from the border procedure unless they pose a security threat.

Compulsory solidarity

The new rules establish mandatory solidarity for member states unable to cope with the number of illegal arrivals in their territory, combining it with flexibility for member states in terms of choosing their contributions. These contributions include the relocation of asylum seekers and beneficiaries of international protection, financial contributions, or alternative solidarity measures such as the deployment of staff or capacity-building measures. Member states have complete discretion regarding the form of solidarity they contribute. If a member state does not participate in the relocation scheme, it will have to take on some other form of solidarity. The implementation of the solidarity mechanism will coordinate the EU Solidarity Coordinator whose role has yet to be established.

The goal is to reduce the burden for the largest

host countries for refugees and asylum seekers. There will be a minimum annual number of relocations from member states where the majority of individuals enter the EU or apply in member states that are less exposed to such arrivals. This number is set at 30,000, while the minimum annual amount of financial contributions will be 600 million euros. These numerical values can be increased as needed, and situations where there is no predicted need for solidarity in a given year will also be taken into account. The question arises of whether 30,000 relocations annually have any impact on countries bearing the greatest burden if political instability, conflicts and poverty in the countries of origin of migrants continue? Furthermore, countries are given the opportunity to offset obligations regarding responsibility, as they can take responsibility for considering asylum requests instead of the state originally responsible.

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Under the new regulation, asylum seekers are required to submit their application in the member state of first entry or lawful residence. However, if certain criteria are met, another member state may become responsible for processing the asylum request. According to

the agreement, if the applicant holds a diploma (not older than six years) from an educational institution in an EU member state, that member state will be responsible for considering the request for international protection. The EU faces a significant challenge in respecting the principle of fairness without compromising the rights of any party involved. These parties include the countries receiving the largest number of migrants, the border countries of the EU bearing the greatest burden in migrant reception, the migrants themselves and the countries where the share of international migrants is relatively small. To improve the EU legal framework, it is necessary to thoroughly revise it, and an agreement to this effect was reached on 20th December 2023, between the Council Presidency and the European Parliament. They reached an agreement on key political points and proposed the adoption of five new regulations.

Screening regulation and Eurodac

In addition to the APR and AMMR, three more regulations are being introduced, including the Screening Regulation, Eurodac Regulation, and Crisis and Force Majeure Regulation. The novelty also lies in the fact that member states will be required to adopt national strategies outlining the necessary capacities for implementing

an effective asylum and migration system. To ensure a consistent approach in national plans, the European Commission will develop its own five-year European strategy for asylum and migration management. Another pillar of the pact is the regulation on screenings of irregular migrants. The screening will encompass identification, health and security checks, as well as fingerprinting and registration in the Eurodac database. It is expected to be conducted near the external borders for a maximum period of seven days. Eurodac is even planned to be expanded with additional biometric data, such as facial images. Other personal data to be collected include the person's name, date of birth, citizenship, and the date and place of filing the request for international protection.

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Considering the previous practice of irregular migrants crossing the external EU borders who couldn't be properly identified due to a lack of personal documents, the screening regulation represents a significant change not only for irregular migrants who will no longer be able to enter EU territory without personal documents, but also for the countries that will have to

significantly enhance border management, including border control activities in order to implement this. Collecting biometric data will become mandatory for individuals aged at least six years, compared to the existing rules which set the age limit at 14 years.

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The fifth part of the pact introduces a new law establishing a framework for addressing crisis situations in the field of asylum and migration. Countries facing a crisis would be authorized to adjust certain rules, such as those related to asylum application registration or the asylum process at the border. On the other hand, these countries could also request solidarity measures and support from the EU and its member states. In a crisis or force majeure situation, member states may be granted derogations from certain rules related to the asylum procedure and returns. As an additional exception, member states facing a crisis situation should not be required to re-accept asylum seekers from another EU member state, as would be expected in normal circumstances.

Repositioning national integration policies

Migrant integration in EU member states poses several challenges, which can vary depending on the specific context of each country. Achieving successful migrant integration requires a comprehensive and coordinated approach that addresses economic, social, and cultural dimensions. Collaboration between EU institutions, member states, local authorities, civil society, and migrants themselves is crucial for fostering inclusive societies and addressing the challenges posed by migration. Although many migrants do successfully integrate into host societies and some countries have made progress in this respect, many challenges remain. Ongoing efforts by governments and various stakeholders aim to address challenges and improve integration outcomes. Certain migrant groups have struggled to integrate into host society despite the extensive measures and generous financial support introduced by the receiving countries.

Sweden and Finland are leading the way in introducing stricter migration policies.

Some groups of migrants have found it challenging to integrate into the host society

despite extensive measures and generous financial support introduced by the receiving countries. Therefore, *countries with the largest migrant population at the end of 2023* announced comprehensive reforms to their migration and integration policies. The goal is to slow down further immigration by reducing or denying social benefits to certain categories of migrants including asylum seekers, discouraging further migration, or encouraging the return of irregular migrants to their countries of origin. Some countries (Sweden, Finland, Germany) have announced a “paradigmatic shift” in their migration policies concerning a reduction in the immigration rate. Sweden and Finland are leading the way in introducing stricter migration policies. Proposed reforms in these countries include tightening asylum policies and family reunification rights. Conditions for the immigration of low-skilled labor are also changing, discouraging such immigration by raising the minimum wage threshold. After the April 2023 elections, the new coalition government in Finland also announced a reduction in quotas for refugees and family reunification, setting stricter conditions for both migrant workers and citizenship acquisition. In contrast to Western and Northern European countries, which have been traditionally open to immigration, some Central and Eastern European countries are introducing laws to

facilitate the employment of foreign workers recently. For example, in Slovenia, amendments to the Law on the Employment of Foreigners in March 2023 aim to simplify the employment of foreign labor due to a shortage of workers in the domestic labor market. Croatia has also experienced labor market liberalization through amendments to the Foreigners Act by introducing procedure known as labor market test which abolishes quota system for employing foreign workers.

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The French government has introduced new legal amendments aimed at simplifying the regularization process for the status of irregular foreign workers, but only in sectors facing a labor shortage. On the other hand, conditions for family reunification and acquiring citizenship by birth have been tightened, and access to social welfare benefits has been restricted. Germany is also changing its approach to migration and immigration, especially asylum seekers. In November 2023, it was decided to limit social benefits for asylum seekers who have been in Germany for over a year and a half, and the asylum process is expected to be

expedited. Border controls at state borders with Austria, Switzerland, the Czech Republic and Poland are also announced to be maintained. In addition to accelerating asylum procedures and deportations, the introduction of payment cards and reducing current financial allowances to asylum seekers through a flat rate amount is also announced.

Conclusion

As migration dynamics in the EU countries after 2015 have become more complex, the effective migration management aims to balance the interests of migrants, host communities, and sending countries. The migrant pressure on the external EU borders after 2015 has decreased but illegal border crossings have not been halted. They started to decrease in 2020 due to stricter border controls and reduced mobility caused by the pandemic, but in 2023 they are on the rise. The main debates surrounding migration revolve around finding a delicate balance between protecting the EU's external borders and upholding human rights, all while ensuring a fair distribution of solidarity among member states. Some member states, particularly those located at the external EU borders, face significantly greater pressure and challenges in accepting migrants compared to Northern or Western European countries. Challenges they

face refer to migration management, border security and humanitarian responsibilities.

At the other hand, northern and western EU countries with strong welfare states often face significant integration costs when accommodating and integrating migrants and refugees. The framework of EU public policies is shaped by two conflicting paradigms. One is the liberal framework based on international human rights standards, and the other is the security framework based on the fear of migration. If the EU fails to reconcile normative beliefs with political action, the idea of a common European migration policy could be jeopardized. It is obvious that reducing poverty, military conflicts, and human rights violations in the countries of origin could lead to a decrease in irregular and forced migration flows. Unfortunately, on a global level the world's conflicts spread, new crisis hotspots emerge and natural disasters occur most often. Minimizing the negative drivers and structural factors forcing people to leave their countries of origin appears challenging without greater engagement from regional unions, powerful global organizations, and transnational advocacy networks. These entities should direct their power and influence toward eradicating the root causes of forced and involuntary migrations and help strengthen the economies and political structure of migrant-origin countries.

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