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■ The European Commission’s response to the migrant crisis

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The migrant crisis poses a major challenge to European solidarity and the functioning of the European Union as an organization. In 2015 alone, more than a million migrants entered the European Union compelling it to urgently develop solutions and mechanisms to resolve the crisis and avert its negative impacts. An essential part of its response has been to define a long-term strategy of preventing any future recurrence of such crises. The developments have left the EU member states polarized and arguing heatedly over what the best policy for Europe’s response to the migrant crisis should be. The countries have found themselves incapable of reaching an agreement as to how to treat the persons arriving in Europe and how to avert similar crises in the long term. The mass migrant influx has also upset the public in many European countries, among them in Germany where the majority of the population ended up very anxious about the dangers of increased crime (82%), terrorist attacks (74%) and migrant influx (73%)¹. The crisis has given a considerable boost to conservative and extreme rightist parties which have been on a continuous rise. As racial, religious and ethnic tensions are readily reported by news media. The public debate on refugee policy has become highly intense and emotional throughout Europe.

The European Union has noted an urgent need for orchestrating a response to the refugee crisis. The migration issue has been elevated to the status of one of the European Commission’s top ten priorities before its current President Jean-Claude Juncker took office in November 2014. The action plan has been enshrined

¹ ZEIT Online, 27.01.2016, *Allensbach-Umfrage: 58 Prozent der Deutschen wahnen sich in besonders unsicherer Zeit* (accessed on February 24, 2016).

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in the European Agenda on Migration which was adopted on May 13, 2015. The first Vice-President of the European Commission Frans Timmermans presented the Agenda, a document based on European values and solidarity, as a response to European citizens' concerns over current developments and the deficiencies of European asylum legislation. The Agenda was deployed in two stages, starting with immediate action adopted in the aftermath of mass migrant fatalities occurring in capsized boat disasters in the Mediterranean, followed by "the way forward" scheme in stage two. The immediate action included the financing of operations "Triton" and "Poseidon"², the adoption of a permanent EU resettlement scheme for non-EU citizens identified as being "in clear need of international protection" in the emergency situations of mass refugee influxes, and the establishment of a EU-wide relocation scheme for migrants from the member states which bear the brunt of the problem (mainly Greece and Italy) to other parts of the EU.

The long-term action plan was based on four pillars: reducing the incentives for irregular migration (by seconding European migration liaison officers in key third countries), improving border management (by strengthening the role and capacity of Frontex), formulating a strong common European asylum policy (notably by strengthening the safe country of origin provisions and possibly revising the Dublin III Regulation of 2013) and a new policy on legal migration (by maintaining Europe as an attractive destination for economic migrants and by maximizing the benefits of migration policy to individual member states).

The European Agenda on Migration is to be implemented through concrete measures defined in implementation packages. The first of them was presented by the European Commission two weeks after the Agenda's announcement, i.e. on May 27, 2015. It contained proposed relocations of 40,000 persons from Greece and Italy and the resettlement of 20,000 from outside the EU, an action plan against illegal smuggling of people and a resolution to triple the funding of sea search and rescue operations. The package also included fingerprinting guidelines for the migrant registration procedure. In addition to the proposed relocation of another 120,000 asylum-seekers from states particularly affected by a mass influx of migrants and the establishment of a permanent emergency relocation mechanism, implementation package two, unveiled on September 9, 2015, also referred to the list of safe countries of origin, an action plan of returning migrants ineligible to receive asylum and a proposal to establish the EU Emergency Trust Fund for Africa. Launched also in September was the project of setting up the so-called hotspots in Greece and Italy. The third implementation package, which concerned the establishment of the European Border and Coast Guard to replace Frontex, was presented on December 15, 2015. The proposal to set up an EU coast guard received a strong backing from the European Commission and will be processed in the ordinary legislative procedure.

² Patrol operations conducted by the Frontex border management agency within 30 miles of EU shores, aimed primarily at combatting illegal human trafficking. Operation "Poseidon" was renamed on December 28, 2015 to "Poseidon Rapid Intervention", cf. *Frontex and Greece agree on operational plan for Poseidon Rapid Intervention*, December 17, 2015, <http://frontex.europa.eu/news/frontex-and-greece-agree-on-operational-plan-for-poseidon-rapid-intervention-yiSxga> (accessed on February 24, 2016).

The European Commission has also engaged in securing adequate funding for its adopted objectives. The budget amendments that have been submitted to finance the objectives will increase allocations to refugee crisis management by €1.7 billion. Therefore, the Union's total spending on such goals in 2015 and 2016 will approximate €10 billion. The budget amendments were approved in an expedited procedure by both the European Parliament and the EU member states.

The next step taken by the European Union was to engage in joint actions with the third countries affected by the migrant crisis. In a meeting on October 25, 2015, Western Balkan leaders and President Juncker agreed a 17-point plan to manage the flows of refugees making their way through those countries to reach the EU, which has since been the subject of regular consultations among all stakeholders. Europe has also noted the potential of Turkey for contributing to the resolution of the crisis. On October 15, 2015, an EU-Turkey joint action plan was agreed and launched at a bilateral summit on November 29, 2015, with an EU allocation of €3 billion. The initial actions within this cooperation framework were to establish, on January 8, 2016, a visa obligation for Syrian citizens entering Turkey from third countries (which substantially reduced migration flows to Turkey from Lebanon and Jordan) and the decision to ensure access to the Turkish labor market for Syrians eligible for temporary protection.

The disturbing fact is that the planning of measures aimed at resolving the migrant crisis at source, i.e. in countries that are war-torn or grappling with other internal problems, appears to have been relegated to the back burner. Such issues were discussed on November 12, 2015 during the Valletta Summit on Migration between the EU heads of state and African leaders. The specific measures adopted during the Summit are to be implemented through the end of 2016.

The concepts and decisions proposed by the European Commission have sparked an EU-wide debate. The states which voted against a mandatory quota system (the Czech Republic, Romania, Slovakia and Hungary) showed (in a vote on September 22, 2015) that they viewed the decision to set it up as a "dictate" and were skeptical about implementing its provisions. The states which opposed introducing a permanent relocation scheme included Poland. In view of the protests, the European Commission committed to develop a program of returning individuals refused asylum and tighten collaboration with Turkey, which is expected to retain within its territory as many refugees headed for the European Union as it possibly can. Despite all of the above, the European Union is far from becoming an area of solidarity and unanimity - on the contrary, it has been forced to cope with various internal forces pulling in opposite directions. The states that are reluctant to accept refugees have been coming up with their own individual solutions to the problem. The Hungarian authorities, for instance, chose - in June 2015 - to erect a 175-kilometer-long fence along the country's border with Serbia and Croatia that would seal its frontier against through migrant traffic headed for Austria and Germany. Another decision of Hungary was to withhold asylum from persons originating from safe countries. Then came the step of closing Hungary's border with Croatia. In September, the Hungarian government amended its asylum law to make irregular crossings of its borders punishable by up to three years in prison. Furthermore, the right to enter Hungary has been limited

to persons who have received a refugee status in a simplified procedure. Slovakia's Prime Minister Robert Fico announced in September 2015 his decision to reintroduce border controls. The Czech authorities have also announced tightened controls on its border with Austria to distinguish between economic migrants and refugees. In view of the crisis, border controls were also restored by Germany and Austria.

After the January 13, 2016 meeting of the College of Commissioners regarding the migrant crisis, the European Commission published a report summarizing the Union's crisis response in 2015 and the crisis resolution priorities adopted for 2016. In its presentation of the European Agenda on Migration in May 2015, the European Union outlined an overall plan of action and its objectives as well as the sources of funding for that purpose. The next logical step is to fully implement the Agenda's precepts by, first and foremost, setting up and developing hotspots (together with an efficient system of migrant registration and fingerprinting), fully deploying and further developing the relocation scheme (assuming a consensus from the member states), making the mechanism for returning individuals ineligible to receive asylum in Europe fully operational and ensuring that such persons will be accepted back in their countries of origin. The European Commission's plans for the early 2016 included restoring the normal operation of the Schengen Zone (which means lifting border controls by the states which temporarily restored them), establishing the European Border and Coast Guard and, in the longer perspective, reviewing the Dublin system (based on the Dublin III Regulation).

The European Commission's commitments have been slow in coming and largely inefficient. Of the five hotspots envisioned for Greece, only one, on the island of Lesbos, has become fully operational. Three others, on the islands of Leros, Chios and Samos, are slated for completion in the end of March 2016. Of the six hotspot planned for Italy, only two, on the islands of Lampedusa and Trapani, are currently up and running; further hotspots are being prepared or require the political approval by Italian authorities. Efficient hotspots are necessary for the proper operation of the migrant registration and relocation system. Tangible progress has been achieved with registration systems. In January 2016, fingerprints were collected from 78% (in Greece) and 87% (Italy) immigrants (compared to merely 8% in Greece and 36% in Italy in September 2015). Despite initial relocations in October 2015 from the states most affected by mass migrations, the system has not become fully operational until the end of January 2016. The February 10, 2016 progress reports on the implementation of the above program (*Managing the refugee crisis. Greece: progress report* and *Managing the refugee crisis. Italy: progress report*, European Commission, February 10, 2016) gave exact statistics on the number of relocated migrants. As of the publication of the Greek report, only 218 migrants, and only 279 from Italy, were relocated. Also recorded were the numbers of forced returns. Thus far, 16 131 persons ineligible to receive asylum were forcibly returned from Greece to their states of origin. The corresponding number for Italy was 14 000. This is still far too little considering the total number of migrants who arrived in both countries in 2015: more than 800,000 in Greece and more than 160,000 in Italy. The mechanism for resettling persons from outside of the EU who are in need of international protection is still largely ineffective. 779 such persons have so far been resettled within its framework in 2015 (compared to the planned 5331). Another 22 504 migrants are to be resettled to EU member states by the end of 2017.

The migrant crisis calls for well-thought-out, comprehensive, rapid and decisive action. In establishing and implementing the European Agenda on Migration, the European Commission is becoming a spearhead and a coordinator of the overall European Union crisis management strategy. The strategy needs to be deployed by the European Union as a whole. For that to happen, the Union must act in unison with the support of all member states without which its efforts are doomed to fail. The debates and disputes which have so far unfolded on the international arena raise a great deal of misgivings as to the European Community's ability to live up to the task.

All of the data provided herein come from the official sources of the European Commission published on its website, primarily in its Report "Managing the refugee crisis. State of play and future actions" of January 13, 2016.

The statements expressed herein reflect solely the opinions of its author.

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