



The influx of migrants in Europe

Unravelling the issue

Catheline Remy¹

The Centre for Security and Defence Studies (CSDS) of the Royal Higher Institute for Defence produces on an occasional basis brief assessments about current events in its e-Note series. These series and other publications are available on our website www.rhid.be.



1992, although it included only fifteen member states.² At that time, the media in several European countries had already alerted the public opinion to the possible danger resulting from an influx of refugees, launching the debate on the right of asylum. European governments and citizens feared an invasion of thousands of refugees.³ Reluctant to receive these refugees, European states failed to agree on their equitable distribution throughout the various European countries. Therefore, each state unilaterally decided on the number of refugees to be taken in, each member state granting refugees a different status.

For several months the media have been reporting on the flow of migrants who attempt to reach Europe, which worries the European public opinion and governments. The number of applications for asylum has been steadily increasing since 2006 and even at an exponential rate since 2013. Nowadays, most asylum seekers in Europe were born in Syria, Afghanistan, Kosovo, Eritrea, and Ukraine. Others come from Iraq, Serbia, Nigeria, or Gambia. Asylum will not be granted to all of these people though.

¹ Legal adviser to the Ministry of Defence. The views expressed in this paper are only those of the author and do not necessarily reflect the views or the policy of the Belgian Ministry of Defence or the Royal Higher Institute for Defence.

² Asylum statistics by Eurostat: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.

³ M. MOROKVASIC, "La guerre et les réfugiés dans l'ex-Yougoslavie", *Revue européenne des migrations internationales*, vol. 8, no. 2, 1992.

Europe would be facing an unprecedented influx of migrants on its territory. What is actually the situation? Who are those people who attempt to cross European borders? What are their rights? What is the European Union doing to address this influx?

Asylum applications in Europe

In recent years the European Union has recorded an increasing number of asylum applications, peaking at 626,000 applications in 2014. However, this is not the highest number ever recorded since the Second World War. Following the conflict that devastated the former Yugoslavia, the European Union received 672,000 applications for asylum in

Asylum seekers: economic migrants or refugees?

Those arriving in Europe are actually a mixed population of migrants and refugees, but these terms are not to be confused as both their status and their rights differ. Migrants are people who move to a foreign country for a given period, often for economic reasons, whereas refugees flee war and persecution and are given a special status.

The competences in the field of immigration are shared between the European Union and its member states. As regards legal migration, the Union lays down the conditions of entry and residence of third-country nationals, whereas its member states are entitled to determine the number of nationals entering their territory in order to seek employment. Moreover, the European Union is in charge of preventing and reducing illegal migration, for instance through its return policy. An irregular migrant is a person who enters the territory of the Union without any authorisation or visa.

As for refugees, they have a special status that is defined by the Convention relating to the Status of Refugees. The term “refugee” applies to any person “who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.⁴ All member states of the European Union are party to this Convention and have committed to giving protection to the refugees on their territory, without discrimination based on race, religion, or country of origin.

Each contracting state has the obligation to accord to refugees the same treatment as is accorded to aliens generally, to grant them a residence permit as well as certain rights, such as the freedom of religion, the freedom of movement, the right to education, the right to obtain travel documents, and the right to work. Refugees are subject to the same social security system as the nationals of the country of asylum. Besides, they cannot be expelled or returned to a country where they have reason to fear persecution.

The Belgian Immigration Office registers the applications for asylum and the Office of the Commissioner General for Refugees and Stateless Persons in Belgium examines whether an asylum seeker meets the criteria determined by the aforementioned Convention. If an asylum seeker is recognised as a refugee, he is granted a permanent residence permit. Furthermore, from the date of lodging his application and during the asylum procedure, the asylum seeker benefits from material support (housing, food, clothing and health care), in accordance with the European directive laying down minimum standards for the reception of asylum seekers.⁵

In the European Union, a single member state is responsible for examining the asylum applications. Various criteria have been established for determining the member state responsible for each asylum applications.⁶ In case an asylum seeker irregularly crosses the borders into a member state, the latter is responsible for examining the application for asylum.

⁴ Convention relating to the Status of Refugees, Geneva, 28 July 1951, art. 1, A, (2). This Convention was limited in time and space, these restrictions having been removed by the 1967 Protocol Relating to the Status of Refugees.

⁵ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

⁶ Council Regulation (EC) no. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

Asylum policy in Europe

In April 2015, after the death of thousands of migrants in their attempt to reach Europe across the Mediterranean, the European Council decided to strengthen the European Union's presence at sea, to fight against human traffickers and to prevent illegal migration flows. In addition, the European Council hopes that the Common European Asylum System will be fully transposed into national legislation and implemented, and plans to increase emergency aid to frontline member states that are affected by the refugee crisis (especially Italy and Greece).⁷

In June 2015 the European Council concentrated on the relocation of 40,000 refugees "in clear need of international protection" from Italy and Greece to other member states. This measure was confirmed by the European Council on 14 September 2015 during which the member states agreed on the distribution key of these refugees. The June 2015 Council also considered the setting up of reception facilities (hotspots) in the frontline member states in order to ensure the identification and registration of migrants, as well as effective policies regarding the return, the readmission and the reintegration for the persons who do not meet the required conditions to benefit from protection.

During the European Council of 14 September 2015, the European Union and the member states decided to allocate additional resources to the Office of the United Nations High Commissioner for Refugees (UNHCR) in order to meet the needs of the refugees living in camps in Iraq, Jordan, Lebanon, and Turkey. The European Union also commits to step up its cooperation with Turkey in the field of fight against human trafficking and border management.

Moreover, the European Council reached an agreement in principle on the relocation of an additional 120,000 asylum seekers from member states that are to deal with a massive influx of migrants, although this measure requires a new decision by the Council regarding the distribution of these persons throughout the various member states.

The European Union's objective is, in other words, to fight against illegal migration in accordance with its competence in the field of common immigration policy. However, some member states are rather reluctant – for various reasons of their own – to receive refugees in spite of their international obligations.

Refugees in Europe and in the world

During the first three months of 2015, the European Union received 185,000 applications for asylum. The number of asylum seekers from Kosovo has increased significantly, reaching a figure of 50,000 and representing the principal nationality of asylum seekers, before the Syrians and the Afghans.⁸ However, it is very unlikely that the Kosovar asylum seekers will be granted refugee status, unlike the Syrian and Afghan asylum seekers.

Europe is not the first region in the world to receive asylum applications and is not as severely affected by the influx of refugees as the states sharing a border with war-torn countries. In 2014 Turkey became the first host country with 1.59 million refugees, followed by Pakistan (1.51 million),

⁷ Special meeting of the European Council (23 April 2015) – statement, <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/>.

⁸ "Asylum in the EU in the first quarter 2015", Eurostat news release, 28 June 2015.

Lebanon (1.15 million), Iran (982,000), Ethiopia (659,500), and Jordan that accepted 654,100 refugees with a population of just under eight million inhabitants.⁹

Besides, most people who flee the fighting are not willing to leave their country and remain inside the border of their own countries, limiting therefore the number of refugees. The UNHCR registered 13.9 million newly displaced persons due to conflict or persecution in 2014, including 2.9 million new refugees.

Conclusion

The above-mentioned facts remind us that this influx of migrants is not the first refugee crisis that Europe is facing, but, according to the UNHCR, the number of refugees is not likely to decrease. Since it is a mixed migration, the examination of asylum applications could be time-consuming and the member states should provide adequate means to receive these persons. Once the refugee status has been granted, each state has the obligation to confer their rights on these refugees.

Furthermore, the events of the last few months show us the need for Europe to adopt a common immigration policy as well as an agreed distribution key of the asylum applications throughout the various member states, in particular with a view to equitable burden sharing.

*Any comments or remarks are welcome at the following e-mail address:
irsd-cesd-scvd@mil.be.*

More publications from the Centre for Security and Defence Studies are available for download on our website.



www.rhid.be

⁹ UNHCR Global Trends 2014, <http://unhcr.org/556725e69.html>.